

# 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 :  
 :  
LAWRENCE J. FRAZIN, M.D., : FINAL DECISION AND ORDER  
RESPONDENT. : LS0603157MED  
 :

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Division of Enforcement Case #03 MED 123

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

Lawrence J. Frazin, M.D.  
3201 S. 16<sup>th</sup> Street, Ste. 2025  
Milwaukee, WI 53215

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 & 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. Lawrence J. Frazin, M.D. ("Respondent") was born on October 3, 1946 and is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license #18499, first granted on July 26, 1973. Respondent is a neurosurgeon.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 3201 S. 16<sup>th</sup> Street, Suite 2025, Milwaukee, Wisconsin 53215.
3. At all times relevant to this action, Respondent was working as a neurosurgeon at St. Luke's Medical Center, Milwaukee, Wisconsin.
4. On August 1, 1997, Patient J.K., a male born on October 7, 1944, who had been suffering lower back pain, underwent a magnetic resonance imaging (MRI) procedure. After reviewing the MRI films, a radiologist reported mild diffuse bulging at L3 –L4; focal asymmetry consistent with herniation at L4 –L5; and disc degeneration at L5 –S1.
5. Respondent consulted with Patient J.K. on September 12, 1997, and recommended that Patient J.K. have surgery to address a herniated disc at L4-L5.
6. On September 25, 1997, Respondent performed endoscopic microdiscectomy on Patient J.K., intending to operate at L4-L5.
7. Respondent performed the September 25, 1997, operation using fluoroscopy to identify the disc space at which to perform the operation.
8. Respondent identified six lumbar vertebrae, and operated at the disc space he identified as L4- 5.
9. The radiologist's report of disc degeneration at L5 – S1 is inconsistent with recognition of the existence of a vertebra between L5 and S1.
10. The existence of more than five lumbar vertebrae in a human is an anatomical anomaly.
11. Respondent did not reconcile the number of lumbar vertebrae he saw on fluoroscopy with the lack of mention of an anatomical anomaly on the preoperative radiology report.
12. Because the radiologist's report of the preoperative MRI did not match what Respondent saw on fluoroscopy in the operating room, Respondent should have known that the disc he called L4-L5 and was intending to operate upon was not necessarily the same disc identified by the radiologist as L4-L5.
13. Patient J.K. realized none of the intended benefit from the operation, and on October 10, 1997, underwent a second MRI study.
14. A radiologist read the October 10, 1997, MRI films and reported that they showed postoperative changes at L3-L4; no apparent change in a central disc protrusion at L4-L5 in comparison to the August 1, 1997, MRI; and that L5 –S1 was normal.
15. On October 17, 1997, Patient J.K. had a plain radiograph lumbar study which was read by Dr. Michael Kehoe, a radiologist, who reported that the study revealed a transitional L6 vertebra.
16. During a deposition on August 21, 2002, Respondent indicated that in performing the September 25, 1997, operation on Patient J.K., Respondent had relied on the radiologist's report of the August 1, 1997, MRI to identify the pathology, the extent of the pathology, and the location of the pathology to be addressed by the operation.

17. Respondent's conduct in performing the September 25, 1997, operation without first confirming that the disc Respondent identified as L4-L5 was the same disc the radiologist identified as L4-L5 was conduct that tended to expose Patient J.K. to the risk that the operation would be performed on the wrong disc.

18. In May 2006, Respondent completed 21 hours of continuing medical education sponsored by the Cleveland Clinic Foundation Center for Continuing Education and the Organization of Spinal Teaching and Research, with a focus on operative techniques and advances in spinal surgery.

### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 through 17, above, constitutes a violation of Wisconsin Administrative Code § MED 10.02(2)(h).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Lawrence J. Frazin, M.D., is REPRIMANDED.

2. The Board accepts the continuing medical education described in paragraph 18, above, as the substantial equivalent of the remedial education it otherwise would have ordered.

IT IS FURTHER ORDERED that:

3. Respondent shall, within 180 days from the date of this Order, pay costs of this proceeding in the amount of Four Thousand Nine Hundred Eighty Six (\$4986.00) dollars. 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  
Telephone (608) 267-3817  
Fax (608) 266-2264

4. 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 pay costs as ordered, the Respondent's license(#18499) 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.

Wisconsin Medical Examining Board

By: Gene Musser MD  
A Member of the Board

1/24/07  
Date