

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

JOANN C. LITKEY, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008820

Division of Legal Services and Compliance Case No. 22 MED 245

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

JoAnn C. Litkey, M.D.
St. Louis Park, MN 55416

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 JoAnn C. Litkey, M.D., (Year of Birth 1971) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 56627-20, first issued on December 30, 2011, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in St. Louis Park, Minnesota 55416.

2. At all times relevant to this matter, Respondent practiced as an emergency department physician at a hospital located in St. Croix Falls, Wisconsin (Hospital).

Patient A

3. On February 28, 2022, at 10:33 p.m., Patient A (a male born in 2001) arrived at the Hospital via ambulance. Patient A presented with blood from his left ear and vomiting after jumping out of a moving vehicle going about 20-30 mph. Patient A was also intoxicated with a blood alcohol content of .253.

4. Following Respondent's initial physical examination of Patient A, she noted "given patient's degree of incapacitation and combativeness, along with obvious head injury and altered mental status with alcohol intoxication and very concerning mechanism, patient will be transferred to [ED] for trauma team activation via LifeLink."

5. Respondent did not order an x-ray or bedside ultrasound prior to Patient A's transfer. During the Department's investigation, Respondent stated that she did not do so because it would have significantly delayed transfer of the patient; however, Respondent did not chart her medical reasoning for this decision.

6. The standard of minimally competent medical practice required Respondent to perform an x-ray or bedside ultrasound before Patient A was transferred, and to chart her medical decision-making in this regard.

7. Patient A was intubated and sedated for flight transfer.

8. During the Department's investigation, Respondent stated initially she determined that no emergency intervention of airway, breathing or circulation was needed for Patient A, and he was transferred to the helicopter gurney and monitoring equipment in preparation for transfer. However, Respondent further stated to the Department that Patient A's "mental status had decreased since [ED] arrival" and, after a discussion regarding pre-emptive airway management and safety concerns aboard the helicopter, Respondent decided the patient would be intubated in the ED trauma room before flight, after which he was "quickly intubated and sedated for flight".

9. Respondent's charting for Patient A is devoid of any reference to Patient A's declining airway or mentation, the decision to intubate Patient A before flight, and the intubation procedure itself.

10. The standard of minimally competent medical practice required Respondent to document Patient A's declining airway or mentation, as well as her decision-making with regard to intubation, and performance of the intubation itself.

Patient B

11. On March 1, 2022, around 2:35 a.m., Patient B (a male born in 1965) presented to the Hospital via ambulance with chest pain, abdominal pain, confusion, multiple abrasions and a rug burn type rash over his legs, arms, back, and abdomen. Respondent conducted an initial assessment and ordered IV sedation of Ativan and Droperidol, blood tests, urinalysis, urine drug screen, IV fluids, EKG and abdominal imaging.

12. Shortly thereafter, hospital staff were attempting to place a foley catheter for Patient B, who was agitated and uncooperative, at which time Respondent returned to Patient B's room. Multiple staff reported observing or hearing Respondent strike the patient in the abdomen while attempting to get him to cooperate.

13. Shortly after placement of the foley catheter, the sedative medications that had been given to Patient B took effect and he fell asleep. He was placed on BiPAP after he exhibited obstructive sleep apnea symptoms. As of approximately 3:30 a.m., Patient B was noted to be calm, adequately sedated and tolerating BiPAP well.

14. Around 7:51 a.m., a head CT was ordered by Respondent. Respondent told the Department that she did this after attempting to awaken Patient B and finding that his mental status had deteriorated. Respondent did not chart this observation in Patient B's record.

15. At approximately 8:00 a.m., Patient B's care was assumed by another physician reporting for duty (Physician C) and Respondent left the Hospital. At the time Physician C arrived, Patient B was undergoing the head CT. Physician C assessed Patient B, performed intubation, and made arrangements to transfer the patient due to instability and possible abnormal head CT.

16. Head CT results received at 8:19 a.m. demonstrated new moderately extensive areas of cortical thickening and hyper-attenuation in the right cerebral hemisphere which could represent superimposed hemorrhage. A contrast-enhanced MRI was recommended for further evaluation.

17. Patient B was subsequently transferred in critical but stable condition by Helicopter Emergency Medical Transport to another hospital in St. Paul, Minnesota.

18. The standard of minimally competent medical practice required Respondent to order a head CT for Patient B at approximately 3:30 a.m. when he was calm and adequately sedated.

19. 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 as defined in Wis. Admin. Code § 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 is REPRIMANDED.
3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 56627-20) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall, at her own expense, successfully complete three (3) hours of education on the topic of documentation and charting, three (3) hours of education on the topic of acute assessment and stabilization of trauma patients, and three (3) hours of education on the topic of assessment and treatment of acutely encephalitogenic patients, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent 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 Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$977.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and 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
DSPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 56627-20), or Respondent's right to renew her 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: Clarence Chau (M.D.)
A Member of the Board

10/18/23
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOANN C. LITKEY, M.D.,
RESPONDENT.

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STIPULATION

ORDER 00088 20

Division of Legal Services and Compliance Case No. 22 MED 245

Respondent JoAnn C. Litkey, 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 Marit Sivertson.

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

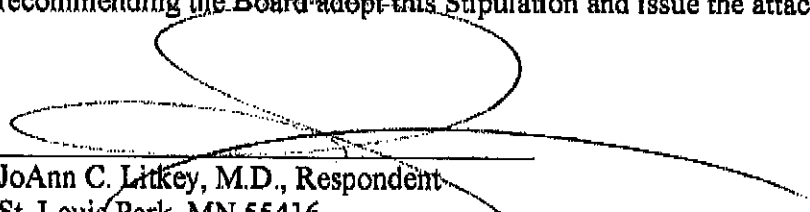
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

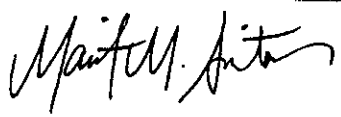
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


JoAnn C. Litkey, M.D., Respondent
St. Louis Park, MN 55416
License No. 56627-20

9-22-23
Date


Marit Sivertson, Attorney for Respondent
Law Office of Sivertson and Barrette, P.A.
1465 Arcade Street
St. Paul, MN 55106

9/25/2023
Date


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

10/5/2023
Date