

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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
JAMES J. SCERPELLA, M.D.,	:	LS # 0508173MED
RESPONDENT.	:	

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Division of Enforcement Case # 04 MED 028

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

James J. Scerpella, M.D.  
114 Lake Dr.  
South Milwaukee, WI 53172

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Medical Examining Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James J. Scerpella, M.D., (DOB 10/11/1955) is duly licensed as a physician in the state of Wisconsin (license # 38634). This license was first granted on 03/21/1997.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 114 Lake Dr., South Milwaukee, WI 53172.
3. At all times relevant to this action, Respondent was working as a physician at Lakeshore Medical Clinic in Cudahy, Wisconsin. As part of his practice, Respondent made house calls.
4. J.D. was Respondent's medical assistant at Lakeshore Medical Clinic for about three years. She was also his patient.
5. On October 3, 2003, J.D. left work early due to pain relating to torn rotator cuffs.

6. Respondent telephoned J.D. at home and asked if he could come to her home to examine her.
7. Respondent came to J.D.'s apartment and appropriately examined her shoulders, back, hips and spine.
8. After the examination, Respondent put his hand under J.D.'s sweater and bra, and touched her left breast.
9. J.D. immediately objected, and Respondent immediately apologized and stated that he had "crossed the line."
10. Respondent pled no contest to a charge of Fourth Degree Sexual Assault.
11. Respondent began counseling related to his conduct within a week of the incident. His therapist, Herb Roehrich, M.D., is supportive of Respondent's ability to safely practice medicine.
12. Respondent voluntarily underwent an independent mental status evaluation on October 19, 2004 with Dr. Carlyle Chan. Dr. Chan expressed his opinion that this was an isolated event not likely to be repeated and that Respondent could safely practice medicine.

### 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 and Order, pursuant to Wis. Stat. § 227.44(5).
2. The conduct described in paragraphs 3-12, above, constitutes a violation of Wisconsin Administrative Code §§ MED 10.02(2)(zd) and MED 10.02(2)(r), subjecting Respondent to discipline pursuant to Wis. Stat. § 448.02(3).

### ORDER

#### IT IS ORDERED:

1. Respondent James J. Scerpella, M.D., is REPRIMANDED.
2. The license of James J. Scerpella, M.D. to practice medicine in the State of Wisconsin is LIMITED as follows:
  - a. Respondent will take an 8 hour course in professional boundaries, to be approved in advance by the Board or its designee.
  - b. Respondent will continue counseling with Dr. Herbert Roehrich or another equally qualified counselor to be approved in advance by the Board or its designee, at a frequency to be determined by the therapist, until such time as the therapist recommends that treatment be discontinued.
3. Respondent shall, within (90) days from the date of this Order, pay costs of this proceeding in the amount of Eight Hundred dollars (\$800.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education in boundaries, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. [\[smg1\]](#)

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

Medical Examining Board

By: Alfred L. Franger, MD  
A Member of the Board

August 17, 2005  
Date

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[\[smg1\]](#) This section should be the standard summary suspension provision: **Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.** Where the terms of discipline consist of a forfeiture, costs or continuing education, alternative "self-effectuating" language should be utilized. E.g.: **In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**