

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
 DANIEL M. LUCAS, M.D., : LS0712123MED  
 RESPONDENT. :  
 :

---

[Division of Enforcement Case # 07 MED 294]

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

Daniel M. Lucas, M.D.  
2452 Biron Drive East  
Wisconsin Rapids, WI 54494

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 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. Daniel M. Lucas, M.D., Respondent, date of birth October 1, 1963, is licensed and currently registered by the Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 35406, which was first granted May 27, 1994.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2452 Biron Drive East, Wisconsin Rapids, WI 54494.

3. Respondent specializes in the area of diagnostic radiology. At the time of the following events, Respondent was the Medical Director of Imaging Services at Riverview Hospital in Wisconsin Rapids, Wisconsin, a position he still holds.

4. On April 26, 2006, Ms. A (DOB 11/26/27), who suffered from progressive back and leg pain, arrived at Riverview Hospital for a scheduled lumbar myelogram. Respondent met with Ms. A and discussed with her the purposes, risks and alternatives of lumbar myelography. The procedure includes the injection of iodinated contrast material into the thecal sac (the membrane that contains the spinal chord, the cerebral spinal fluid, and the cauda equina).

5. The procedure room was set up by a radiologic technologist. Ms. A was placed on a fluoroscopic table in a prone position. Her low lumbar spine was fluoroscopically visualized and an entry site at the L3-4 level was marked on her skin. A Betadine skin prep was performed and sterile drape placed. A 22-gauge needle was placed percutaneously into the thecal sac and its proper placement was confirmed by return of clear CSF from the needle hub.

6. Pursuant to existing policy, the syringe was preloaded with iodinated contrast. The printed myelogram protocol, which the technician should have used, called for Isovue M-200 contrast, which is appropriate for myelography. The technician mistakenly used a printed protocol sheet for arthrogram and following that protocol, drew Reno-60 contrast into the syringe. Reno-60 is contraindicated for myelography or intrathecal use.

7. During the procedure, Respondent was handed the 20cc syringe containing the inappropriate contrast. The syringe was accurately labeled as containing Reno-60. Respondent failed to read the label prior to administering the contraindicated contrast intrathecally. The Reno-60 bottle from which the syringe was loaded had been placed on the counter in the room, with the label visible, but Respondent also failed to check that label. If Respondent had read either the label on the syringe or the label on the bottle, he would have recognized that the inappropriate contrast would harm the patient and would not have injected it.

8. At the time of the contrast administration, Ms. A complained of leg pain, which is not uncommon in myelography. The pain seemed to be relieved by slight needle adjustment. Ms. A was returned to the Ambulatory Care Center (ACC) for post-procedure monitoring. She complained of progressive leg pain, and Respondent ordered an oral analgesic. The amount of pain was not unusual and Respondent attributed it to increased intrathecal pressure due to the approximately 12cc contrast volume placed in the spinal canal. Within approximately 45 minutes of the conclusion of the myelogram, Ms. A suffered a code blue cardiac arrest. Over the next several hours, Ms. A suffered repeated cardiac arrests with perfusing rhythm re-established each time. After three to four hours, Respondent was informed that the wrong contrast was used during Ms. A's procedure. Despite hospital staff utilizing all possible support and CNS protective measures, Ms. A died approximately ten hours after the myelogram.

9. Respondent immediately accepted responsibility for what had occurred and told Ms. A's spouse. Within two days, a Sentinel Event conference was held at the hospital. The hospital promptly made several changes to the protocols to prevent a similar occurrence. Among the changes, the physician now draws up the contrast and other medication. Reno-60 was eliminated from the formulary. Double verification is required of medications used in the department.

10. This is the only complaint about Respondent's practice ever received by the Board or the Department in the more than 13 years Respondent has been licensed and practicing in Wisconsin.

#### 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 failing to check the medication labels prior to administering the wrong contrast while performing the lumbar myelography of Ms. A, has engaged in conduct which tends to constitute a danger to the health, welfare, or safety of a patient, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Daniel M. Lucas, M.D., is hereby REPRIMANDED for the above conduct.

2. Respondent shall, within 60 days of the date of this Order, pay \$525.00 to the Department of Regulation and Licensing, which represents the costs of this proceeding.

3. Payment shall be sent to:

**Department Monitor**

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

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

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

By: Gene Musser MD  
A Member of the Board

12/12/07  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : STIPULATION  
DANIEL M. LUCAS, M.D., : LS \_\_\_\_\_ MED  
RESPONDENT. :

---

[Division of Enforcement Case # 07 MED 294]

It is hereby stipulated and agreed, by and between Daniel M. Lucas, 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 investigation of Respondent's licensure by the Division of Enforcement (file 07 NUR 294). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

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 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 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 the 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 that the Board adopt this Stipulation and issue the attached Final Decision and Order.

\_\_\_\_\_  
Daniel M. Lucas, M.D.  
Respondent  
2452 Biron Drive East  
Wisconsin Rapids, WI 54494

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

[07 MED 294: Costs \$525.00]