

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JASON T. GENDERKE, M.D.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: 0003230

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Division of Legal Services and Compliance Case No. 13 MED 018

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

Jason T. Gengerke, M.D.  
4922 W Reese Ct.  
Visalia, CA 93277-0602

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 this Order and the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed the 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 Jason T. Gengerke, M.D., (dob December 02, 1975), is licensed to practice medicine and surgery in the state of Wisconsin, having license number 50752-20, first issued on August 02, 2007, with registration expired on November 01, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4922 W Reese Ct., Visalia, California 93277-0602.

2. On April 21, 2013, the Department opened 13 MED 018 to investigate allegations that Respondent violated Wis. Admin. Code § 10.02(2)(h) by failing to diagnose compartment syndrome in a patient who Respondent treated in the emergency room.

*Note: References are to Wis. Admin. Code § Med 10.02(2), as it existed before October 1, 2013.*

3. Respondent disputes the allegations, but chooses to resolve 13 MED 018 by way of this order and the attached Stipulation.

### 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).

### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license by Jason T. Gengerke, M.D., license number 50752-20, to practice medicine and surgery in the State of Wisconsin and the right to renew that license is hereby accepted.

3. In the event that Respondent applies for licensure in the future, the Board may deny such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted is in the Board's sole discretion.

4. Within 90 days from the date of this Order, Jason T. Gengerke, M.D., shall pay COSTS of this matter in the amount of \$693.53

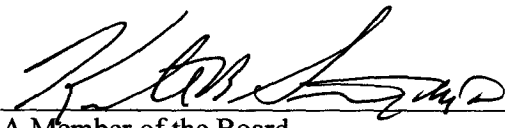
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

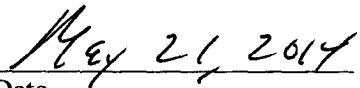
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including unlicensed practice of medicine and surgery, may be construed as conduct imperiling public health, safety and welfare and may result in legal consequences. In the event Respondent engages in the unlicensed practice of medicine and surgery or fails to pay costs as ordered, the Board in its discretion may refuse to consider any future application for licensure.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:   
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JASON T. GENGGERKE, M.D.,  
RESPONDENT.

STIPULATION

0003230

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Division of Legal Services and Compliance Case No. 13 MED 018

Respondent Jason T. Gengerke, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

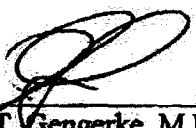
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 before signing this Stipulation, and is represented by Attorney Richard J. Thomas.
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. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Jason T. Gengerke, M.D., Respondent  
4922 W Reese Ct.  
Visalia, CA 93277-0602  
License no. 50752-20

4/23/2014  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard J. Thomas, Attorney for Respondent  
Burke and Thomas, PLLP  
3900 Northwoods Drive, Suite 200  
St. Paul, MN 55112

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joost Kap, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

\_\_\_\_\_  
Date

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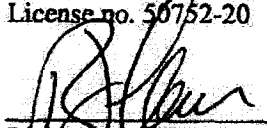
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

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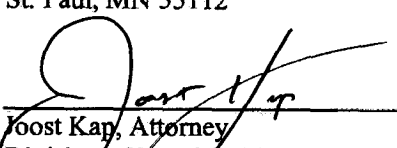
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

\_\_\_\_\_  
Jason T. Gengerke, M.D., Respondent  
4922 W Reese Ct.  
Visalia, CA 93277-0602  
License no. 50752-20

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard J. Thomas, Attorney for Respondent  
Burke and Thomas, PLLP  
3900 Northwoods Drive, Suite 200  
St. Paul, MN 55112

4/24/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Joost Kap, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

4/29/14  
\_\_\_\_\_  
Date