

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ANTHONY J. LINN, M.D.	:	LS0305072MED
RESPONDENT.	:	

Division of Enforcement
(00 MED 062)

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

Anthony J. Linn, M.D.
2388 North Lake Drive
Milwaukee, Wi. 53211

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

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

A Complaint in the above-captioned case is pending before the Wisconsin Medical Examining Board. The Board received a Stipulation submitted by the parties in resolution of this matter. The Stipulation, a copy of which is attached hereto, was executed by Anthony J. Linn, M.D., personally, and by his attorney, Donald R. Peterson, and by Pamela M. Stach, 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. Anthony J. Linn, M.D., Respondent herein, of 2388 North Lake Drive, Milwaukee, WI. 53211, whose date of birth is September 18, 1949, is currently registered to practice medicine and surgery in the State of Wisconsin under license number 23131 which was granted on July 11, 1980.
2. Respondent specializes in the practice of general surgery.
3. On March 3, 1999, a 39 year old female patient AB presented at respondent's office on referral from her primary care physician for evaluation and possible surgical treatment of a cystic lesion in the right side of the thyroid.
4. Patient AB had history of a partial thyroidectomy in 1987 due to an adenoma, normal TSH levels in 1987 and complaints of "a lump" in her throat of approximately one and a half months duration.
5. An ultrasound performed on February 24, 1999, on the order of the patient's primary care physician and later reviewed by Respondent, revealed a complex cystic lesion of 1.8cm at its greatest diameter with papillary projection within the lumen and increased vascularity. Papillary carcinoma was a possible consideration.
6. Clinical examination by Respondent on March 3, revealed an enlargement of both lobes of the thyroid which Respondent elected to treat with Synthroid 0.1mg daily for suppression therapy for four to six weeks and then reevaluate. Respondent did not note the size of the nodule in his records.
7. On April 21, 1999, the patient returned for reevaluation by Respondent when she noted no improvement in her sensation of a "lump" when swallowing.
8. Respondent noted on physical examination that the nodule in the right thyroid had decreased in size since the suppression therapy had commenced. Respondent did not note the size of the nodule in his records.
9. Respondent did not order a repeat ultrasound at the office visit of April 21, 1999.
10. Respondent's failure to order a repeat ultrasound at the April 21, 1999 office visit prevented objective evaluation of the size of the nodule by comparison with the previous ultrasound which would allow him to make the assessment that the suppression therapy had been successful in reducing the size of the nodule.
11. Respondent maintained the patient on suppression therapy with recall in two months.
12. On September 2, 1999, Patient AB was seen by Sylvia Meltzer, M.D. for evaluation of the patient's continuing symptoms of a sensation of a lump in her throat.
13. Dr. Meltzer diagnosed a complex cystic lesion with papillary projections of unclear etiology and referred the patient to James Cerletty, M.D., an endocrinologist for evaluation.
14. Dr. Cerletty saw Patient AB on December 6, 1999, at which time he noted the patient had a palpable nodule of approximately 2 cm in greatest size in the right lobe.

15. Dr. Cerletty recommended removal of the nodule and referred the patient to Richard Cattey, M.D., a surgeon for evaluation and possible removal of the nodule.
16. Following evaluation of the patient, the right nodule was surgically removed on January 19, 2000.
17. Final pathology indicated a papillary carcinoma of the thyroid measuring 1.7 cm with all margins negative.
18. Respondent's conduct as set forth above created the unacceptable risk to the patient of failing to adequately determine the Patient's response to the suppression therapy and delaying the use of other treatment modalities for the patient's condition.

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. Respondent's conduct as set forth in the Findings of Fact paragraphs 10 and 18 was contrary to sec. 448.03 Stats., and Wis. Adm. Code sec. MED 10.02(2) (h).
4. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Linn.

ORDER

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

IT IS FURTHER ORDERED that Anthony J. Linn, M.D., shall, within nine months of the effective date of this Order, participate in and successfully complete an educational program in the diagnosis and treatment of thyroid nodules. The course shall include discussion of the various available diagnostic tools, including fine needle biopsies and the use of ultrasounds. The course shall also include identification and discussion of the various modalities available for treatment of benign and malignant thyroid nodules and appropriate documentation of clinical findings, test results, diagnosis and treatment recommendations, including surgical intervention. Successful completion of the course entitled "Surgery of the Thyroid and Parathyroid Glands" offered through the continuing education department of Harvard Medical School will be accepted as meeting this requirement. A copy of the course description is attached as Exhibit A. Dr. Linn will be responsible for all of the costs of attending the educational program and arranging for submission of the proof of completion of the course. All such costs shall be paid within thirty days of receipt of a bill for the program.

IT IS FURTHER ORDERED that Dr. Linn shall submit proof of successful completion of the course to the Medical Examining Board within 15 days of course completion.

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

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

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

IT IS FURTHER ORDERED that Anthony J. Linn, M.D., will appear before the Wisconsin Medical Examining Board, if an appearance is requested by the Board, at the conclusion of the education program to establish that he has complied with all of the terms of this Final Decision and Order. If such an appearance is requested, Dr. Linn shall be notified in writing by the Board.

IT IS FURTHER ORDERED that Anthony J. Linn, M.D. shall pay costs in this matter of \$750 payable to the Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 within ninety (90) 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 Dr. Linn 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. Linn 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 22nd day of October, 2003.

WISCONSIN MEDICAL EXAMINING BOARD

Ronald Grossman, M.D.

Secretary