

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LEWIS R. DOMKE JR., M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003414

Division of Legal Services and Compliance Case No. 12 MED 417

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

Lewis R. Domke Jr., M.D.
19345 Edmonton Drive
Brookfield, WI 53045

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Lewis Richard Domke Jr., M.D., (dob March 10, 1948), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 46542-20, first issued on February 19, 2004, with registration current through October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 19345 Edmonton Drive, Brookfield, Wisconsin 53045. Respondent is certified by the American Board of Internal Medicine, with subspecialty certificates in hematology and geriatric medicine.

2. At all times relevant to the matters discussed below, respondent was a *locum tenens* physician at the Mayo Clinic Health System/Franciscan Health Care – La Crosse, in La Crosse, Wisconsin.

3. The Board has received a report that on May 16, 2012, Patient A, a 68 year old man, presented to Respondent with splenomegaly, chronic lymphocytic leukemia and renal impairment. Respondent treated Patient A with oral chlorambucil to see if chemotherapy for the leukemia would increase Patient A's renal function. There is only a rare association between leukemia and renal failure, a biopsy to confirm the association was not ordered in this case, nor were other, more common, causes of renal failure investigated. Respondent's treatment caused a delay in the management of Patient A's renal failure.

4. The Board has received a report that on July 6, 2012, Patient B, a 66 year old man, presented to Respondent with a neuroendocrine tumor of his small bowel that had metastasized to his liver. Respondent started Patient B on cisplatin and etoposide chemotherapy. Patient B developed pancytopenia as a result of the chemotherapy and was admitted to the hospital. Subsequent review by the Oncology Department determined that chemotherapy was inappropriate and unnecessary for someone in Patient B's condition, and that appropriate treatment was symptom control only.

5. The Board has received a report that on July 13, 2012, Patient C, a 63 year old man, was referred to Respondent by the patient's primary physician, for apparent anemia. Patient had hemoglobin of 7.6, total white count of 17.7, platelet count 847, iron level low at 15, TIBC low 189, low iron saturation at 8%, and elevated ferritin at 587. Respondent diagnosed Patient C with iron deficiency and treated him with ferrous sulfate and vitamin C. Three weeks later, Patient C presented to a subsequent treater who immediately ordered a bone marrow examination, which demonstrated myeloproliferative disorder.

6. Respondent denies any unprofessional conduct or negligence. Respondent has retired from the practice of medicine and surgery and has no intention of practicing medicine and surgery in the future, and solely to resolve this matter, Respondent consents to the entry of the following Conclusion of Law and Order.

CONCLUSION OF LAW

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 pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the registration by Respondent Lewis R. Domke Jr., M.D., (license no. 46542-20) required to practice medicine and surgery in the State of Wisconsin and the right to renew that registration is hereby accepted, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of his right to practice medicine and surgery in the State of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice medicine and surgery in the State of Wisconsin.

4. The Costs of this matter, in the amount of \$700, are not imposed at this time, but shall be paid if Respondent petitions the Board for reinstatement, or otherwise attempts to obtain any license under Wis. Stat. chs. 440-480.

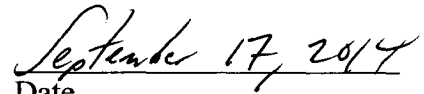
5. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:

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A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LEWIS R. DOMKE JR., M.D.,
RESPONDENT.

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STIPULATION

0003414

Division of Legal Services and Compliance Case No. 12 MED 417

Respondent Lewis R. Domke Jr., M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

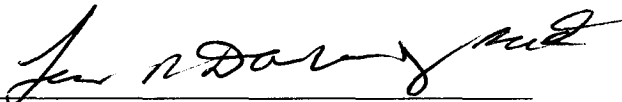
4. Respondent denies any unprofessional conduct, but solely to settle this matter and avoid the expenses and uncertainties of litigation, agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Lewis R. Domke Jr., M.D., Respondent
19345 Edmonton Drive
Brookfield, WI 53045
License no. 46542-20

8/9/2014
Date



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

8/13/14
Date