

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
ROBERT H. MIKKELSEN, M.D., :
RESPONDENT. :

ORDER 0006944

Division of Legal Services and Compliance Case No. 19 MED 530

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Robert H. Mikkelsen, M.D.
Fond Du Lac, WI 54937

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Robert H. Mikkelsen, M.D., (DOB xx/xx/1945), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 20061-20, first issued on July 15, 1976, with registration current through October 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Fond Du Lac, Wisconsin.

2. On October 5, 2019, Patient A, a male born in 1954, presented to an emergency department in Fond Du Lac, Wisconsin, after falling from his roof.

3. The emergency department physician ordered chest and shoulder x-rays which showed a right clavicular fracture and multiple displaced fractures of ribs 2-8. The radiologist who interpreted the x-rays recommended "further evaluation with CT chest study."

4. Patient A was admitted to the hospital under the care of Respondent whose first note indicates the admission may last a few days with primary focus on pain control. Respondent ordered another chest x-ray to rule out a pneumothorax, but did not order a chest CT study as recommended by the radiologist.

5. Between October 6 and October 8, 2019, Patient A reported uncontrolled or poorly controlled pain and difficulty breathing. His hemoglobin levels dropped from 12 to 8 and he required supplemental oxygen to maintain adequate blood oxygen saturation.

6. On October 9, 2019, Respondent requested a consult by a thoracic surgeon and ordered a CT chest study, which revealed the full extent of Patient A's rib fractures and bilateral effusions with atelectasis and suggestion of right lung contusion.

7. The thoracic surgeon assumed care of Patient A. He placed a chest tube which drained 600cc of bloody fluid, placed an epidural for pain control, put Patient A on BiPAP to improve breathing, administered two units of packed red blood cells, and transferred Patient A to the intensive care unit.

8. Patient A's condition eventually improved and he was discharged on October 17, 2019.

9. Considering the extent of Patient A's rib and clavicular fractures, and the radiologist's recommendation for further evaluation with CT chest study, Respondent should have consulted a thoracic surgeon and ordered a CT chest study earlier. His failure to do so fell below the standard of minimally competent medical practice and created an unacceptable risk of harm to Patient A.

10. While this matter was pending, Respondent completed the following continuing medical education.

a. American College of Surgeons and American Association for the Surgery of Trauma, *Ketamine Infusion for Pain Control in Elderly Patients with Multiple Rib Fractures: Results of a Randomized Controlled Trial (November 2019)*; 1 credit.

b. Audio Digest, *Thoracic Trauma/Surviving Sepsis*; 2 credits.

c. Audio Digest, *Issues in Thoracic Surgery*, 2 credits.

d. Audio Digest, *Update on Trauma and Critical Care Surgery*, 2 credits.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Robert H. Mikkelsen, M.D., is REPRIMANDED.

3. The Board accepts the education already completed as satisfying what it would have otherwise ordered. None of the education completed may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$575.00.

5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online via DSPS' Monitoring Case Management System, here: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 20061-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wacker, MD
A Member of the Board

19 August 2020
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT H. MIKKELSEN, M.D.,
RESPONDENT.

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:

STIPULATION
ORDER 0006944

Division of Legal Services and Compliance Case No. 19 MED 530

Respondent Robert H. Mikkelsen, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Jason Franckowiak.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of

Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Robert H. Mikkelsen, M.D., Respondent Date
Fond Du Lac, WI 54937
License no. 20061-20 06/17/2020



Jason Franckowiak, Attorney for Respondent Date
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.
20935 Swenson Drive, Suite 310
Waukesha, WI 53186 7/3/20



Joost Kap, Attorney Date
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190 7/27/2020