

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

STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF:

LEE TYNE, M.D.

FINAL DECISION & ORDER

RESPONDENT

LS0105166MED

Division of Enforcement Case # 99 MED 417

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

Lee Tyne, M.D.

19475 W. North Ave., Suite 201

Brookfield, WI 53045-4107

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 Lee Tyne, M.D. personally and by Michael J. Berndt, 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. Lee Tyne, M.D., 19475 W. North Ave., Suite 201, Brookfield, Wisconsin 53045, was born on April 25, 1938, and has been licensed to practice medicine and surgery in the state of Wisconsin since January 13, 1971, license #17462.
2. Dr. Tyne specializes in orthopedic surgery.
3. An informal complaint received by the Medical Examining Board alleges Tyne performed, on March 25, 1995, a laminectomy on a 25-year-old male patient at L4-5 instead of at L5-S1. A second surgery was performed on August 1, 1995 by another surgeon.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to § 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by stipulation without an evidentiary hearing pursuant to § 227.44(5), Stats.

-

ORDER

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

IT IS FURTHER ORDERED, pursuant to the Stipulation of the parties, that Lee Tyne, M.D. will participate in and satisfactorily complete the following risk management program:

1. The risk management educational program will be developed by and administered through the University of Wisconsin School of Medicine, Continuing Education Department.
2. An on-site assessment of the physician's office practices and procedures (and those of the hospital, in the discretion of the assessors), to include the office's layout, personnel issues, procedures, medical records, informed consent procedures, follow-up systems, drug and prescription policies, and such other relevant practices and procedures as the assessors may determine are appropriate for review, in their professional judgment and discretion. Dr. Tyne and his staff will cooperate fully with the assessors in this process, and Dr. Tyne will request that his colleagues cooperate fully in this process.
3. The assessment will be commenced within 30 days of this Final Decision and Order.
4. A report of the assessment will be written by the assessors, including a proposed educational program which will include a review of the objectives, educational requirements, expected behavior changes for both physician and staff, timeline and budget. The University of Wisconsin School of Medicine, Continuing Medical Education Program will submit the proposed educational program to the Wisconsin Medical Examining Board for approval.
5. Dr. Tyne will commence the educational program within 30 days of the Wisconsin Medical Examining Board's approval of the program, subject to the availability of faculty and staff to initiate the educational program.
6. Dr. Tyne will comply with the timeline of the program and will respond within 14 days to the written follow-up questionnaires to be sent to him approximately 3 and 6 months following the initial site visit. Dr. Tyne will cooperate fully with a final site visit that will be conducted within 30 days of completion of the educational program.
7. Dr. Tyne will complete the educational program and the final site visit within 15 months of the commencement of the educational program.
8. Following the final site visit, the assessors will prepare a final assessment which sets forth Dr. Tyne's compliance with the objectives of the program, including evidence that he has implemented all recommended changes in office procedures and practices, and describes the extent that he has reduced the risks in his practice to a level consistent with the standards of practice of the profession.
9. Within 30 days of the conclusion of the educational program and the final site visit, if they have been satisfactorily completed by Dr. Tyne, the University of Wisconsin School of Medicine, Continuing Medical Education Program, will certify to the Wisconsin Medical Examining Board that the educational program and the final site visit have been completed and that he has met the objectives of the program.
10. Dr. Tyne will pay the costs of the assessment, educational program and site visits, including the professional fees and expenses of the assessors and faculty, within 30 days of the dates on which statements for professional services and expenses are submitted to him.

IT IS FURTHER ORDERED that certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
1400 East Washington Ave.

All certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board will be deemed filed with the Wisconsin Medical Examining Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that Dr. Tyne will appear before the Wisconsin Medical Examining Board, if an appearance is requested by the Board, at the conclusion of the risk management program to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that Lee Tyne is responsible for compliance with all of the terms and conditions of this Final Decision and Order. Dr. Tyne will promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order or of any failure of the University of Wisconsin School of Medicine, continuing medical Education Program and all entities and/or individuals participating in the implementation of the Risk Management Program to timely fulfill his/her responsibilities under the terms of this Order.

IT IS FURTHER ORDERED that pursuant to § 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Lee Tyne, M.D. has violated the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Tyne 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 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 16th day of May, 2001.

WISCONSIN MEDICAL EXAMINING BOARD

Sidney Johnson, M.D., Secretary