

## 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	:	
	:	FINAL DECISION AND ORDER
PETER A. KARTH, M.D.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	<b>ORDER 0008872</b>

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Division of Legal Services and Compliance Case No. 23 MED 247

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

Peter A. Karth, M.D.  
Eugene, OR 97405

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. Licensee Peter A. Karth, M.D., (Year of Birth 1978) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 54772-20, first issued on July 27, 2010, 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 Eugene, Oregon 97405.

2. Licensee is also licensed to practice medicine in the state of Oregon, having license number MD175918, first issued on March 14, 2016, and current through December 31, 2023. At all times relevant to this proceeding, Licensee practiced ophthalmology in Eugene, Oregon.

3. On April 6, 2023, the Oregon Medical Board issued a Stipulated Order (OR Order) requiring Licensee to complete documentation and professional ethics education, pay a civil penalty of \$10,000, and sign his own patient charts going forward.

4. The OR Order was based on a case where Licensee performed an intravitreal injection of Aflibercept on the wrong patient. Licensee maintains that the technician that roomed the patient did not ask the patient to verify his full name and birth date and had the wrong patient sign the consent form. Licensee admits he reviewed the consent form but did not realize the patient in the chair was different than the patient listed on the form.

5. The patient suffered no ill effects from the injection.

6. Since this incident, Licensee personally verifies patients' full name and date of birth before any procedures. Licensee provided proof of completion of the following education in satisfaction of the OR Order:

- (a) 22 CME Credits: *Medical Ethics and Professional Course* (PBI Education)
- (b) 17 CME Credits: *Medical Record Keeping Course* (PBI Education)

7. This Final Decision and Order for Education does not constitute professional discipline and the Board has made no finding that Licensee engaged in unprofessional conduct.

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

#### CONCLUSIONS OF LAW

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

#### ORDER

1. The attached Stipulation is accepted.

2. The Board accepts the 39 CME credits already completed by Licensee as the equivalent of education it would have otherwise ordered. The 39 CME credits may not be used in satisfaction of Licensee's statutory continuing education requirements.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Clarence Chau (M.D.)  
A Member of the Board

11/15/2023  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF  
  
PETER A. KARTH, M.D.,  
LICENSEE.

:  
:  
:  
:

STIPULATION

ORDER 0008872

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Division of Legal Services and Compliance Case No. 23 MED 247

Licensee Peter A. Karth, 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 Randall R. Guse.

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.



Peter A. Karth, M.D., Licensee  
Eugene, OR 97405  
License No. 54772-20

10/1/2023

Date



Randall R. Guse, Attorney for Licensee  
Otjen Law Firm, S.C.  
20935 Swenson Dr., Suite 310  
Waukesha, WI 53186

10/25/23

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

10/26/2023

Date