

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE TO :
PRACTICE MEDICINE AND SURGERY OF : FINAL DECISION AND ORDER
: (91 MED 066)
RICHARD KOKEMOOR, M.D., :
RESPONDENT. :

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

Richard Kokemoor, M.D.
S5456 State Road 37
Eau Claire, WI 54701

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter, Richard Kokemoor, M.D. and Pamela M. Stach, attorney for the Division of Enforcement, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

FINDINGS OF FACT

1. Richard Kokemoor, M.D., whose date of birth is February 23, 1947 and who resides at S5456 State Road 37, Eau Claire, WI 54701, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 27252 which was granted on October 25, 1985.

2. Dr. Kokemoor specialized in the practice are of neurosurgery but has performed no neurosurgical procedures since 1992.

3. There is a pending investigative file entitled 91 MED 066, involving allegations of unprofessional conduct against Dr. Kokemoor with regard to the performance of an hemilaminectomy and disectomy on a 46 year old male patient in 1987.

4. Dr. Kokemoor has also been the subject of a malpractice action entitled, Johnson v. Kokemoor, which was filed by Donna Johnson through her Guardian ad Litem.

5. In October, 1990, Dr. Kokemoor diagnosed an enlarging aneurysm in the brain of Ms. Johnson and recommended a basilar bifurcation aneurysm surgery.

6. Dr. Kokemoor discussed various risks of the procedure with the patient but failed to adequately advise the patient of the seriousness of these risks and further failed to advise the patient that he had only limited experience in aneurysm surgery, was not a sub-specialist in aneurysm surgery, and was not board certified in neurosurgery. Dr. Kokemoor also failed to provide the patient with the alternative of a lower risk surgery performed by a different, more experienced surgeon in a better-equipped facility.

7. Dr. Kokemoor currently limits his practice to evaluation and assessment of patients with personal injury and worker compensation claims and provides no additional patient care.

8. Dr. Kokemoor maintains no hospital or surgical clinic privileges.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 448.02(3).

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

3. Dr. Kokemoor's conduct as set forth in paragraph 6 of the Findings of Fact constitutes a violation of Wis. Stats. sec. 448.30.

ORDER

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

IT IS FURTHER ORDERED that Richard Kokemoor, M.D., is hereby reprimanded.

IT IS FURTHER ORDERED that the license to practice medicine and surgery of Richard Kokemoor, M.D., is hereby limited on the following terms:

1. Richard Kokemoor, M.D., will restrict his medical practice to the provision of evaluation and assessment of patients with personal injury and worker compensation claims. Dr. Kokemoor shall provide no treatment recommendations or patient care following the initial assessment and evaluation of any patient.

2. Richard Kokemoor, M.D., shall not apply for or maintain any hospital or surgical clinic privileges.

3. The limitations set forth above shall remain in full force and effect on a permanent basis.

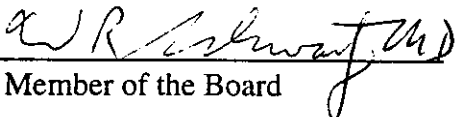
4. In the event Dr. Kokemoor wishes to resume other areas of medical practice, Dr. Kokemoor may petition the Medical Examining Board for removal of the limitations set forth herein. The Board may, at its option, require Dr. Kokemoor to appear before the Board and satisfy the Board of his competence to practice. Evidence of such competence may include, but not be limited to, successful completion of adequate training and any testing the Board deems appropriate.

5. The Board may deny any petition to remove the current limitations or grant the petition with any additional limitations as the Board deems appropriate for the protection of the public. Such denial or limitation shall not operate to require a hearing within the meaning of Wis. Stats. sec. 227.01(3)(a).

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 Dr. Kokemoor has violated the terms of this Final Decision and Order, the Board may order that the license of Dr. Kokemoor to practice medicine and surgery in the State of Wisconsin be suspended pending investigation of the alleged violation.

Dated this 27th day of June, 1996.

MEDICAL EXAMINING BOARD


A Member of the Board

PMS:daw
ATY-FLG3026

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE	:	
LICENSE OF	:	STIPULATION
	:	(91 MED 066)
RICHARD KOKEMOOR, M.D.,	:	
RESPONDENT.	:	

It is hereby stipulated between Richard Kokemoor, M.D., personally and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Richard Kokemoor, M.D., Respondent herein, S5456 State Road 37, Eau Claire, WI 54701, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 27252 which was granted on October 25, 1985.
2. Respondent specialized in the practice are of neurosurgery.
3. There is a pending investigative file involving Respondent entitled 91 MED 066.
4. Respondent is aware of and understands each of the Respondent's rights including the right to a hearing on the allegation against him at which time the state has the burden of proving these allegations by preponderance of the evidence; the right to confront and cross-examine witnesses against him; the right to call witnesses in his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decisions 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 of the rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution and the Wisconsin Administrative Code.
5. Respondent freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph four above.
6. The Division of Enforcement recommends that the Wisconsin Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order in resolution of this matter.
7. Violation of the terms and conditions specified in this Stipulation and Final Decision and Order shall constitute a basis for disciplinary action by the Medical Examining Board.
8. The parties to this Stipulation understand that the Department of Regulation and Licensing, Division of Enforcement will take no further action against Respondent's license based on the allegations contained in the pending investigative file.

9. This agreement in no way prohibits the Medical Examining Board from any further action against Respondent based on acts not alleged in the pending investigative file which might be violative of the Wisconsin Medical Examining Board statutes and rules.

10. All parties agree that counsel for the parties and the board advisor assigned to this case, may appear before the Board in open session to argue on behalf of acceptance of this Stipulation.

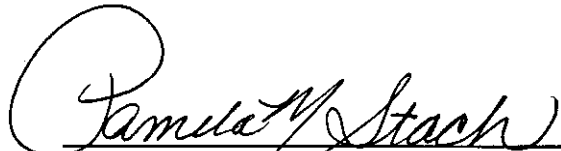
11. This Stipulation and Final Decision and Order, if adopted and entered by the Medical Examining Board, shall become effective on signing.

12. All costs of these proceedings incurred by either party are hereby waived.

13. In the event any term or condition of this Stipulation and Final Decision and Order is not accepted or entered by the Medical Examining Board, then no term of this Stipulation; and Final Decision and Order shall be binding in any manner on any party to this Stipulation.

Dated:

June 24, 1996



Pamela M. Stach, Attorney
Department of Regulation and Licensing

I, Richard Kokemoor, M.D., having read the above stipulation and understanding its terms, do hereby, freely, voluntarily and knowingly enter into this Stipulation.

Dated:

6-19-96



Richard Kokemoor, M.D.
Respondent

PMS:daw
ATY-FLG3025

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

June 28, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)