

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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2. At all times relevant to this proceeding, Respondent was employed as a physician, at a hospital located in Milwaukee, Wisconsin (Hospital).

3. On May 1, 2018, Patient A received a chest CT, ordered by Respondent. The results of the chest CT showed bilateral pulmonary nodules in the patient's lung bases, including a 5 mm nodule in the right lower lobe and 5 mm and 3 mm nodules in the left lower lobe. The reviewing radiologist stated that although the stability over the last few months was reassuring, given the history of risk factors (smoking) an additional follow-up in six to twelve months was recommended to establish long-term stability. On May 17, 2018, Respondent reviewed and went over the results with Patient A.

4. On October 5, 2018, Patient A saw a nurse practitioner (APNP) who noted in her assessment the need for Patient A to receive a follow-up chest CT between November 2018 to May 2019 and to see Respondent in three to four months.

5. Patient A saw Respondent on January 9, 2019, May 1, 2019, and several other dates between May 2019 and May 2020. Respondent did not order a follow-up chest CT at any of these appointments.

6. On May 28, 2020, Patient A saw an APNP at the Hospital. Chest x-rays were performed. The reviewing radiologist charted that, as suggested on the prior chest CT (May 1, 2018), "continued CT followup of these nodules to ensure stability should be considered."

7. On June 9, 2020, Patient A received another chest CT ordered by an APNP. Based on these results, Patient A was diagnosed with metastatic bronchogenic carcinoma.

8. The standard of minimally competent medical practice in Wisconsin requires Respondent to identify and act upon the need for follow-up imaging following Patient A's May 1, 2018 chest CT.

9. In September and October 2021, Respondent completed three (3) credits of continuing medical education (CME) related to the facts at hand.

10. Respondent will not use the education identified in paragraph nine (9) to satisfy any CME requirement found in Wis. Admin. Code ch. Med 13.

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

CONCLUSIONS OF LAW

1. The 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 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 within the meaning of Wis. Admin. Code § Med 10.03(2)(b).

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 is REPRIMANDED.

3. The Board accepts the CME Respondent has already completed, as identified in paragraph nine (9) of the Findings of Fact, as satisfying the education the Board would have otherwise ordered in this matter.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$780.00.

5. Payments of costs (made payable to Department of Safety and Professional Services), and any other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DPSMonitoring@wisconsin.gov

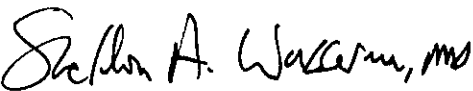
Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

6. In the event Respondent violates any term of this Order, Respondent's license (license no. 23496-20) and registration, or Respondent's right to renew his license and registration, 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:



A Member of the Board

17 November 2021

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARION E. PRUITT, M.D.,
RESPONDENT.

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:
:
:
:
:

STIPULATION

ORDER 0007692

Division of Legal Services and Compliance Case No. 20 MED 314

Marion E. Pruitt, M.D. (Respondent) 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 Jill Munson.

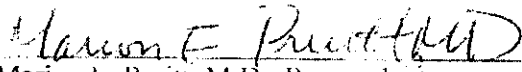
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.


Marion E. Pruitt, M.D., Respondent
Milwaukee, WI 53216
License No. 23496-20

10-26-2021
Date


Jill Manson, Attorney for Respondent
Hinshaw & Culbertson, LLP
100 E. Wisconsin Ave., Ste 2600
Milwaukee, WI 53202

10-25-2021
Date


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

October 26, 2021
Date