

# 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 :  
THE LICENSE OF : FINAL DECISION AND ORDER  
: FOR REMEDIAL EDUCATION  
KEVIN S. MYERS, M.D., : LS0705162MED  
: :  
RESPONDENT. :

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Division of Enforcement Case # 06 MED 130

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

Kevin S. Myers, M.D.  
1440 N. 25<sup>th</sup> Street  
Sheboygan, WI 53081

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

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 (“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. Kevin S. Myers, M.D. (DOB 11/14/1952) is duly licensed as a physician in the state of Wisconsin (license # 20-24584). This license was first granted on July 1, 1982.
2. Dr. Myers’s most recent address on file with the Wisconsin Medical Examining Board is 1440 N. 25<sup>th</sup> Street, Sheboygan, Wisconsin, 53081.
3. Dr. Myers specializes in dermatology. He has received training in dermatopathology and his practice is to read his own pathology slides.
4. An informal complaint received by the Medical Examining Board alleges that Dr. Myers negligently misdiagnosed a malignant melanoma as basal cell carcinoma.

5. The parties agree that this Remedial Education Order is not a discipline and does not include a finding of negligence or unprofessional conduct.

### 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).

### ORDER

#### **IT IS ORDERED:**

1. Kevin S. Myers, M.D. will, within nine months of the date of this Final Decision and Order, take and complete six hours of Category 1 continuing education in the pathology of melanoma as compared to basal cell carcinoma. Each course attended in satisfaction of this Order must be preapproved by the Medical Examining Board or its designee. Dr. Myers will be responsible for locating courses satisfactory to the Medical Examining Board and for obtaining the required approval of the courses from the Medical Examining Board or its designee. Dr. Myers will within 60 days of completion of this educational requirement file an affidavit with the Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be filed with:

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

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

2. Dr. Myers will be responsible for paying the full cost of attendance at these courses. Dr. Myers will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of the biennial training requirements of Wis. Stat. § 448.13.

3. Dr. Myers shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Fifty Dollars (\$1050.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935]

4. In the event Dr. Myers fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Dr. Myers' license (#20-24584) SHALL BE SUSPENDED, without further notice or hearing, until he has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Dr. Myers is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

5. Dr. Myers is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

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

Wisconsin Medical Examining Board

By: Gene Musser MD  
A Member of the Board

5/16/07  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
THE LICENSE OF :  
 : STIPULATION  
KEVIN S. MYERS, M.D., : LS# \_\_\_\_\_  
 :  
RESPONDENT. :

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Division of Enforcement Case # 06 MED 130

Kevin S. Myers, M.D., personally and by his attorney Samuel Leib; 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 an informal complaint against Kevin Myers, M.D., received by the Division of Enforcement (case # 06 MED 130). Dr. Myers consents to the resolution of this investigation by stipulation and without issuance of a formal complaint.

2. Dr. Myers 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, the right to judicial review, 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. Dr. Myers has obtained the advice of legal counsel prior to signing this Stipulation.

4. Dr. Myers 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 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 the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Dr. Myers 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.

7. The parties agree that this Remedial Education Order is not a discipline and does not include a finding of negligence or unprofessional conduct.

8. The Division of Enforcement joins Dr. Myers in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Kevin S. Myers, M.D.  
1440 N. 25<sup>th</sup> Street  
Sheboygan, WI 53081

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Date

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Samuel Leib, Attorney for Kevin S. Myers, M.D.  
Leib & Katt, S.C.  
740 N. Plankinton Avenue, Ste 600  
Milwaukee, WI 53203

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Date

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Jeanette Lytle  
Attorney for the Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

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Date