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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST

ALAN E. REED, JR., M.D.

FINAL DECISION AND ORDER

RESPONDENT

LS0006231MED

The parties to this action for the purposes of § 227.53, Stats., are:

Alan E. Reed, Jr., M.D.

2170 Ridgewood Road

Grafton, Wisconsin 53024

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 agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining 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

1. Alan E. Reed, Jr., M.D., Respondent, date of birth June 14, 1941, is licensed, but not currently registered, by the Wisconsin Medical Examining Board (Board) to practice medicine and surgery in the state of Wisconsin pursuant to license number 16890, which was first granted August 11, 1969.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2170 Ridgewood Road, Grafton, WI 53024.
3. Respondent's specialty was psychiatry.

Prior Discipline, Licensing and Registration

4. On May 21, 1986, following the issuance of a formal disciplinary complaint but prior to hearing, the Medical Examining Board issued a final decision and order accepting the voluntary surrender of Respondent's license to practice medicine and surgery. The findings of fact in the May 21, 1986 final decision and order included the following:

- a. In January 1974, while in a treatment session with Patient X, Respondent produced marijuana which he and Patient X smoked and they then engaged in non-intercourse sexual contact.

b. From August 1974 to December 1980, Respondent and Patient X engaged in sexual intercourse during numerous therapy sessions.

c. From January 1978 to August 1981, Respondent, for non-medical purposes, issued prescriptions to Patient X for Quaalude (Schedule II), Percodan (Schedule II), Ritalin (Schedule II), Empirin 4 (Schedule III), APC (Schedule III), and Valium (Schedule IV).

d. In August 1979, Respondent issued a prescription to Patient X for morphine sulfate (Schedule II) with directions to have the prescription filled and the drug returned to him for his own personal use. Patient X did as directed.

e. From June 1978 to January 1983 Respondent engaged in sexual contact with Patient Y at virtually every weekly therapy session.

5. On January 3, 1989, Respondent filed an application for reinstatement of his license. The Board denied the application and by order of January 27, 1989, specified that before the Board would consider his application for licensure, the Respondent was to: have a general psychiatric evaluation, receive treatment from a psychiatrist satisfactory to the board, have a chemical dependency evaluation and, if necessary, be admitted to a drug treatment program.

6. Respondent had the evaluations required by the Board and on February 6, 1990, was granted a limited license. The limitations included that:

- a. Respondent's entire practice be supervised by Dr. Basil Jackson, a psychiatrist.
- b. Respondent enroll in an impaired professional program and submit to drug and alcohol screenings.
- c. Respondent participate in psychotherapy if recommended by his addictionologist.
- d. Respondent attend AA or NA.

7. Subsequent to receiving the limited license, Respondent made the following requests and the Board issued the following orders:

- a. On January 23, 1991, Respondent requested that the limitations on his license be lifted. By order of February 12, 1991, the Board denied Respondent's request and renewed Respondent's limited license for a period of 2 years, keeping all other terms and conditions of the limited license in full force and effect.
- b. On April 9, 1991, Respondent petitioned the Board for modification of his limited license to permit Respondent to practice in additional settings. By order of June 4, 1991, the Board denied Respondent's request to modify his limited license.
- c. On April 10, 1992, Respondent petitioned the Board to expand the scope of the limited license to permit him to practice at additional facilities. On May 13, 1992, the Board renewed Respondent's limited license for a period of one year, and granted Respondent's petition in part. Respondent was permitted to practice at two additional facilities, but only at such times as his supervising doctor was present in those facilities. All other terms and conditions on the 1990 order remained in full force and effect.
- d. In June 1992, Respondent requested that the Board's order be modified to permit practice at the two additional facilities under general rather than direct supervision of his supervising doctor. On July 6, 1992, the Board denied the request.
- e. In June 1993, Respondent appeared before the Board and requested that all limitations on his license be dropped. On July 1, 1993, the Board renewed Respondent's license for one year, but denied his request that all limitations on his license be terminated.
- f. On September 23, 1993, the Board lifted all limitations on Respondent's license.

8. Respondent retained his full unlimited license until January 16, 1998. At that time, Respondent's application for renewal of his registration to practice medicine and surgery was denied because of a tax delinquency. Respondent paid his delinquent taxes on December 22, 1998, but did not renew his license because he lacked the medical malpractice insurance required by statute.

9. Respondent has not renewed his registration to practice medicine and surgery in Wisconsin and has not had current registration since January 16, 1998. § 448.07(1), Stats., provides that: "No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection."

Respondent's Conduct with Ms. A

10. From April 11 to 17, 1998, Ms. A, who was then 36 years of age, was hospitalized at St. Mary's Hospital – Ozaukee (St. Mary's), in Mequon, Wisconsin, with symptoms of increased depression and suicidal ideation. Ms. A had a history of recurrent major depression, polydrug dependence and Tourette's disorder.

11. At the time of her discharge from St. Mary's in April 1998, Ms. A was being treated with antidepressants prescribed by a psychiatrist, Dr. Hurth. Dr. Hurth continued to prescribe medications to Ms. A through the events set out below. Because of insurance issues, there was a question of who would provide outpatient psychotherapy to Ms. A.

12. In July 1998, because of lack of insurance, Ms. A stopped receiving psychotherapy from the person who had been providing her with psychotherapy.

13. Ms. A was admitted at St. Mary's from September 14 to 23, 1998, because of depression and suicidal ideation. Dr. Hurth provided her treatment.

14. During the time of the following events, while Respondent was not currently registered to practice medicine and surgery in the state of Wisconsin, Respondent was compensated by Family Sharing of Ozaukee County (Family Sharing) in Grafton, Wisconsin for providing professional counseling services to clients of Family Sharing.

15. In the Fall of 1998, Ms. A was receiving services from Family Sharing. Ms. A was informed by Family Sharing's executive director that Ms. A could receive free counseling from Respondent at Family Sharing. Ms. A contacted Respondent and first met with him for therapy in an office at Family Sharing on October 19, 1998 and continued to meet with him weekly until August 1999 and then met with him twice a week until late November 1999.

16. Ms. A's sessions with Respondent consisted of discussing her mental and psychological status including her depression, drug use and abuse, past suicide attempt and anxiety, and working on ways to address those conditions.

17. From December 1, 1998 to January 2, 1999, during the time Ms. A was seeing Respondent for therapy, Ms. A was admitted at St. Mary's because of an intentional overdose of Tegretol. Dr. Hurth provided her treatment. The medical record of that admission includes "Seeing Dr. Allan (sic.) Reed for individual therapy."

18. From March 27 to April 1, 1999, during the time Ms. A was seeing Respondent for therapy, Ms. A was admitted at St. Mary's because of suicidal ideation she expressed while intoxicated. Ms. A had been doing well until she began abusing morphine sulfate two weeks earlier. Dr. Hurth provided her treatment. The medical record of that admission includes:

a. "Sees Alan Reed through Food Pantry of Oz. Co. for counseling."

b. The question "What has your therapy program been (who have you been seeing) since your last discharge from the hospital?" The hand-written answer is "Dr. Reed Dr. Hurth".

c. "Patient is currently seeing Dr. Reed on a weekly basis."

19. From May 14 to 21, 1999, during the time Ms. A was seeing Respondent for therapy, Ms. A was admitted at St. Mary's because of suicidal ideation following a binge on cocaine and alcohol. The Discharge Summary prepared by Dr. Hurth states "She will remain involved in AA and also sees a counselor through Family Sharing."

20. From August 25 to 29, 1999, during the time Ms. A was seeing Respondent for therapy, Ms. A was admitted at St. Mary's because of an acute relapse on alcohol and morphine. The medical record of that admission includes the question "What has your therapy program been (who have you been seeing) since your last discharge from the hospital?" The hand-written answer is "Was going for a while to outpatient classes and seeing Dr. Reed (therapist)."

21. Ms. A met with Respondent for a session on August 30, 1999, the day after her discharge from St. Mary's. Among the things Ms. A discussed with Respondent was her need to stay away from drug using friends in order to avoid relapsing to drug use.

22. In early October 1999, during sessions in which Respondent was providing counseling to Ms. A, Respondent began asking Ms. A about the types of narcotic analgesics, which were controlled substances, she had used illegally in the past and what they cost. Respondent knew Ms. A did not have legal access to narcotic analgesics.

23. During the next few sessions, Respondent talked to Ms. A about a "friend" of his and about the "friend's" need for narcotic analgesics. Respondent told Ms. A that he would like to help his "friend" by obtaining some pain pills

for him. Unknown to Ms. A, there was no "friend" and Respondent was attempting to obtain the narcotic analgesics for himself.

24. Ms. A obtained from an illegal source the narcotic analgesics requested by Respondent and provided them to him because Ms. A felt obligated to Respondent for his treatment in helping her overcome her depression.

25. At the time Respondent asked Ms. A to obtain the narcotic analgesics, Ms. A was not using drugs, and Respondent was aware of Ms. A's history of repeated relapses in her efforts to remain clean and sober.

26. Within two to three weeks of illegally obtaining narcotic analgesics from Ms. A for his "friend," Respondent asked Ms. A to obtain more narcotic analgesics. This time, Respondent told Ms. A that Respondent needed the medications to alleviate his own tooth pain. Ms. A obtained 10 Vicodin tablets, a schedule III controlled substance, from an illegal source for Respondent and saw him ingest some of those tablets.

27. In November 1999, Respondent's requests that Ms. A obtain controlled substances from illegal sources for Respondent became more frequent and Ms. A obtained them for Respondent more frequently. He was requesting controlled substances from her every other day, and was calling her house leaving messages for her to contact him.

28. The medications Ms. A illegally procured for Respondent from August to November 1999, are all controlled substances as defined by § 961.01(4), Stats., and included:

- a. MS Contin (continuous release morphine), a schedule II controlled substance.
- b. Morphine, a schedule II controlled substance.
- c. Oxycodone, a schedule II controlled substance.
- d. Percocet, a brand of oxycodone, a schedule II controlled substance.
- e. Tylenol 4, a brand of acetaminophen with codeine, a schedule IV controlled substance.
- f. Vicodin, a brand of hydrocodone, a schedule III controlled substance.
- g. Lorazepam, a schedule IV controlled substance.

29. Ms. A had been trying not to use controlled substances. However, because she was procuring them for Respondent and had ready access to them, she relapsed and began abusing controlled substances again.

30. Ms. A's last therapy session with Respondent was approximately November 22, 1999. On November 28, 1999, Ms. A told Respondent that she no longer wanted to obtain controlled substances for him, and that she believed he was a partial reason for her relapse.

31. On December 1, 1999, Ms. A was admitted to St. Mary's for detox. The medical record says:

Patient voluntarily admitted for detox needs related to medications she has purchased from a dealer. Patient used money from her disability payment to purchase, use and resell to a third party. She felt the third party, a male at Family Sharing used her to get drugs through manipulation. She felt at first she just would supply meds, without her own use. Then she started to use and attempted to detox on her own. She did tell Family Sharing owner, Jane M., about the drug use. According to patient, Jane M. told "Alan" to leave. Patient is worried of impact this could have on Family Sharing Program. Pt kept secret her and "Alan Reed's" use of drugs while both worked for "Family Sharing" program.

32. On December 2, 1999, at the request of staff at St. Mary's, Ms. A signed an "Informed Consent to Release / Obtain Confidential Information" form authorizing St. Mary's Hospital to release records of her treatment at St. Mary's to Respondent and authorizing Respondent to release records of his treatment of Ms. A to St. Mary's. The staff at St. Mary's did this so that the two providers could share with one another the information each had regarding their treatment of Ms. A.

33. The treatment Respondent provided to Ms. A at Family Sharing was the practice of medicine, as defined by § 448.01(9), Stats.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter pursuant to § 448.02(3), Stats.
2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter

pursuant to § 227.44(5), Stats.

3. By practicing medicine in the state of Wisconsin without being currently registered to practice, Respondent violated § 448.07(1)(a), Stats., which constitutes unprofessional conduct as defined by § 448.02(3), Stats. and Wis. Adm. Code § 10.02(2)(a).
4. By encouraging a chemically dependent patient to illegally obtain controlled substances for Respondent's own use, Respondent engaged in conduct which endangered the health, welfare, and safety of the patient which constitutes unprofessional conduct as defined by § 448.02(3), Stats. and Wis. Adm. Code § MED 10.02(2)(h).
5. By obtaining controlled substances for himself, otherwise than in the course of legitimate professional practice, Respondent committed unprofessional conduct as defined by § 448.02(3), Stats. and Wis. Adm. Code § 10.02(2)(p).
6. By possessing controlled substances without a valid prescription or order of a practitioner acting in the course of his or her professional practice, Respondent violated § 961.41(3g), Stats., a law regulating the possession, distribution, or use of controlled substances, and committed unprofessional conduct as defined by § 448.02(3), Stats. and Wis. Adm. Code § 10.02(2)(r).

ORDER

1. The license of Alan E. Reed, Jr., M.D., to practice medicine and surgery in the state of Wisconsin is hereby REVOKED, effective immediately.
2. Respondent shall pay partial costs of this proceeding in the amount of \$ 624.89

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

MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D., Secretary

August 24th, 2000

A member of the Board

Date