

# 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.,	:	LS 0903191 MED
RESPONDENT.	:	

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[Division of Enforcement Case # 08 MED 070]

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

Frederick J. Bartizal, M.D.  
100 Grant Street  
Neenah, WI 54956

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

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

PROCEDURAL HISTORY

A formal complaint was authorized by the Medical Examining Board on March 18, 2009, and filed on March 19, 2009. 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 this 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., Respondent, date of birth October 13, 1943, is licensed and currently registered by the Wisconsin Medical Examining Board (Board) to practice medicine and surgery in the state of Wisconsin pursuant to license number 19650, which was first granted October 17, 1975.

2. Respondent's last address reported to the Department of Regulation and Licensing is 100 Grant Street, Neenah, WI 54956.

3. Respondent's practice specialty listed with the Department is obstetrics and gynecology.

4. On March 19, 2008, the Board issued a Final Decision and Order which limited Respondent's license to practice medicine and surgery in the state of Wisconsin. The Order prohibits Respondent from performing any surgical procedure. The Limitation is in place due to a diagnosed physical impairment.

5. On November 19, 1996, Patient BP gave birth to a stillborn child. Respondent was her obstetrician. In *Pierce v. Physicians Ins. Co of WI et al*, 2005 WI 14, 278 82, 692 Wis.2d 558, Respondent stipulated to negligence in the management of Patient BP's labor and

that the negligence caused the child to be stillborn.

6. Respondent suffers from a physical condition which renders him unable to practice surgery or obstetrics.
7. Respondent is retired but does occasional work in a Wisconsin community clinic.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
2. Respondent behavior set forth above constitutes a violation of Wis. Admin. Code § MED 10.02(2)(i) and he is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Frederick J. Bartizal, M.D., Respondent, to practice medicine and surgery in the state of Wisconsin is FURTHER LIMITED as follows: Respondent shall not practice obstetrics, nor engage in any practice related to obstetrics. This limitation is not meant to prevent Respondent from providing necessary emergency assistance to a pregnant patient, provided Respondent immediately refers the patient to another physician who is qualified to practice obstetrics.
2. All other terms and conditions of the Board's March 19, 2008 Final Decision and Order shall remain in effect.
3. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$560.00 pursuant to Wis. Stat. § 440.22(2).
4. Payment shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817
5. 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, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Gene Musser MD  
A Member of the Board

4/15/09  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
FREDERICK J. BARTIZAL, M.D.,	:	<u>LS 0903191 MED</u>
RESPONDENT.	:	

[Division of Enforcement Case # 08 MED 070]

It is hereby stipulated and agreed, by and between Frederick J. Bartizal, M.D., Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent’s licensure by the Division of Enforcement (file 08 MED 070). Respondent consents to the resolution of this matter by stipulation and without a hearing.
2. Respondent understands that by signing 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 those allegations by a preponderance of the 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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 be returned to the administrative law judge 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such case 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. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Frederick J. Bartizal, M.D.  
Respondent  
100 Grant Street  
Neenah, WI 54956

\_\_\_\_\_  
Date

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Sandra L. Nowack  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

\_\_\_\_\_  
Date