

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
VINCENT A. GIANNATTASIO, M.D., : LS-9406101-MED
RESPONDENT. :

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Vincent A. Giannattasio, M.D.
161 W. Wisconsin Ave., #4125
Milwaukee, WI 53203

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. That Vincent A. Giannattasio, M.D., Respondent, (DOB: 6/13/33) is currently licensed and registered to practice medicine and surgery in the state of Wisconsin, pursuant to license# 14874, which was first granted on January 14, 1964.
2. That the Respondent's last address registered with the Department of Regulation and Licensing is 161 W. Wisconsin Avenue, #4125, Milwaukee, WI 53203.
3. That Respondent specializes in psychiatry.
4. That on June 18, 1975 Patient I began seeing Respondent in his professional capacity for treatment of depression, which treatment continued until February of 1978.
5. Beginning approximately the first of September, 1975 Respondent and Patient I began having sexual contact in Respondent's office at treatment sessions.

6. That on March 12, 1976, Patient II began seeing Respondent in his professional capacity, for relationship issues. Their professional relationship continued until February of 1980.

7. Respondent and Patient II first had sexual intercourse on January 3, 1978 during a therapy session. They continued to have sexual intercourse until the relationship ended.

8. Patient III began seeing Respondent for therapy in early 1981, and the professional relationship continued until October, 1981.

9. Respondent and Patient III began having sexual contact at therapy sessions in the office which continued until the end of the professional relationship.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to sec. 227.44(5), and 448.02(5), Wis. Stats.

3. That Respondent having had sexual contact with patients I, II, and III, while they were Respondent's psychiatric patients, constitutes unprofessional conduct as defined by sec. 448.02(3), Wis. Stats., and Wis. Adm. Code sec. MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the surrender by Vincent A. Giannattasio, M.D. of his license to practice medicine and surgery in the state of Wisconsin is hereby accepted, effective February 28, 1995.

IT IS FURTHER ORDERED that Vincent A. Giannattasio is hereby prohibited from ever reapplying for a license to practice medicine and surgery in the state of Wisconsin.

Dated in Madison, Wisconsin this 26th day of January, 1995.



Clark O. Olsen, M.D.
Chairperson
Medical Examining Board

JRZ:daw
ATY:FLG1190

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	
VINCENT A. GIANNATTASIO, M.D.,	:	LS-9406101-MED
RESPONDENT.	:	91 MED 434, 92 MED 042
	:	and 93 MED 027

It is hereby stipulated and agreed, by and between, Vincent A. Giannattasio, M.D., Respondent; Scott E. Hansen, attorney for Respondent; and, John R. Zwieg, as attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. On June 10, 1994, a disciplinary complaint was filed in this matter, alleging that Respondent had engaged in unprofessional conduct with three female patients.

2. The parties agree that this stipulated resolution may be presented directly to the Wisconsin Medical Examining Board and need not be presented to the Administrative Law Judge appointed in this matter.

3. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving the allegations by clear and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

4. Respondent is aware of his right to seek legal representation and has done so prior to signing this Stipulation.

5. Respondent denies the allegations of the Complaint, but for personal reasons withdraws his Answer to the Complaint and agrees to the issuance of the attached Final Decision and Order by the Medical Examining 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.

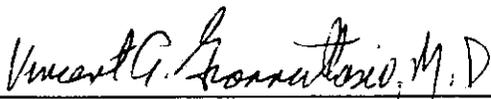
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. Respondent hereby tenders the surrender of his license to practice medicine and surgery in the state of Wisconsin.

8. The parties to this Stipulation agree that the Respondent, his counsel, and the attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

9. The parties to this Stipulation agree that the member of the Board appointed as the investigative advisor in this matter may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

Dated this 26 day of January, 1995.



Vincent A. Giannattasio, M.D.
Respondent

Dated this 26 day of January, 1995.



Scott E. Hansen
Attorney for Respondent

Dated this 20th day of January, 1995.



John R. Zwig
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

ATY2-6290

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN MEDICAL EXAMINING BOARD.

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

MARCH 14, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)