

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 :
: FINAL DECISION AND ORDER
EDISON P. MCDANIELS, M.D., :
RESPONDENT. :

0004004

Division of Legal Services and Compliance Case No. 14 MED 280

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

Edison P. McDaniels, M.D.
499 Broadway #135
Bangor, ME 04401

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 Edison P. McDaniels, M.D. (dob May 12, 1960), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 40036-20, first issued on July 24, 1998, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 499 Broadway #135, Bangor, Maine 04401.

2. Respondent is board certified by the American Board of Neurological Surgery, and at all times relevant to this proceeding was employed as a neurosurgeon at a medical center in La Crosse, Wisconsin.

3. In February 2013, Patient A presented to Respondent with complaints of chronic back and left lower extremity pain, and an ineffective dorsal column stimulator which had been implanted by another provider in 2002.

4. On February 21, 2013, Patient A gave informed consent for Respondent to perform a left L5-S1 foraminotomy and microdiscectomy, and remove the dorsal column stimulator.

5. On February 27, 2013, Respondent operated on Patient A. Respondent removed the dorsal column stimulator, and his operative report indicates he completed the left L5-S1 foraminotomy and microdiscectomy, all as consented to by Patient A.

6. However, on April 3, 2013, Patient A underwent x-rays and a lumbar MRI which showed postoperative changes at L4-L5 instead of L5-S1, which still showed diffuse disk bulge causing mild canal and foraminal narrowing bilaterally.

7. Another neurosurgeon informed Patient A of the April 3 imaging results and scheduled her for a left L5-S1 laminotomy.

8. On April 8, 2013, the other neurosurgeon successfully completed the procedure at L5-S1. His operative report indicates he could easily identify the work inadvertently performed by Respondent at L4-L5.

9. Imaging studies conducted between the February 27 and April 8 surgeries further confirm that Respondent inadvertently operated at L4-L5, instead of L5-S1 as intended.

10. Patient A recovered and resumed work and all activities without restrictions.

11. In resolution of this matter, Respondent consents to entry of the following Conclusions of Law and Order.

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 Edison P. McDaniels, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by practicing in a manner which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. As a result of the above conduct, Edison P. McDaniels, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

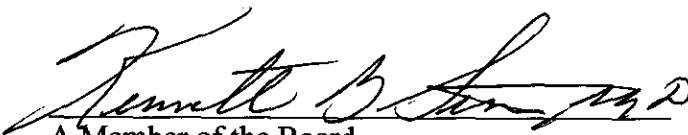
1. The attached Stipulation is accepted.

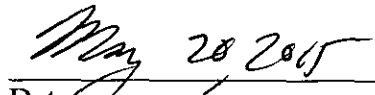
2. Respondent Edison P. McDaniels M.D., is REPRIMANDED.
3. Within 90 days from the date of this Order, Edison P. McDaniels, M.D., shall pay COSTS of this matter in the amount of \$1,069.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

5. 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, Respondent's license (40036-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.
6. 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

EDISON P. MCDANIELS, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004004

Division of Legal Services and Compliance Case No. 14 MED 280

Respondent Edison P. McDaniels, 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 his 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.

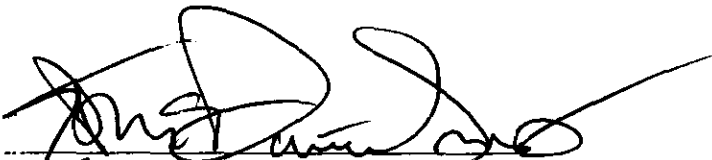
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

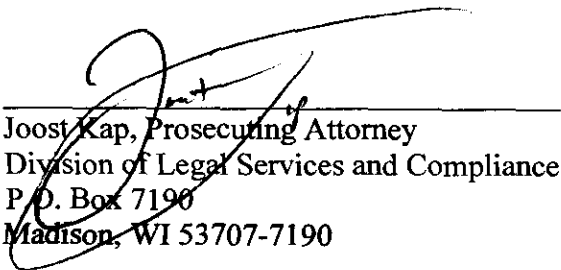
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Edison P. McDaniels, M.D., Respondent
499 Broadway #135
Bangor, ME 04401
License no. 40036-20

4/10/15
Date



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

4/21/15
Date