

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DOUGLAS R. ARNOLD, M.D., :  
RESPONDENT. :

**ORDER 0006495**

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Division of Legal Services and Compliance Case No. 17 MED 502

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

Douglas R. Arnold, M.D.  
5575 Polo Ridge  
Waunakee, WI 53597

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 Douglas R. Arnold, M.D. (DOB December 1, 1980), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 52646-20, first issued on February 11, 2009, with registration current through October 31, 2019.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5575 Polo Ridge, Waunakee, Wisconsin 53597.
3. At all times relevant to this matter, Respondent was employed as an orthopedic surgeon at a hospital located in Portage, Wisconsin (the hospital).

4. On May 15, 2017, Patient A, a female born in 2002, presented to the hospital. She was diagnosed with a right shoulder arthroscopic Superior Labrum Anterior and Posterior (SLAP) tear. Another physician scheduled surgery to repair the SLAP tear and Respondent served as an assistant.

5. Respondent, per his custom and practice, planned, *inter alia*, to inject 15 ml of 1% lidocaine with epinephrine into Patient A's glenohumeral joint and other anticipated portal sites to help control bleeding.

6. Upon entering the surgical suite, the Respondent saw on the surgical table a vial of lidocaine/epinephrine solution and a filled syringe lying next to it. This syringe appeared to Respondent to be identical to syringes typically used by Respondent to inject 15 ml of 1% lidocaine/epinephrine solution and was located where the syringe he uses for these injections is usually placed.

7. Unbeknownst to Respondent, the operating room staff had drawn an identical syringe with high concentrated epinephrine to add to the IV bags for help with vasoconstriction during surgery.

8. Respondent states that, in his practice, he does not typically use high concentrated epinephrine to add to IV bags so he did not suspect the syringe was for anything other than his injection.

9. Respondent picked up the syringe and announced to the staff that he was going to commence with his injection. Having heard no objection from the staff, he proceeded to inject the patient's glenohumeral joint. Respondent did not verbally or otherwise confirm the specific contents of the syringe before injection.

10. After the patient began to show signs of a reaction, Respondent and the staff realized that he had inadvertently administered the ephedrine meant for the IV bags, which was in a significantly higher concentration than that used for the glenohumeral joint.

11. Respondent and the surgical staff took steps to stop the reaction and stabilized the patient.

12. Respondent and the surgical staff at the hospital have since taken steps to ensure that this type of incident does not occur in the future.

13. To resolve this matter, Respondent consents to the 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 Douglas R. Arnold, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public by failing to confirm the specific contents of the syringe, verbally or otherwise, before injecting the patient.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Douglas R. Arnold, M.D., is REPRIMANDED.
3. Within 90 days from the date of this Order, Respondent Douglas R. Arnold, M.D., shall pay COSTS of this matter in the amount of \$590.00.
4. Any submittals required by this Order may be mailed, faxed, or emailed to:

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

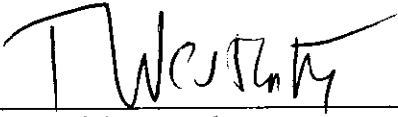
They may also be submitted online via the Department's Monitoring Case Management System at <https://app.wi.gov/DSPSMonitoring>

5. In the event Respondent violates any term of this Order, Respondent's license (no. 52646-20), 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.

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DOUGLAS R. ARNOLD, M.D.  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0006495**

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Division of Legal Services and Compliance Case No.17 MED 502

Respondent Douglas R. Arnold, 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:

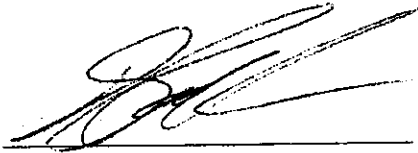
- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and 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 Sean Gaynor.

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.

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.

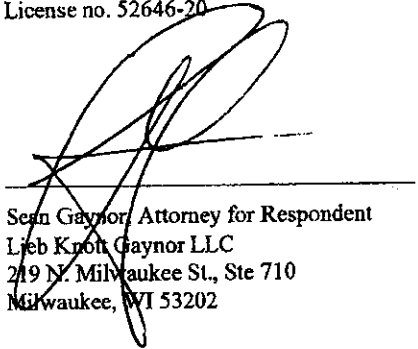
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Douglas R. Arnold, M.D. Respondent  
5575 Polo Ridge  
Waunakee, WI 53597  
License no. 52646-20

Date


9/21/19



Sean Gaynor, Attorney for Respondent  
Lieb Knott Gaynor LLC  
219 N. Milwaukee St., Ste 710  
Milwaukee, WI 53202

Date

9/21/19



Carley J. Peich-Kiesling, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

Date

9/23/19