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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

TERRENCE FRANK, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
LS0004192MED

Division of Enforcement

97 MED 139

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

*Terrence Frank, M.D.
242 Junction Road, #17
Madison, WI 53717*

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

*Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

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 Terrence Frank, M.D., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. 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. Terrence Frank, M.D., 242 Junction Road, #17, Madison, Wisconsin, 53717, was born on 10/9/50 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 7/14/78, license #21681.
2. Dr. Frank specializes in the practice of otorhinolaryngology.
3. Following bilateral ethmoidectomies, antrostomies and middle turbinate resection performed by Dr. Frank on 5/16/94, the patient had a bone defect along the anterior cranial fossa and a soft tissue mass protruding from the region of the fovea ethmoidalis which represented a herniated encephalocele. This may have been congenital or iatrogenic in origin. The encephalocele was identifiable on a CT scan performed on 2/5/96, but Dr. Frank failed to recognize it. The CT scan report did not make reference to CNS involvement but did make reference to a

possible ethmoid polyp or retention cyst and frontal sinus opacification. On 4/16/96, Dr. Frank performed a left Lynch frontal sinusotomy and left external ethmoidectomy that was contraindicated by the existence of the encephalocele. The surgery disrupted the encephalocele resulting in a cerebral spinal fluid leak. Upon subsequent discovery of the cerebral spinal fluid leak, the patient underwent a repeat CT scan on 5/2/96 and the patient was referred by Dr. Frank to the University of Wisconsin Hospital and Clinics in Madison, Wisconsin for further evaluation and treatment. On 5/14/96, a physician at the University of Wisconsin Hospital and Clinics made recommendations to the patient for treatment of the cerebral spinal fluid leak. Dr. Frank made a follow-up telephone contact with the patient, but the patient did not return to his care. The patient elected to seek a second opinion from physicians in Appleton, Wisconsin. On 5/21/96, the patient had a surgical repair of the cerebral spinal fluid leak at the Appleton Medical Center.

4. Dr. Frank is currently under treatment for a bipolar disorder, is not actively engaged in the practice of medicine at the present time and has not practiced medicine since 12/1/97. The bipolar disorder was a factor in Dr. Frank's failure to identify the herniated encephalocele on the 2/5/96 CT scan. Dr. Frank does not intend to return to any practice of medicine in the future that involves patient contact or direct patient care.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Frank's failure to identify the herniated encephalocele on the 2/5/96 CT scan and the subsequent decision to perform the surgery on 4/16/96 constituted a violation of sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(h).

ORDER

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

IT IS FURTHER ORDERED that Terrence Franke, M.D. will not engage in any practice of medicine in the future that involves patient contact or direct patient care.

IT IS FURTHER ORDERED that Terrence Frank, M.D. will surrender his DEA registration within 10 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Terrence Frank, M.D. has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order the license of Dr. Frank to practice medicine and surgery in the state of Wisconsin suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin 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 19th day of April, 2000.

WISCONSIN MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.

Member, Wisconsin Medical Examining Board