

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
:
RICHARD E. SIMPSON, III, M.D., : LS0911186MED
RESPONDENT. :

Division of Enforcement Case No. 06 MED 384

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

Richard E. Simpson, III, M.D.
4800 Fairfield Drive
Plover, WI 54467

Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 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. Richard E. Simpson, III, M.D. (DOB November 26, 1951), is duly licensed to practice medicine and surgery in the state of Wisconsin (license #42872-20). This license was first granted on November 27, 2000. Dr. Simpson's specialty is radiology.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 4800 Fairfield Drive, Plover, Wisconsin 54467.
3. On or about October 2, 2006 the Patient LR underwent a right breast reconstruction that was completed through a flap procedure whereby healthy tissue was moved from Patient LR's back to her chest to create the new breast. For cosmetic and symmetry purposes, a 500 milliliter gel-filled implant was placed in the new breast and the left breast was reduced in size.
4. Following the surgery, a drain was placed near the right breast to encourage the drainage of fluids from the wound.
5. On October 17, 2006, in response to a fluid buildup on the area of the patient's back where tissue had been removed to reconstruct the breast, the surgeon, Dr. S, sent a faxed order to the radiology department requesting, "insert drain into fluid

pocket in back under fluro”.The order further stated that there was “fluid buildup post breast reconstruction.”

6. On October 18, 2006, Patient LR reported to radiology for the placement of the drain. Respondent performed the procedure but instead of placing the drain in Patient LR’s back he misidentified the gel implant as the pocket of fluid that needed to be drained and placed the drain into the implant. When Respondent learned of the error the patient was sent back to Dr. S to replace the implant and repair the damage.

7. Respondent neither admits nor denies the above allegations however, in the interest of resolving this matter, consents to the issuance of this Final Decision and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over 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 paragraph(s) 3 thru 6, above, constitutes a violation of Wis. Admin. Code § Med 10.02(2)(h).

ORDER

IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Richard E. Simpson, III, M.D. is hereby REPRIMANDED and LIMITED as follows:

1. Within 9 months of the date of this Final Decision and Order, Respondent shall take and complete 4 hours of continuing education in mammography based interventions or interventional radiology for breast disease. The course should include discussion of interventions after breast reconstruction. The course attended in satisfaction of this Order must be pre-approved by the Medical Examining Board or its designee. Respondent will be responsible for locating a course or courses satisfactory to the Medical Examining Board and for obtaining the required approval of the course or courses from the Medical Examining Board or its designee. Respondent 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 the course approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization. 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. Respondent will be responsible for paying the full cost of attendance at this course. Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of the Wis. Stat. § 448.13 biennial training requirements.

IT IS FURTHER ORDERED that:

3. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of ONE THOUSAND SIX HUNDRED dollars (\$1,600.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the address indicated above.

4. In the event Respondent fails to timely pay costs as ordered or fails to comply with the ordered continuing education,

Respondent's license (#42872-20) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Respondent 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. This Order is effective on the date of its signing.

MEDICAL EXAMINING BOARD

By: Gene Musser MD
A Member of the Board

11/18/09
Date