

# 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      |
| KERN A. REID, M.D.                | : | LS0503163MED   |
| RESPONDENT.                       | : |                |

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

Kern A. Reid, M.D.  
5841 West Green Brook Dr.  
Brown Deer, Wisconsin 53223

Medical Examining Board  
1400 E. Washington Avenue  
P.O. Box 8935  
Madison, WI 53708 8935

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

PROCEDURAL HISTORY

The parties in this matter, Kern A. Reid, M.D., Respondent personally and through his attorney, Michael P. Russart, Hinshaw and Culbertson, LLP, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin 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. Kern A. Reid, M.D., Respondent herein, 5841 West Green Brook Dr., Brown Deer, Wisconsin 53223, whose date of birth is October 25, 1959, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 30813 which was granted on October 26, 1989.

2. Respondent is board certified in internal medicine.
3. An investigation entitled 04 Med 035 is pending in this matter before the Wisconsin Medical Examining Board.
4. Patient RW, a 32 year old male, had a history of sickle cell anemia which had been treated by Respondent from approximately 1996 through 1999. Primary treatment consisted of control of pain which varied throughout the patient's body but was generally located in his chest and lower back.
5. During the course of this treatment Patient RW had periodically presented to Respondent with chest pain, shortness of breath, splinting and an accelerated pulse rate which Respondent attributed to a sickle cell pain crisis.
6. On May 17, 1999, Patient RW, had surgery to remove an anterior mediastinal mass in his chest. The surgeon noted that there was no evidence of malignancy but the patient did have some pulmonary issues, difficulty mobilizing his secretions and a right side pleural effusion which needed to be drained. The patient was treated prophylactically for pneumonia.
7. On May 26, 1999, Patient RW contacted Respondent's clinic with complaints of chest pain and shortness of breath. An appointment was made with Respondent for the following morning for a chest x-ray and evaluation of his complaints.
8. On May 27, 1999, Patient RW failed to appear for the morning appointment and arrived at the office at 1 p.m. when Respondent had already departed to conduct a resident clinic.
9. The medical assistant who attended Patient RW at the clinic contacted Respondent and advised him the patient had arrived and was complaining of pain around the surgical site. The Respondent was unable to return to examine the patient due to the resident clinic and advised the medical assistant to have a chest x-ray taken and obtain the patient's pulse rate and pulse oximetry. Respondent did not ask the medical assistant to take a blood pressure. The medical assistant placed a second call to Respondent and relayed her clinical findings of a pulse oximetry of 98% and a pulse rate of 144/146. The Respondent advised the medical assistant that he would contact the surgeon to advise him of the pain at the surgical site and instructed her to advise the patient to seek additional medical care if the patient's condition did not improve or worsened. The Respondent ordered no further follow-up.
10. A lowered blood pressure can be an indication of fluid accumulation and combined with an elevated pulse rate may be symptomatic of pericarditis. A narrowed blood pressure combined with the presence of fluid can be suggestive of pericarditis.
11. Respondent attributed the patient's shortness of breath and elevated pulse rate to his ongoing postsurgical chest pain or possibly another sickle cell crisis and believed that if the patient's condition worsened he would go to the emergency room as he had in the past.

12. Patient left the clinic without further medical evaluation.
13. Patient RW died on May 28, 1999, of complications of fibrinous pericarditis.
14. Respondent's conduct as herein described with regard to Patient RJ fell below the minimum standards of competence established in the profession in that he failed to properly evaluate a patient with complaints of chest pain and an elevated pulse rate by not obtaining a blood pressure which would have contributed to any diagnosis of the patient's condition and may have indicated the need for further medical evaluation.
15. There have been no other complaints filed with the Department involving Respondent's practice.
16. The Respondent has fully cooperated in the investigation and has voluntarily agreed to the Order contained herein.

### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 453.04.
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. Respondent's failure to properly evaluate a patient with complaints of chest pain and an elevated pulse rate by not obtaining a blood pressure which would have contributed to any diagnosis of the patient's condition and may have indicated the need for further medical evaluation constitutes a violation of Wis. Stats. sec. 448.03(2) and Wis. Adm. Code sec. MED 10.02(2)(h).

### ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS FURTHER ORDERED that the license of Kern A Reid, M.D., Respondent, is hereby limited on the following conditions:

1. Within one year of the effective date of this Order, Kern A. Reid, M.D., Respondent, shall participate in and successfully complete six hours of continuing education in the evaluation and treatment of sickle cell anemia and six hours of continuing education in the diagnosis of pericardial conditions.
2. Kern A. Reid, M.D., Respondent, shall be responsible for locating the courses required under this Order, for providing adequate course descriptions to the Department Monitor and for obtaining pre-approval of the courses from the Wisconsin Medical Examining Board prior to commencement of the programs. The Board may reject in whole or in part any educational opportunity which is nominated by Dr. Reid when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Dr. Reid suggests it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. The Board shall not unreasonably deny an educational opportunity suggested by Dr. Reid.
3. Within 30 days after the courses identified in paragraph one above are concluded, Dr. Reid shall file with the Wisconsin Medical Examining Board certifications from the sponsoring organization of his attendance at the required courses.
4. All costs of the educational programs shall be the responsibility of the Dr. Reid.
5. Dr. Reid shall pay costs in this matter in the amount of \$1753.00 payable to the Department of Regulation and Licensing within ninety days of the effective date of this Order.
6. Submission of all required documentation and payment of costs shall be mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

7. Upon satisfactory completion of the terms of this Order, the license of Kern A. Reid, M.D., Respondent herein, to practice medicine and surgery in the State of Wisconsin shall be immediately restored to full and unrestricted status.

8. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board, in its discretion, may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the costs as ordered, or violates any other term of this Order, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

9. This Order is effective upon signing.

Dated at Madison, Wisconsin this 16<sup>th</sup> day of March, 2005.

WISCONSIN MEDICAL EXAMINING BOARD

Alfred Franger  
A Member of the Board