

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
 : FINAL DECISION AND ORDER
 : FOR REMEDIAL EDUCATION
DAVID L. REX, M.D. :

0005174

Division of Legal Services and Compliance Case No. 16 MED 244

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

David L. Rex, M.D.
11995 Singletree Lane, Suite 500
Eden Prairie, MN 55344

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. Licensee David L. Rex, M.D. (DOB March 6, 1960) is licensed by the State of Wisconsin to practice medicine and surgery, having license number 56907-20, first issued on March 19, 2012, with registration current through October 31, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 11995 Singletree Lane, Suite 500, Eden Prairie, Minnesota 55344.

2. Licensee is board certified in Diagnostic Radiology by the American Board of Radiology.

3. Licensee is employed by a Minnesota-based teleradiology organization and practices teleradiology.

4. On July 13, 2015, Patient A, a female born in 1964, was involved in a motor vehicle collision and was transported via helicopter to a hospital in Texas (Hospital A). The emergency department physician at Hospital A ordered chest, abdominal and pelvic CT scans with contrast (CT scans).

5. Licensee performed a preliminary interpretation of Patient A's CT scans, with clinical history provided as "50 years old, female, Chest, abdominal, and pelvis pain post mvc [sic]."

6. Licensee interpreted Patient A's CT scans as depicting a "probable anterior wedged shaped splenic infarct." Licensee did not interpret the scans as depicting a splenic laceration or active bleeding.

7. Patient A was discharged from Hospital A and her CT scans were subsequently reviewed and interpreted by another radiologist as demonstrating splenic lacerations and findings consistent with hemorrhage. Hospital A staff attempted to reach Patient A regarding the findings.

8. Later the same day, Patient A presented to another hospital in Oklahoma where additional diagnostic imaging confirmed the active bleed.

9. Patient A underwent emergent evacuation of a massive hemoperitoneum, lysis of adhesions, and splenectomy and died on July 14, 2015.

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

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, David L. Rex, M.D., shall at Licensee's own expense take and successfully complete (6) hours of education on the topic of emergent CT interpretation in an emergency/trauma setting as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department

Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

3. Requests for course approval and proof of successful course completion shall be sent by Licensee 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

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

WISCONSIN MEDICAL EXAMINING BOARD

by: Thibault MD
A Member of the Board

2/15/17
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
DAVID L. REX, M.D. :

STIPULATION

0005174

Division of Legal Services and Compliance Case No. 16 MED 244

Licensee David L. Rex, 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. Licensee consents to the resolution of this investigation by Stipulation.

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

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

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney James Friedman.

4. Licensee 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. Licensee 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 Licensee, 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. Licensee 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.

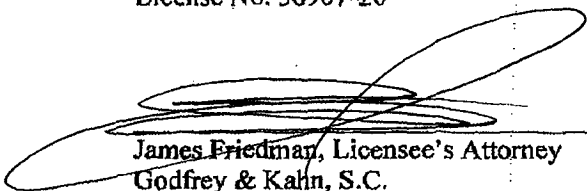
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



David L. Rex, M.D., Licensee
11995 Singletree Lane, Suite 500
Eden Prairie, MN 55344
License No. 56907-20

1-30-2017

Date



James Friedman, Licensee's Attorney
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719

1/30/17

Date



Colleen L. Meloy, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

1/30/17

Date