

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

KEITH A. HENRY, M.D.
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005957

Division of Legal Services and Compliance Case No. 17 MED 178

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

Keith A. Henry, M.D.
901 Maple Ridge Road
Ashland, WI 54806

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 Keith A. Henry, M.D., (DOB December 22, 1958), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 30299-20 first issued on June 22, 1989, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 901 Maple Ridge Road, Ashland, WI 54806.

2. At all relevant times, Respondent held privileges as a pathologist at a facility in Ashland, Wisconsin (Facility).

3. The Facility conducted an external review of Respondent's interpretations of prostatic tissue slides which identified several discrepancies between Respondent's grading of prostate cancer and those of the external reviewers. The Facility provided no evidence of any mortality or morbidity issues regarding Respondent's grading scale determinations; however, the following corrective action was recommended, in part, by the external reviewers:

- a. Respondent shall participate in a CME program on gastrointestinal pathology and genitourinary pathology with an emphasis on the classification/grading of prostatic adenocarcinoma.
- b. Respondent shall provide a secondary read of fifty (50) blinded prostate cancer cases and achieve a 90% concordance rate with the primary reader.

4. On June 29, 2017, the Facility suspended Respondent's privileges in anatomic pathology, surgical pathology, autopsy pathology, and cytopathology until Respondent completed the corrective action recommended by the external reviewers. At all times, Respondent's privileges in clinical pathology, chemistry, hematology, immunohematology, and microbiology remained intact.

5. On July 21, 2017, Respondent successfully completed the *Gynecologic, Genitourinary, and Gastrointestinal Pathology for the General Pathologist* course and earned sixteen (16) CME credits.

6. On October 16 and 17, 2018, Respondent submitted to a test of twenty-five (25) blinded prostate cancer cases conducted by a genitourinary pathologist at the University of Wisconsin-Madison School of Medicine (UW). Respondent reviewed slides from twenty-five (25) prostate cancer biopsy cases which had already been reviewed by the UW genitourinary pathologist as the primary reader. The primary reader submitted a written report to the Department following Respondent's secondary read which stated Respondent achieved a 96% (24/25) concordance rate with the primary reader and that Respondent is proficient in pathologic diagnosing and grading of prostate cancer.

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. As a result of the above conduct, Keith A. Henry, M.D. is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Keith A. Henry, M.D., is REPRIMANDED.

3. The Board recognizes the aforementioned education as satisfying the education the Board would have otherwise ordered. The course attended may not be used in satisfaction of the statutory continuing education requirements for licensure.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,840.

5. All required submissions and payment of costs shall be made to the Wisconsin Department of Safety and Professional Services Monitor and may be submitted online via the Department's Monitoring Case Management System at <https://app.wi.gov/DSPSMonitoring> and/or sent to 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. In the event Respondent violates any term of this Order, Respondent's license (no. 30299-20) or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

KEITH A. HENRY, M.D.,
RESPONDENT.

:
:
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:
:

STIPULATION

0005957

Division of Legal Services and Compliance Case No. 17 MED 178

Respondent Keith A. Henry, 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. Respondent is represented by Attorney Linda Meagher.

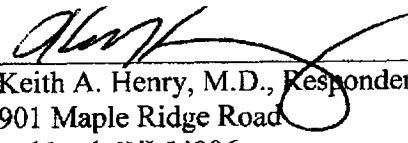
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 representative~~
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.



Keith A. Henry, M.D., Respondent
901 Maple Ridge Road
Ashland, WI 54806
License no. 30299-20

10/31/18

Date

Linda Meagher, Attorney
Gass, Weber, Mullins, LLC
241 N. Broadway Ste 300
Milwaukee, WI 53202

Date

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

Date

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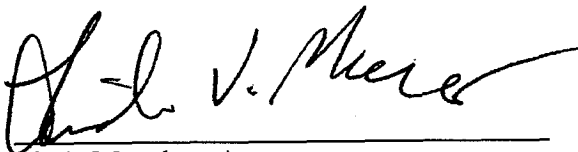
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

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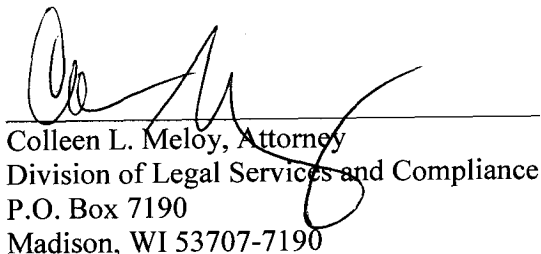
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901 Maple Ridge Road
Ashland, WI 54806
License no. 30299-20

Date



Linda Meagher, Attorney
Gass, Weber, Mullins, LLC
241 N. Broadway Ste 300
Milwaukee, WI 53202

10/31/2018
Date



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

11-1-2018
Date