

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS RICHER, M.D.,
RESPONDENT

:
:
:
:
:

AFFIDAVIT OF SERVICE

Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on October 22, 1990 she served the following upon the respondents attorney:

FINAL DECISION AND ORDER dated October 18, 1990

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondents attorney:

Michael P. Malone
Kluwin, Dunphy, Hinshaw, Culbertson
788 North Jefferson Street
Suite 500
Milwaukee, WI 53202
Certified P 438 251 077

Glenda Nelson

Glenda Nelson
Department of Regulation and Licensing

Subscribed and sworn to before me
this 22nd day of October, 1990.

Gueneva J. Randolph

Notary Public
Dane County, Wisconsin
My Commission Expires 02/07/93

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
THOMAS RICHER, M.D., :
RESPONDENT. :

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.53 are:

Thomas A. Richer, M.D.
7900 West Burleigh Street
Milwaukee, WI 53222

Wisconsin Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Department of Regulation & Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Thomas Richer, M.D., Respondent; Michael P. Malone, Attorney for Respondent; and Gilbert C. Lubcke, Attorney for Complainant. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Thomas Richer, M.D., Respondent herein, of 7900 West Burleigh Street, Milwaukee, Wisconsin 53222, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #18022.
2. Dr. Richer specializes in pediatrics.
3. C.T., the patient herein, was born at St. Joseph's Hospital in Milwaukee, Wisconsin, by a vaginal delivery at 11:55 a.m., on July 27, 1979. He was delivered preterm at an estimated gestational age of 35-37 weeks.
4. Dr. Thomas Richer, Dr. Richard Berk and Dr. John Martin practiced pediatrics in 1979 as partners in a service corporation and jointly managed the patient's medical care and treatment following his birth.

5. Dr. Richer examined, evaluated and treated the patient during his hospitalization August 3, 4, 5, 6, 8, 11, 12, 14, 15, and 17, 1979.

6. The patient was born with a large edematous caput succedaneum which did not fully resolve prior to his discharge from St. Joseph's Hospital on 8/17/79.

7. The patient developed drainage from the caput following his birth.

8. Blood cultures taken on 7/27/79, 7/28/79, 8/2/79 and 8/3/79 failed to isolate any organisms.

9. Dr. Richer did not order a culture of the scalp drainage on August 3 and 4, when he first saw the patient, but did order a culture on August 5, 1979.

10. The standard of practice applicable to Dr. Richer would have required that the drainage from the patient's scalp be cultured by him at his first opportunity to have treated or examined the patient on August 3, 1979; failure to culture the scalp drainage on August 3, 1979 subjected the patient to an unacceptable risk of harm.

11. The culture of the scalp drainage identified the presence of abundant staphylococcus, coagulase positive.

12. On 8/8/79, Dr. Richer ordered Dicloxacillin 2 ccs by mouth every eight hours. The patient was continued on the oral Dicloxacillin until his discharge from the hospital on 8/17/79.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this disciplinary proceeding pursuant to Wis. Stats. sec. 448.02.

2. The Medical Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Thomas Richer, M.D., in connection with his care, treatment and evaluation of the above captioned patient deviated from an accepted standard of care contrary to Wis. sec. 448.02(3) and Wis. Adm. Code sec. MED 10.02(2)(h).

4. The Medical Examining Board has the authority pursuant to Wis. Stats. sec. 440.22 to assess the costs of this proceeding against Dr. Thomas Richer.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that the Respondent, Thomas Richer, M.D., as a condition of continuing licensure:

1. Participate in and complete a home study educational program in pediatric infectious diseases developed and administered through the University of Wisconsin, School of Medicine, Continuing Medical Education Program under the direction and supervision of Thomas C. Meyer, M.D.

2. Satisfactorily complete a written evaluation of his knowledge in the subject matter of the home study course consisting of four problems, and an oral evaluation consisting of the same four problems plus up to three additional problems.

3. Commence the home study course within 30 days of the date of the Final Decision and Order of the Medical Examining Board and complete the home study course and the written and oral evaluations within seven months of the date of the Final Decision and Order of the Medical Examining Board.

4. Permit the individuals conducting the home study course and the written and oral evaluations to report to the Medical Examining Board on the Respondent's progress in the home study course and on the results of the written and oral evaluations; and to certify to the Board completion of the home study course and the written and oral evaluations.

IT IS FURTHER ORDERED that Respondent participate in a quarterly review of his medical records and medical practice for a period of one year commencing on the date on which Respondent has satisfactorily completed the home study course and the written and oral evaluations. Dr. Richer shall make all of his patient medical records available to the reviewing physician and permit the reviewing physician to select the records which will be reviewed. Dr. Richer will assist the reviewing physician in making this selection. The reviewing physician will serve under the direction and supervision of Dr. Thomas Meyer and will file written quarterly reports with Dr. Meyer setting forth the results of each review. Dr. Reuben Snartemo will serve as the reviewing physician. If at any time the reviewing physician is unable or unwilling to serve, Dr. Thomas Meyer will designate a new reviewing physician and promptly advise the Medical Examining Board of his or her identity. Dr. Meyer will submit a final report to the Medical Examining Board at the conclusion of the one year period of review summarizing Dr. Richer's performance in the home study education program and on the written and oral evaluations, and the results of the one year period of review.

IT IS FURTHER ORDERED that Respondent will be responsible for all of the costs of developing and administering the home study course, including the written and oral evaluations conducted in conjunction with this course of study; and will be responsible for compensating the reviewing physician for the reasonable value of his professional services and the costs incurred in conjunction with the review process.

IT IS FURTHER ORDERED that Respondent shall pay costs in the amount of \$3,357.74 to the Department of Regulation & Licensing within 60 days of the date of the Final Decision and Order of the Medical Examining Board, pursuant to the authority of Wis. Stats. sec. 440.22.

IT IS FURTHER ORDERED that Respondent will appear before the Medical Examining Board after he has completed the home study course, the written and oral evaluation and the one year review of his medical records to present evidence to the Board that he has complied with all of the term of the Final Decision and Order.

IT IS FURTHER ORDERED that Count V of the Complaint shall be, and hereby is, dismissed.

IT IS FURTHER ORDERED that, pursuant to the authority of Wis. Stats. sec. 448.02(4), should the Medical Examining Board determine that there is probable cause to believe that Thomas Richer, M.D., has violated the terms of this Final Decision and Order of the Medical Examining Board, the Board may order that the license of Thomas Richer, M.D., to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 18 day of October, 1990.

WISCONSIN MEDICAL EXAMINING BOARD

Michael P. Mehr, MD

Michael P. Mehr, Secretary

MPM:GCL:bmj
ATY-1231

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS RICHER, M.D.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Thomas Richer, M.D., Respondent, personally, and by his attorney, Michael P. Malone; and Gilbert C. Lubcke, attorney for Complainant, as follows:

1. Thomas Richer, M.D., Respondent herein, of 7900 West Burleigh Street, Milwaukee, Wisconsin 53222, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #18022.

2. A formal disciplinary proceeding against Dr. Richer was commenced before the Wisconsin Medical Examining Board on February 7, 1989, by the filing of a Notice of Hearing and Complaint.

3. The respective parties have conducted discovery and named witnesses to support the positions advocated by the respective parties.

4. Each party recognizes the multi-faceted expense of continuing this litigation including a hearing on the merits.

5. Each party acknowledges the impact these proceedings have on the ongoing professional activities of the Respondent, Thomas Richer, M.D.

6. In consideration thereof, the parties to this Stipulation have freely and voluntarily entered into this agreement for the purpose of resolving the pending disciplinary proceeding without the necessity for a formal evidentiary hearing.

7. The parties stipulate that the Wisconsin Medical Examining Board may render the Final Decision and Order attached hereto, the terms of which have been agreed upon by the parties to this Stipulation.

8. This Stipulation will be submitted directly to the Wisconsin Medical Examining Board for consideration and for a Final Decision and Order. The parties waive the right to an intervening Proposed Decision from the Hearing Examiner.

9. Dr. Richer agrees to pay a pro rata portion of the expert witness fees and deposition costs incurred to date with respect to the proceedings against him which amount comes to \$3,357.74 payable to the Department of Regulation & Licensing within 60 days of the date of the Final Decision and Order of the Medical Examining Board, pursuant to the authority of Wis. Stats. sec. 440.22.

10. The parties to this Stipulation and George Arndt, M.D., the member of the Medical Examining Board designated to supervise and direct the investigation in this matter, will be permitted to appear before the Medical Examining Board to speak in support of this Stipulation.

11. If any term of this Stipulation is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation shall be binding in any manner on any party, and the matter shall be remanded to the Hearing Examiner for further proceedings.

Dated: 9/28/90

Thomas J. Richer
Thomas Richer, M.D., Respondent

Dated: 9/28/90

Michael P. Malone
Michael P. Malone
Attorney for Respondent

Dated: 9/24/90

Gilbert C. Lubcke
Gilbert C. Lubcke
Attorney for Complainant

GCL:bmj
ATY-1230

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: The State of Wisconsin Medical Examining Board.

The date of mailing of this decision is October 22, 1990.

WLD:dms
886-490