

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 :  
KENNETH REICHERT, M.D., :  
 :  
RESPONDENT. :

FINAL DECISION AND ORDER  
LS # 0605251 MED

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Division of Enforcement Case Nos.  
03 MED 310 and 03 MED 311

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Kenneth Reichert, M.D.  
1111 Delafield St., Ste 105  
Waukesha, WI 53188

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

Medical Examining Board  
Department of Regulation & 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kenneth Reichert, (DOB 01/16/1961) is duly licensed as a physician in the State of Wisconsin (license # 20-28579). This license was first granted on July 1, 1987.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 1111 Delafield Street, Suite 105, Waukesha, Wisconsin.
3. On May 8, 2001, Respondent performed a right L5-S1 disc removal on patient L.W. when a left L5-S1 disc

removal was indicated.

4. On November 9, 2000, Respondent performed a right L3-4 hemilaminotomy on patient M.J. when L4-5 was indicated. Respondent believed he was at L4-L5 instead of at L3-L4 due to the poor quality of the intraoperative x-ray.

5. In the summer and fall of 2006, Respondent underwent a comprehensive assessment of his surgical practice and skills by Dr. Glenn Meyer, professor of neurosurgery at the Medical College of Wisconsin. This assessment included an on-site assessment of Respondent's office practice, as well as a hands-on review of Respondent's surgical performance. Dr. Meyer found that Respondent's practice and skills were "exemplary" and he recommended no limitations on his license.

### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3 - 4 above constitutes a violation of Wisconsin Administrative Code § Med 10.02(2)(h) and subjects Respondent to discipline pursuant to Wis. Stat. § 448.02.

### ORDER

IT IS ORDERED:

1. Respondent is REPRIMANDED.

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Thousand, Two Hundred Dollars (\$2,200.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to the Department Monitor at the address specified above.

3. In the event Respondent fails to pay costs as ordered, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Medical Examining Board

By: Gene Musser MD  
A Member of the Board

12/20/06  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 :  
KENNETH REICHERT, M.D., : STIPULATION  
 : LS# 0605251 MED  
 :  
RESPONDENT. :

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Division of Enforcement Case Nos.  
03 MED 310 and 03 MED 311

Respondent Kenneth Reichert, M.D., personally and by his attorney Randal Arnold; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of two pending investigations of Respondent's licensure by the Division of Enforcement (case nos. 03 MED 310 and 03 MED311). Respondent consents to the resolution of these investigations by stipulation.

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 the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining 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 Division of Enforcement 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 Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, 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 Board 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.

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Kenneth Reichert, M.D.  
1111 Delafield St. Ste 105  
Waukesha, WI 53188

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Date

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Randal N. Arnold  
Attorney for Kenneth Reichert, M.D.  
Hinshaw & Culbertson, LLP  
100 E. Wisconsin Ave. #2600  
Milwaukee, WI 53202-4124

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Date

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Jeanette Lytle, Attorney  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708

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Date