

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

JAMES R. LLOYD, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

00037 55

Division of Legal Services and Compliance Case No. 13 MED 321

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

James R. Lloyd, M.D.
1080 Circle Drive
Elm Grove, WI 53122-2144

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 James R. Lloyd, M.D. (dob May 6, 1954) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 23133-20, first issued on July 11, 1980, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1080 Circle Drive, Elm Grove, Wisconsin 53122-2144.

2. Respondent is certified in neurological surgery by the American Board of Neurological Surgery.

3. Respondent was the subject of a National Practitioner's DataBank report, dated October 1, 2013, that he had voluntarily surrendered privileges while under investigation relating to violation of hospital by-laws, protocols or guidelines, and disruptive conduct.

4. On 1/17/13, Respondent became upset that a patient had not been discharged as he felt was appropriate. Respondent expressed his frustration by derogatory statements to and about hospital staff, and a medical record entry in which he criticized the continued patient admission.

5. On 1/22/13, Respondent verbally abused a hospital employee after she reminded him that his patient was waiting in the operating room.

6. On 2/15/13, Respondent was scheduled to install a spinal device on a patient. Respondent had recommended the specific device, but upon arriving to operate, was informed that the hospital no longer approved its use. Respondent could implant another hospital-approved device or delay the surgery. Respondent installed the approved device, but expressed his frustration by way of a medical record entry in which he questioned the qualifications of the physicians responsible for the device approval process, and the approval process itself.

7. Respondent's medical staff records reflect prior instances of disruptive behavior dating back to at least 2007.

8. Respondent chooses to resolve 13 MED 321 by way of this order and the attached Stipulation.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent James R. Lloyd, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(intro) (Nov. 2002) by engaging in disruptive behavior and using medical records to express personal opinions.

3. As a result of the above conduct, James R. Lloyd, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent James R. Lloyd, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to James R. Lloyd, M.D., (license number 23133-20) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete at least twelve (12) hours of education on the topic of interpersonal communication skills and avoiding a hostile work environment.

b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).

c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.

d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within ninety (90) days from the date of this Order, James R. Lloyd, M.D., shall pay COSTS of this matter in the amount of \$1,770.06.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

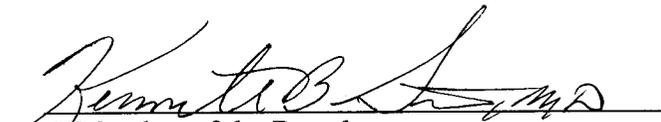
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to

submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 23133-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and completed the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES R. LLOYD, M.D.,
RESPONDENT.

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STIPULATION

00037 55

Division of Legal Services and Compliance Case No. 13 MED 321

Respondent James R. Lloyd, 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 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.

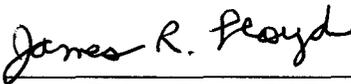
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

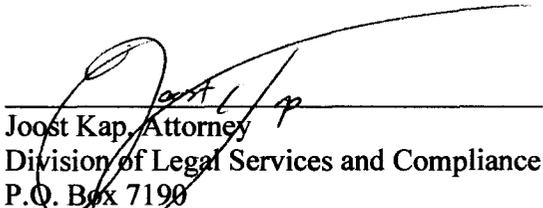
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



James Robert Lloyd, M.D., Respondent
1080 Circle Drive
Elm Grove, WI 53122-2144
License no. 23133-20

1128/15

Date



Joost Kap, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2/2/15

Date