

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JAMES J. TUREK, M.D., RESPONDENT

FILE No. 02-13-177

**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and James J. Turek, M.D., (Respondent), on August 30, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 29912 on May 24, 1994.
2. Respondent's Iowa medical license is active and will next expire on November 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who formerly practiced obstetrics and gynecology in Monroe, Wisconsin, and currently practices in Fort Dodge, Iowa.

6. **Wisconsin Disciplinary Action:** On or about March 20, 2013, Respondent was disciplined by the Wisconsin Medical Examining Board (Wisconsin Board). The Wisconsin Board alleged that Respondent failed to provide appropriate treatment to a patient while performing a total abdominal hysterectomy on February 6, 2008, in Monroe, Wisconsin. The Wisconsin Board issued Respondent a reprimand and ordered him to complete a Board-approved urogynecologic review course and pay \$1,327 in costs. Respondent successfully completed the terms established by the Wisconsin Board. See Attachment A.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Wisconsin Board for failing to provide appropriate treatment to a patient while performing a total abdominal hysterectomy on February 6, 2008, in Monroe, Wisconsin. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine in the future may result in further formal disciplinary action against his Iowa medical license.

8. Respondent voluntarily submits this Order to the Board for consideration.

9. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

10. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

11. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

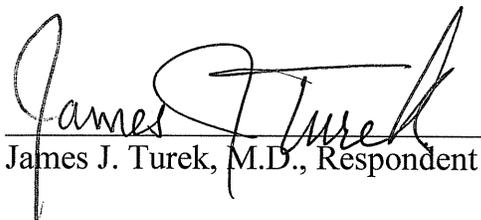
12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

13. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

14. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

15. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

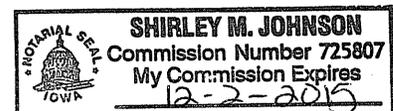
16. The Board's approval of this Order shall constitute a **Final Order** of the Board.


James J. Turek, M.D., Respondent

Subscribed and sworn to before me on July 31, 2013.

Notary Public, State of Iowa.





This Order is approved by the Board on August 30, 2013.

A handwritten signature in cursive script that reads "Greg Hoversten, D.O.". The signature is written in black ink and is positioned above a horizontal line.

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JAMES TUREK, M.D.,	:	
RESPONDENT.	:	ORDER 0002357

Division of Legal Services and Compliance¹ Case No. 12 MED 167

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

James Turek, M.D.
800 Kenyon Road, Suite 220
Fort Dodge, IA 50501

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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 Wisconsin 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 James Turek, M.D., (dob November 2, 1960) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-36531, first issued on April 28, 1995 and current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 800 Kenyon Road, Suite 220, Fort Dodge, Iowa 50501.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On January 15, 2008, Patient A presented to Respondent at the Monroe Clinic for a pelvic ultrasound and consult. She had been referred to Respondent by her nurse practitioner for evaluation of a pelvic mass and pain with intercourse. The ultrasound revealed a 6 cm fibroid. Respondent discussed treatment options with Patient A who elected to undergo a total abdominal hysterectomy and left salpingo oophorectomy. The procedures were scheduled for February 6, 2008, to be performed by Respondent.

3. On February 4, 2008, Patient A presented to Respondent for a pre-operative history and physical. She had a history of a known fibroid and resultant heavy periods with anemia. Respondent discussed with Patient A the options and she chose to proceed with the total abdominal hysterectomy and left salpingo oophorectomy. Patient A signed the informed consent form on that date, authorizing Respondent to perform the hysterectomy and left salpingo oophorectomy.

4. On February 6, 2008, Patient A presented to Respondent at the Monroe Clinic for the planned total abdominal hysterectomy and left salpingo oophorectomy procedures. Respondent's operative report reflects that during the hysterectomy portion of the surgery, a "small incidental cystotomy" occurred on the patient's right side. Respondent repaired the injury with "two layers of 2-0 Chromic in the standard fashion." The surgery ended at approximately 10:59 a.m. and Patient A was transferred to the PACU.

5. At 12:05 p.m., that same day, nursing notes reflect that Respondent was informed of decreased urine output. Respondent ordered that the I.V. fluid be changed to Lactated Ringer's solution.

6. At 4:50 p.m., nursing notes reflect that the patient had no urine output and a bladder scanned revealed 11 ml of fluid in patient's bladder. Patient A reported feeling abdominal pressure. Respondent was notified of the same and gave an order that 500 ml of IV fluid bolus be given.

7. At 5:35 p.m., nursing notes reflect that the 500 ml bolus was complete and that Patient A continued to report pressure but that it did feel better. At 6:00 p.m., the nurse notified Respondent of the patient's report of abdominal pressure feeling better.

8. At 8:10 p.m., nursing notes reflect that Patient A's pain was an "8" (out of 10) and that she had pressure over her bladder area like she has to urinate. No urine was noted in the foley tubing.

9. At 8:50 p.m., Respondent was advised that Patient A had no urine output despite fluid intake of 1440 ml.

10. At 9:10 p.m., Respondent ordered Lasix (a diuretic) for Patient A.

11. At 10:15 p.m., Respondent was advised that Patient A still had no urine output. Respondent's plan was to "watch longer."

12. At 10:40 p.m., Respondent was advised that Patient A had no urine output. He informed the nurse he would be in to evaluate Patient A.

13. At 10:55 p.m., Respondent performed an ultrasound on Patient A. The results are not noted in the patient's medical chart.

14. At 11:10 p.m., Respondent ordered a STAT CT of the abdomen and pelvis as well as CBC, BUN and creatinine tests.

15. At 11:50 p.m., Respondent was advised of the lab results which included an elevated creatinine level of 2.1 mg/DL.

16. On February 7, 2008, at 12:30 a.m., Patient A was seen by a urologist for evaluation of anuria. He noted that her creatinine level was 2.1 mg/DL and that the CT scan showed uptake of the contrast by the kidneys but no excretion of the contrast in to the collecting systems. He recommended an abdominal exploration with ureterolysis to remove attending obstruction, believed to be a stitch, and placement of ureteral stents. The procedure was scheduled to be performed emergently due to incipient renal failure.

17. At 1:35 a.m., that same day, the urologist began surgery to correct the bilateral ureteral obstruction. Intraoperatively, the urologist inspected the patient's bladder and noted that the trigone was "puckered up by the cystotomy stitch." He removed the "cystotomy stitches and prior repair sutures" and noted that the injury to the trigone was just distal to the right ureteral orifice and extended past the left ureteral orifice so that the cystotomy ended just proximal to the left ureteral orifice. After removing all the stitches, the urologist was able to identify the ureters and placed indwelling ureteral catheters in both ureters. He noted that the patient was then observed to be "making excellent amounts of urine, consistent with release of obstruction."

18. In performing the hysterectomy on February 6, 2008, Respondent failed to properly place the sutures in the trigone, failed to recognize that the stitches were obstructing both ureters and the extent of damage during surgery, and failed to call a urologist for assistance during the surgery to repair the problem.

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

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining 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, James Turek, M.D., has engaged in unprofessional conduct pursuant to Wis. Admin. Code § MED 10.02(2)(h) for conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. As a result of the above conduct, James Turek, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent James Turek, M.D., is REPRIMANDED.
3. The license to practice medicine and surgery issued to James Turek, M.D., (license number 20-36531) is LIMITED as follows:
 - a. Within 120 days of the date of this Order, Respondent shall successfully complete the American Urogynecologic Society Review seminar on May 2-3, 2013 in Austin, Texas.
 - 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. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Within 90 days from the date of this Order, James Turek, M.D., shall pay COSTS of this matter in the amount of \$1,327.00.
5. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

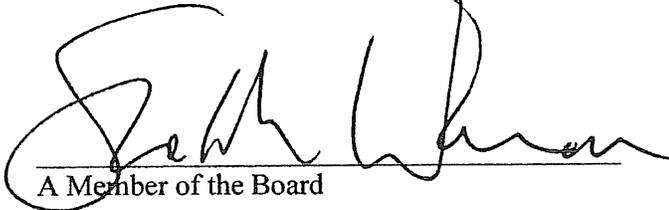
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 20-36531) may, in the discretion of the Board or its designee, be SUSPENDED,

without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board


Date