

# 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 DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KYLE O. MOUNTS, M.D.,	:	LS 0904034 MED
RESPONDENT.	:	

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[Division of Enforcement Case # 08 MED 318]

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

Kyle O. Mounts, M.D.  
N95 W7900 Cranes Crossing  
Cedarburg, WI 53012

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 Notice of Hearing and Complaint were filed and served on April 3, 2009. A hearing has not been held and the parties 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 this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kyle O. Mounts, M.D., Respondent, date of birth December 12, 1959, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 35239, which was first granted March 25, 1994.
2. Respondent's last address reported to the Department of Regulation and Licensing is N95 W7900 Cranes Crossing, Cedarburg, WI 53012.
3. Respondent's practice specialty is neonatology and Respondent practiced as a physician with Newborn Care Physicians in Milwaukee and had clinical privileges at several area

hospitals. The Division of Enforcement has verified with all practice locations that they had received no reports of poor performance or inappropriate conduct in his practice.

4. On October 10, 2008, while intoxicated and in a state of major depression with psychotic features Respondent entered a retail store in Ozaukee, stood behind a 9-year-old girl, pulled his shorts down, exposed his penis and manipulated it. An adult who observed this behavior reported it to the store manager. The store manager found Respondent standing behind another young girl with his hand inside his shorts manipulating his penis. No child saw Respondent's conduct.

5. The police were called and because of Respondent's suicidal ideation he was hospitalized on an emergency detention and was discharged on October 29, 2008. Respondent had no treatment for mental health issues in the preceding 30 years. His discharge diagnoses were: major depression with psychotic features and alcohol abuse but not alcohol dependence. The treating psychiatrist noted that severe sleep deprivation was part of the depressive episode.

6. Immediately following discharge from inpatient status, Respondent began the hospital's Intensive Outpatient Program four mornings a week, which he completed March 26, 2009. Respondent began outpatient treatment with Dr. Jeffrey Taxman, a psychiatrist, on December 3, 2008 and continues in that treatment. Dr. Taxman has told the Division that in his opinion there is no psychiatric reason why Respondent cannot practice medicine with reasonable skill and safety for patients.

7. On October 14, 2008, as a result of the events of October 10, Respondent was charged in Ozaukee County Wisconsin Circuit Court case number 2008CM000962 with misdemeanor counts of Lewd, Lascivious Behavior-Exposure, in violation of Wis. Stat. § 944.20(1)(b), and Disorderly Conduct, in violation of Wis. Stat. § 947.01. On March 2, 2009, Respondent entered no contest pleas and was convicted of both counts. Sentence was withheld and Respondent was placed on 18 months of probation. Respondent has cooperated with his probation and is expected to successfully complete it in September 2010.

8. At the request of Respondent's probation agent, Respondent was assessed by a psychologist who specializes in the area to determine if Respondent had any sexual treatment needs. The psychologist concluded that Respondent had no sexual issues which required treatment and that he was a low risk to reoffend.

9. Respondent has not practiced medicine or attempted to practice medicine since October 10, 2008.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set in Findings of Fact 4 and 7 above, has violated laws the circumstances of which substantially relate to the circumstances of the practice

of medicine, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(z) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Kyle O. Mounts, M.D., Respondent's, license to practice medicine and surgery is suspended retroactively from October 10, 2008 until September 30, 2010.

2. When Respondent returns to the practice of medicine:

a. He shall immediately inform the Department Monitor of the location and nature of his practice.

b. For the first 30 days, he shall have a Professional Mentor who is certified by an ABMS-recognized board in a specialty relevant to Respondent's field of practice and who has been approved by the Board or its designee.

1) The Mentor shall confirm in writing provided to the Department Monitor that the Mentor has read this Final Decision & Order and agrees to be Respondent's Mentor.

2) The Mentor shall review Respondent's practice of medicine and surgery. The review shall include meeting with Respondent at least once each week to discuss Respondent's practice and review charts selected by the Mentor, and any other actions deemed appropriate by the Mentor to determine that Respondent is practicing in a professional and competent manner with respect to the care and treatment of patients.

3) The Mentor's sole duty under this Order is to the Board and the Mentor shall have no duty or liability to any patient or third party as a result of this Order.

4) If, at any time during the first 30 days of practice, it is the Mentor's opinion that Respondent is not practicing in a professional and competent manner with respect to the care and treatment of patients the Mentor shall immediately report that to the Department Monitor and notify Respondent of the report. Respondent shall immediately cease the practice of medicine until the Board or its designee permits him to practice again.

5) At the end of the first 30 days of practice, if it is the Mentor's opinion that Respondent has practiced in a professional and competent manner with respect to the care and treatment of patients the Mentor shall report that in writing to the Department Monitor and this requirement that Respondent only practice with a Mentor shall be ended by order of the Board or its designee.

c. He shall work no more than 50 hours per week including hours on call, or 40 hours plus one night of call per week with a maximum of four nights on call each month.

d. He shall provide a copy of this Final Decision and Order to his practice supervisor. The practice supervisor shall submit quarterly reports to the Board stating whether Respondent has abided by the work hour limitations.

e. He shall abstain from the use of alcohol.

f. He shall continue in treatment with Dr. Taxman or another psychiatrist acceptable to the Board or its designee. Respondent shall participate in, cooperate with, and follow all treatment recommended by his psychiatrist.

1) The treating psychiatrist shall submit quarterly reports to the Department Monitor stating whether Respondent has continued in and cooperated with treatment. If at any time the treating psychiatrist believes there is a psychiatric reason why Respondent might be unsafe to practice medicine, it shall be immediately reported to the Department Monitor.

2) Respondent shall provide and keep on file with his treating psychiatrist current releases complying with state and federal laws. The releases shall allow the psychiatrist to make the required reports. Copies of these releases shall immediately be filed with the Department Monitor.

3) Respondent may petition the Board to end the required treatment by submitting to the Department Monitor a report from his psychiatrist which supports the petition and explains why treatment is no longer necessary. It shall be in the Board's discretion whether to end the treatment. If the Board declines to grant the petition Respondent shall be entitled to a class 1 hearing on the denial.

3. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$680.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests, reports, notices and payment shall be mailed or delivered to:

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

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

Wisconsin Medical Examining Board

By: *Andrea K. O'Brien*  
A Member of the Board

9/15/10  
Date