

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
TASK FORCE ON PHYSICIAN'S ASSISTANTS
DISCIPLINARY SUBCOMMITTEE

In the Matter of

DONALD J. WEND, P.A.
License No. 56-01-001970,
Respondent.

File No. 56-16-138556
CONSENT ORDER AND STIPULATION

CONSENT ORDER

On January 30, 2017, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

Respondent has admitted that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a) and (b)(i). The Disciplinary Subcommittee of the Task Force on Physician's Assistants has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a) and (b)(i).

IT IS FURTHER ORDERED that for the cited violation(s) of the Public Health Code, Respondent's license to practice as a physician's assistant in the state of Michigan is REVOKED, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and in the event Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with MCL 333.16245 and 333.16247.

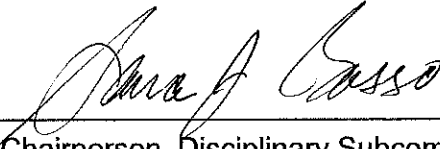
IT IS FURTHER ORDERED that for the cited violation(s) of the Public Health Code, Respondent is FINED \$10,000.00 to be paid to the state of Michigan prior to filing an application for reinstatement of the license.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the State of Michigan, and the check or money order shall clearly display the file number **56-16-138556**.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to Mich Admin Code, R 338.1632 and MCL 333.16221(h).

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Disciplinary Subcommittee, as set forth below.

TASK FORCE ON PHYSICIAN'S ASSISTANTS

By: 
Chairperson, Disciplinary Subcommittee

Dated: 1/23/18

STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a) and (b)(i).

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

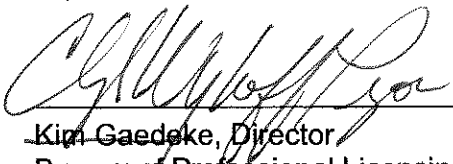
3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, and this action will be reported to the National Practitioner Data Bank and any other entity as required by state or federal law, in accordance with 42 USC 11101-11152.

4. Joan Eddy, P.A.-C., a member of the Task Force who supports this proposal, and the Department's representative are free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in this Order.

5. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in this matter.


6. This proposal is conditioned upon acceptance by the Disciplinary Subcommittee. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:

Acting


Kim Gaedeke, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

AGREED TO BY:



Donald J. Wend, P.A.
Respondent

Dated: 11/27/17

Dated: 11-4-17

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
TASK FORCE ON PHYSICIAN'S ASSISTANTS
DISCIPLINARY SUBCOMMITTEE

In the Matter of

DONALD J. WEND, P.A.

License Number: 56-01-001970

File Number: 56-16-138556

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Donald J. Wend, P.A. (Respondent) as follows:

1. The Michigan Task Force on Physician's Assistants (Task Force) is an administrative agency established by the Public Health Code, MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.
2. Respondent is licensed to practice as a physician's assistant in the state of Michigan.
3. Dilaudid and Norco are schedule 2 controlled substances.

4. At all relevant times, Kalkaska Memorial Health Center (facility) in Kalkaska, Michigan employed Respondent as a physician's assistant in the emergency room department.

5. On October 3, 2013, patient N.N.W. (initials are used throughout to protect the patients' identities), a 20-year-old female presented to the facility by ambulance in active labor with the fetus in the birth canal. Respondent met the ambulance outside and ordered that patient N.N.W. be transported to Munson Medical Hospital in Traverse City, Michigan, which was 25 miles away to deliver her baby. A short distance from the facility, patient N.N.W. delivered her baby in the ambulance. Respondent failed to document his assessment of patient N.N.W.'s cervical dilation, station of the fetus and color of the amniotic fluid.

6. In June 2014, facility management placed Respondent on provisional status for clinical privileges based on "quality of care issues, patient complaints, and policy violations." In addition, facility management initiated a one-year focused professional practice evaluation that included reviewing Respondent's patients' charts.

7. On July 30, 2014, at 4:40 p.m., patient S.L.M., an 83-year-old female presented to the facility with complaints of back pain. Patient S.L.M. had a history of hypertension and chronic obstructive pulmonary disease (COPD), was on multiple medications, and patient S.L.M.'s blood pressure reading was 103/52. Patient S.L.M. reported adverse reactions to controlled substances. On examination Respondent noted

pain in patient S.L.M.'s lumbar region. Respondent ordered Dilaudid 1 mg and recommended "stepping up...to Norco..." Respondent failed to rule out other sources of patient S.L.M.'s pain given her past medical history, multiple medications and blood pressure reading. Further, Respondent failed to evaluate patient S.L.M.'s response to the Dilaudid prior to discharge given her reported adverse reactions to controlled substances.

8. On July 30, 2014, (five hours later), at 9:35 p.m., patient S.L.M. was transported by ambulance to the facility unresponsive, without breathing, without a pulse, and bluish discoloration. At 9:40 p.m., patient S.L.M. was pronounced dead.

9. On June 3, 2015, patient S.A.M., a 22-year-old female presented to the facility with complaints of a urinary tract infection. Patient S.A.M. had a past medical history for insulin dependent diabetes and was on an insulin pump. A urinalysis revealed a >100 white blood count, a >1000 glucose level, and a 15 mg/dL ketone level. Respondent diagnosed patient S.A.M. with lower urinary tract infection and otitis externa for which he prescribed an antibiotic and ear drops. Respondent failed to recognize the significance of the high levels of glucose and ketones in patient S.A.M.'s urine which signal impending ketoacidosis (a life-threatening condition). In addition, Respondent failed to include in the discharge diagnosis that patient S.A.M. was in ketosis (a mild form of ketoacidosis) as indicated by the urinalysis reports.

10. On July 28, 2015, based on Respondent's continued quality of care concerns, facility management terminated Respondent's facility privileges.

11. On August 3, 2015, based on the conduct described above, facility management reported Respondent's employment and reported the matter to the Department pursuant to section 20175(5) of the Public Health Code.

12. On February 17, 2016, in an interview with a Department investigator, Respondent admitted the conduct described above.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of section 16221(a) of the Public Health Code.

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of section 16221(b)(i) of the Public Health Code.

Department requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Department further requests that formal proceedings be commenced pursuant to the Public Health Code,

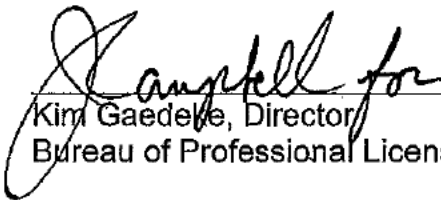
rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Pursuant to section 16231(9) of the Public Health Code, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Dated: _____

1/30/17



Kim Gaedeke, Director
Bureau of Professional Licensing

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