

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

ROBERT L. STEARS, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER UUU7941

Division of Legal Services and Compliance Case No. 21 MED 133

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

Robert L. Stears, M.D.
Houston, TX 77040

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 Robert L. Stears, M.D. (Year of Birth 1957), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 70776-20, first issued on April 1, 2019, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Houston, Texas 77040.

2. At all times relevant to this proceeding, Respondent practiced radiology.

3. On December 28, 2017, Patient A, a male born in 1931, was transferred to a medical center in Columbus, Georgia, with sepsis, acute renal failure, and diarrhea. He was admitted to the Intensive Care Unit.

4. At approximately 12:50 a.m. on December 29, 2017, an arterial line was placed in Patient A's right radial artery, and at 1:10 a.m. a right internal jugular line was placed. At 1:41 a.m. (CST), a STAT chest x-ray was ordered. The order comment noted that Patient A was status post right IJ central line placement.

5. Respondent reviewed Patient A's chest x-ray and issued his report at 2:20 a.m. (EST). In his findings, Respondent's interpretation confirmed there was a small left pleural effusion and no pneumothorax but did not make mention of the central line or its placement.

6. At 2:30 a.m. (CST), a second chest x-ray was ordered after Patient A was intubated. Respondent reviewed the second chest x-ray and issued his report at 3:48 a.m. (EST). In his findings, Respondent noted that the right jugular central line tip is in the downstream left subclavian vein.

7. On December 30, 2017, a chest CT was performed and interpreted by another provider. It found that the "right-sided central line within the right common carotid with the tip at the origin of the right common carotid." The central line was determined to be malpositioned and was removed.

8. Patient A suffered severe vascular injury to his brain and died on January 9, 2018.

9. Respondent failed to comment on the central line in his first report, even after the indication was "right IJ central line placement," and failed to identify that the central line did not follow the course of any anatomic vein and, therefore, should have been flagged for further investigation.

10. Respondent denies that his care fell below the standard of minimally competent medical practice but, in resolution of this matter, 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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct 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 whether or not the act or omission resulted in actual harm to any person, pursuant to Wis. Admin. Code § Med 10.03(2)(b).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.
3. Respondent's license to practice medicine and surgery in the state of Wisconsin, (license number 70776-20), and his right to renew such license, is LIMITED as follows:
 - a. Within six months of the date of this Order, Respondent shall successfully complete six hours of education on the topic of the radiologic appearance and reporting of central lines.
 - 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's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - d. Within 30 days of completion of the ordered education, Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - 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 continuing education requirements that have been or may be instituted by the Board or Department.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$789.00.
5. Requests for course approval, 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 70776-20), 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: Shelton A. Wasserman, MD
A Member of the Board

4/20/2022
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT L. STEARS, M.D.,
RESPONDENT.

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STIPULATION

ORDER 0007941

Division of Legal Services and Compliance Case No. 21 MED 133

Respondent Robert L. Stears, 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 John Reid.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

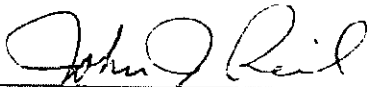
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Robert L. Stears, M.D., Respondent
Houston, TX 77040
License No. 70776-20

March 31, 2022

Date



John Reid, Attorney for Respondent
Cassiday Schade LLP
330 E. Kilbourn Ave., Suite 575
Milwaukee, WI 53202

Apr. 15, 2022

Date



Julie Zimmer, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/6/2022

Date