

# 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 THE DISCIPLINARY :  
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**  
:  
:  
FREDERICK J. BARTIZAL, M.D., : LS0803194MED  
RESPONDENT. :

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05 MED 89

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

Frederick J. Bartizal, M.D.  
1136 Westowne Dr.  
Neenah, WI 54956

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

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. Frederick J. Bartizal, M.D., was born on October 13, 1943, and is duly licensed as a physician in the State of Wisconsin license # 19650, which was originally granted on October 17, 1975. Respondent is also licensed as a physician in the State of Florida license # ME 39702, which was originally granted on August 23, 2004.

2. Respondent's most recent address on file with the Department of Regulation & Licensing is 1136 Westowne Drive, Neenah, Wisconsin 54956.

3. On August 17, 2004, the Florida Board of Medicine entered a Notice of Intent to Approve Licensure with Conditions which ordered that Dr. Bartizal's application for licensure by endorsement be approved with the following conditions: a). That Dr. Bartizal submit a corrected page of his licensure application which included question # 46, which asked for a list of all the medical malpractice cases that had been filed against him, and the medical malpractice exhibit. b). That he submit a new application fee. c). That he pay an administrative fee of \$5,000. d). That his practice be restricted in that he is prohibited from performing any type of surgery.

4. The factual allegations bringing the Respondent before the Florida Board of Medicine were that Respondent had obtained a Florida medical license by misrepresentation and failing to disclose required information. Respondent had failed to correctly answer question # 46 on his Florida licensure application because he mistakenly failed to list a medical malpractice case that was still pending, that he had failed to provide accurate information on the medical malpractice exhibit to his Florida licensure application because he mistakenly failed to list a medical malpractice case that was still pending, and that he had failed to disclose on his Florida licensure application that he had been treated for or had a reoccurrence of a diagnosed physical impairment (sleep deprivation epilepsy). Respondent was prohibited from performing any type of surgery due to this diagnosed physical impairment.

5. A true and correct copy of Florida's Notice of Intent to Approve Licensure with Conditions is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

CONCLUSIONS OF LAW

A. 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).

B. Respondent, by having been issued a limited license by the Florida Board of Medicine, subjected his Wisconsin license to discipline pursuant to Wis. Adm. Code § MED 10.02(q).

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that:

1. That Respondent's license is LIMITED as provided in Wis. Stat. §448.02(3)(e), and as follows: Respondent shall not perform any surgical procedure.

2. Respondent shall, within sixty (60) days from the date of this Order, pay COSTS of this proceeding in the amount of \$500 (Five hundred 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. In the event Respondent fails to timely fails to pay costs the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

WISCONSIN MEDICAL EXAMINING BOARD:

By: Gene Musser MD  
A Member of the Board

3/19/08  
Date

STATE OF FLORIDA  
BOARD OF MEDICINE

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Heather Coleman*  
DATE 8-23-04

IN RE THE APPLICATION FOR  
LICENSURE OF:

**FRED J. BARTIZAL, M.D.**

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**NOTICE OF INTENT TO APPROVE LICENSURE WITH CONDITIONS**

This matter came before the Credentials Committee of the Florida Board of Medicine at a duly-noticed public meeting on July 24, 2004, in Tallahassee, Florida and the full Board on August 7, 2004, in Tallahassee, Florida. The applicant appeared before the Credentials Committee on July 24, 2004, and presented testimony regarding the application file.

The application file demonstrates:

1. The applicant failed to correctly answer question #46 on the licensure application and did not provide correct information on the malpractice exhibit to the licensure application.
2. The applicant failed to disclose on his licensure application that he has been treated for or had a recurrence of a diagnosed physical impairment.
3. The applicant failed to disclose accurate information on the malpractice exhibit to the licensure application.

The Board found the applicant in violation of Section 458.331(1)(gg), Florida Statutes, for misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure. Based on the foregoing, the Board may refuse to certify an applicant for licensure, or restrict the practice of the licensee, or impose a penalty, pursuant to Sections 458.331(2) and 456.072(2), Florida Statutes.

It is therefore **ORDERED** that the application for licensure by endorsement be **approved** under the following conditions, so long as the conditions are met prior to licensure:

1. Applicant submit a corrected page of the licensure application which includes question #46 and the exhibit.

2. Applicant submit a new application fee.

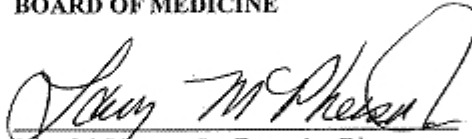
3. Applicant pay an administrative fine of \$5,000.00.

In addition, the applicant's practice is **restricted** in that he is prohibited from performing any surgery.

This Order shall become effective upon filing with the Clerk of the Department of Health.

**DONE AND ORDERED** this 18 day of AUGUST, 2004.

**BOARD OF MEDICINE**



Larry McPherson, Jr., Executive Director  
for ELISABETH TUCKER, M.D., CHAIR

NOTICE TO APPLICANT

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Executive Director of the Board, 4052 Bald Cypress Way, Bin #C03, Florida 32329-3253, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, Florida Administrative Code, *including a statement of the material facts which are in dispute*. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, Florida Administrative Code.

Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Certified Mail to **Fred J. Bartizal, M.D.**, 100 Grant Street, Neenah, WI 54956; and, by interoffice mail to **Rosanna Catalano**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 on this 23 day of August, 2004.

Erica S. Puccio  
**Deputy Agency Clerk**

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2/11/04