

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF :  
MARC T. AWOBULUYI, M.D., : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION  
: **ORDER 0007942**

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Division of Legal Services and Compliance Case No. 21 MED 295

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

Marc T. Awobuluyi, M.D.  
Coeur d'Alene, ID 83814

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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Licensee Marc T. Awobuluyi, M.D., (Year of Birth 1967) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 52764-20, first issued on March 13, 2009, with registration current through October 31, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Coeur d'Alene, Idaho 83814.

2. On May 18, 2016, Patient A, a female born in 1938, underwent a laparoscopic ileocecectomy after which she was transferred to a rehabilitation facility in Wisconsin (Facility).

3. On May 30, 2016, Patient A complained of nausea and abdominal pain, and it was noted she had abdominal distension, firmness, and sensitivity. Her treating physician ordered

STAT abdominal obstruction series x-rays. The reason stated was “nausea with vomiting RO obstruction.”

4. Licensee, a radiologist, interpreted Patient A’s x-rays and found no obstruction and mild distension of bowel. He noted “[l]ucency along the right hemidiaphragm is presumed colonic gas,” and advised follow-up to rule out component of free air.

5. Licensee did not report his findings directly to the Facility or the treating physician. Instead, Licensee’s report was faxed to the Facility where a nurse received it and left the results with the treating physician’s answering service.

6. Patient A died the following day of acute peritonitis from a bowel perforation.

7. Licensee should have reported the free air as his primary finding, rather than merely advising follow-up to rule it out, and should have communicated this finding directly to Patient A’s treaters to ensure they understood the gravity of the situation.

8. On April 1, 2020, Licensee completed 10 credit hours of continuing education entitled *A Review of Interventional Radiology*, sponsored by NetCE.

9. In resolution of this matter, Licensee consents to the entry of the following Conclusion of Law and Order.

CONCLUSION OF LAW

1. The Board has jurisdiction is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete three (3) hours of education on the topic of emergent findings in abdominal radiography as follows:

a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).

b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

3. Requests for course approval and proof of successful course completion shall be submitted by Licensee 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  
DSPSMonitoring@wisconsin.gov

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

- 4. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Shelton A. Warkentin, MD  
A Member of the Board

4/20/2022  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF :  
 :  
MARC T. AWOBULUYI, M.D., : STIPULATION  
LICENSEE. :  
**ORDER 0007942**

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Division of Legal Services and Compliance Case No. 21 MED 295

Licensee Marc T. Awobuluyi, 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. Licensee consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Stacie H. Rosenzweig.

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

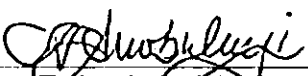
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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 Licensee or Licensee'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 for Remedial Education.

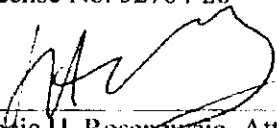
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. Licensee is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


9. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.

  
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Marc T. Awobuluyi, M.D., Licensee  
Coeur d'Alene, ID 83814  
License No. 52764-20

24 March 2022  
Date

  
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Stacie H. Rosenzweig, Attorney for Licensee  
Halling & Cayo, S.C.  
320 E. Buffalo St., Suite 700  
Milwaukee, WI 53202

3/24/22  
Date

  
\_\_\_\_\_  
Julie Zimmer, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3/25/2022  
Date