

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
JAMES W. REED, JR., M.D., : LS 0607201 MED
RESPONDENT. :

[Division of Enforcement Case No. 03 MED 385]

James W. Reed, Jr., M.D.
Mound View Memorial Hospital
402 W. Lake Street
Friendship, WI 53934

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

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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. James W. Reed, Jr., M.D., Respondent, date of birth March 19, 1957, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 28275, which was first granted April 10, 1987.

2. Respondent's last address reported to the Department of Regulation and Licensing is Mound View Memorial Hospital, 402 W. Lake Street, Friendship, WI 53934.

3. Respondent's practice specialty listed with the Department is general practice.

4. At the time of the events set out below, Respondent was the attending physician on duty at Reedsburg Area Medical Center (RAMC) in Reedsburg, Wisconsin.

5. At approximately 4:00 p.m. on November 14, 1998, Mr. A, an obese 41-year-old man, presented to the RAMC emergency room complaining of pain. He was first seen by an RN:

a. Mr. A stated he had a cyst in the right groin area about 3" by 7" in size. He said he first noticed it about 3 days earlier. He also said he had the same thing 6 years ago, which was treated with medication.

b. Mr. A said he had taken aspirin for the pain and he was not eating.

c. The RN took Mr. A's vital signs and recorded his temperature as 99.5°, his blood pressure as 124/81, his pulse as 107 and his respirations as 16.

d. When asked by the RN to assess his pain on a scale of 0-10, Mr. A said “12.”

6. Mr. A was then seen by Respondent in the RAMC emergency room:

a. Respondent noted that Mr. A reported:

- 1) Complaints of a cyst localized to the right perirectal area, which had been present for three or four days.
- 2) Pain then localized to the rectal area.
- 3) A similar appearing lesion present a few years earlier which was resolved by treatment with oral antibiotics.
- 4) Decreased appetite and energy, fevers and chills.

b. Respondent recorded that Mr. A was in no acute distress and noted the results of his examination as: “[E]xam of the perirectal area reveals there is a hard well encapsulated non-mobile markedly tender erythematous lesion noted right at the perirectal area. The raised area measures approximately around 4 cm in diameter. Skin is intact. No areas of drainage.”

c. Respondent recorded his assessment of Mr. A’s condition as a perirectal cyst. Although not recorded, Respondent recognized that the lesion was infected.

d. Respondent then:

- 1) Gave Mr. A a prescription for 20 units of an oral antibiotic, Cipro 500 mg, to be taken one tablet twice a day for 10 days.
- 2) Gave Mr. A a prescription for 12 units of an oral analgesic, Tylenol #3, to be taken 1 tablet every 4-6 hours as needed.
- 3) Provided Mr. A with an intramuscular injection of 60 mg Toradol, a nonsteroidal anti-inflammatory medication.
- 4) Instructed Mr. A to soak in baths with Epsom Salt.
- 5) Instructed Mr. A to follow up with his primary care practitioner for a possible incision and drainage, if symptoms did not improve in three or four days.
- 6) Discharged Mr. A from the emergency room.

7. Respondent’s conduct in providing care to Mr. A fell below the minimal level of competence for a physician in that Respondent:

a. Failed to order a complete blood count (CBC), which would have provided him with additional information about the seriousness of the infection.

b. Failed to recognize the lesion as an abscess based on the symptoms.

c. Failed to perform a needle aspiration or incision and drainage to determine if fluid was present, which would rule out cellulitis and confirm the condition as an abscess.

d. Failed to perform, or seek a consultation so another physician could perform, an incision and drainage of the abscess to remove the infected fluid.

8. Respondent’s failures subjected Mr. A to the additional risks of harm that the infection would become worse, involve more tissue and become septicemia.

9. At approximately 9:30 p.m. the next day, Mr. A returned to the RAMC emergency room and was seen by the same RN and a different physician.

a. Mr. A reported:

- 1) His pain on a scale of 0-10, as “13.”
- 2) Progressive pain and swelling in the area of the perineum since the previous visit.
- 3) Marked pain and swelling in the scrotum.
- 4) Some discomfort in both inguinal areas and in the suprapubic area.
- 5) Intermittent diaphoresis.
- 6) Intermittent chills and fever in the 101 to 104 range.
- 7) Nausea and vomiting several times.

b. The physician reported his exam of the area as: "The scrotum is markedly swollen to the point where it is very tense. The scrotal skin is erythematous, somewhat edematous, indurated and markedly tender to palpation. The perineal area shows marked induration and tenderness without obvious drainage fluctuance, or crepitation."

c. Lab: White blood cell count of 24.5 with 78 segs, 6 bands. Hct of 46.9. Glucose 123. BUN 15. Creatinine 1.2. Sodium 134. Potassium 3.6. Chloride 99. AST 13. Alkaline phosphatase 89. Bilirubin 2.4.

10. That emergency room physician arranged for immediate transport of Mr. A to University of Wisconsin Hospital for evaluation and treatment. Mr. A was taken to the operating room for incision and drainage of the abscess and removal of necrotic tissue. It was then discovered that the entire perineal area was involved and Mr. A was diagnosed with Fournier's gangrene, subsequently resulting in the loss of his right testicle.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct described above, has committed unprofessional conduct as defined by Wis. Adm. Code § MED 10.02(2)(h) and is subject to discipline pursuant to Wis. Stat. § 448.02(3)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. James W. Reed, Jr., M.D., is hereby REPRIMANDED for the above conduct.

2. Respondent shall, within 180 days of the date of this Order, provide proof sufficient to the Board, or its designee of Respondent's satisfactory completion of continuing education programs or courses of study, which shall be:

- a. 12 or more total hours of credit.
- b. Approved by the Board, or its designee, before completion.
- c. Related to assessment, diagnosis and treatment of infectious processes or other conditions in the perirectal or perineal areas or of other conditions deemed by the Board, or its designee, to be sufficiently connected to the deficiencies in the care provided to Mr. A.

3. Respondent is prohibited from applying the credits required by this Order toward satisfaction of the continuing education required during the November 1, 2005 through October 31, 2006 registration biennium.

4. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,810.00 pursuant to Wis. Stat. § 440.22(2).

5. Requests for approval, notification of completion of educational program(s) and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

6. 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 that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

7. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Bhupinder Saini
A Member of the Board

9/20/06
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JAMES W. REED, JR., M.D.,	:	<u>LS 0607201 MED</u>
RESPONDENT.	:	

[Division of Enforcement Case No. 03 MED 385]

It is hereby stipulated and agreed, by and between James W. Reed, Jr., M.D., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding before the Medical Examining Board brought by the Division of Enforcement (file 03 MED 385).
2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the administrative law judge for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

James W. Reed, Jr., M.D.

Date

Respondent
Mound View Memorial Hospital
402 W. Lake Street
Friendship, WI 53934

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date