

NEWS SEARCH

[Advanced search](#)

Top Stories

OMH sued over doctor operating on wrong knee

Gabe Wollenburg, Staff Writer

July 18, 2006

Email to a friend Voice your opinion

Juneau - The attorney representing a Neosho man who alleges an Oconomowoc Memorial Hospital (OMH) surgeon operated on the wrong knee and then attempted to correct his mistake by operating on the correct knee during the same surgery did so out of pure and simple greed.

Harley Willert, N2723 Highway 67, Neosho, filed a complaint Thursday in Dodge County Circuit Court alleging the botched surgery left him without either leg to stand on.

The suit names surgeon Scott Stanwyck, the OMH surgeon who moderated the hospital's online webcast of a similar knee surgery earlier this year, as the responsible physician.

The suit also names OMH and several insurance companies as defendants.

According to the complaint, Willert had particular difficulty recovering from his multiple arthroscopies and missed a significant amount of work during his recovery. The suit alleges Willert was left with a "limitation in both of his knees due to having the surgical procedures performed on both at the same time."

"This is probably the most egregious type of malpractice you can have," said Willert's attorney, Jay Urban. "There is really no excuse for it, other than being very, very much in a hurry or not being careful."

It points out to all people that doctors need to check and doublecheck so this can be avoided, he said.

According to Urban, groups such as the American Academy of Orthopedic Surgeons have recommended since the 1990s that a client heading for surgery be required to mark the area being operated on with a magic marker.

"It's so simple, it's almost embarrassing," said Urban.

Willert was not asked to mark his leg, Urban said.

"Clearly, it's just rushing. The anesthesiologist put my client under before he could be of any assistance," he said.

"They operated on the wrong knee and then, to make matters worse, they went and operated on the other knee, leaving my client with two hobbled knees," he said. "Two wrongs don't make a right," he said.

"The only reason to go forward at that exact time is money," he said. "(The surgery team) has already rented the operating room. They've had the

News

[Top Stories](#)

[Sports](#)

[Police/Courts](#)

[Weather](#)

[Calendar](#)

[Death Notices](#)

[How To Reach Us](#)

[Classifieds](#)

[Oconomowoc Links](#)

[Links to Our Other Newspapers](#)

[On Wisconsin](#)

[Business Directory](#)

[Community](#)

[Television](#)

[Sports Wire!](#)

[Fun and Games](#)

[Consumer Guide](#)

[Personal Finance](#)

[Lifestyles](#)

anesthesia. The doctor knew that if he woke Harley Willert up and said 'Oh, by the way, we did the wrong knee,' there was no way he was going to get to do the other knee."

According to the suit: Willert went to OMH on July 16, 2003, for the left knee arthroscopy.

Before the surgery, markings were made on Willert's leg by OMH employees and agents. However, instead of performing the arthroscopy on Willert's left knee, Stanwyck incorrectly performed the arthroscopy on Willert's right knee.

The suit alleges that when Stanwyck saw that the right knee was stable, he realized his error and subsequently performed an arthroscopy on Willert's left knee.

According to the complaint, Willert suffered severe and permanent physical injuries and scarring and past and future physical and emotional pain and suffering, humiliation, anxiety, emotional anguish and loss of enjoyment of life as a result of the error, as well as a significant loss of earning power.

The suit further alleges that OMH holds some degree of responsibility for the error, as the hospital was responsible for hiring and supervising staff providing services to its patients.

In the complaint, Willert asks for recompensation for past and future healthcare and medication expenses, past and future lost earning capacity, past and future pain, suffering and disability, and severe mental distress.

Neither Stanwyck nor Officials from ProHealth Care, OMH's parent company, were immediately available for comment.

The defendants have 45 days from July 12 to respond to the suit.

[©Oconomowoc Focus 2006](#)

[✉ Email to a friend](#) [🗨 Voice your opinion](#) [↑ Top](#)

Send us your community news, events, letters to the editor and other suggestions. Now, you can submit birth, wedding and engagement announcements online too!

Copyright © 1995 - 2006 [Townnews.com](#) All Rights Reserved.