

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFREY B. GORELICK, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003322

Division of Legal Services and Compliance Case Nos. 11 MED 360, 11 MED 361, 13 MED 083

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

Jeffrey B. Gorelick, M.D.
6560 N. Atwahl Drive
Greendale, WI 53209

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 the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jeffrey B. Gorelick, M.D., (dob August 24, 1955), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 24928-20, first issued on October 22, 1982, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6560 North Atwahl Drive, Greendale, Wisconsin 53209.

2. Patient A, an adult female, reports that on June 24, 2011, Respondent saw Patient A for treatment of fibromyalgia. While Respondent was conducting an exam and checking trigger point pressures, he forcefully put pressure between Patient A's buttocks and when Patient A reacted, Respondent acknowledged that Patient A did not like it, but pushed on the area again.

3. Patient B, an adult female, reports that on September 9, 2011, Patient B saw Respondent due to chronic pain in her left leg, hip and heel.

4. According to Patient B, she was dressed in a gown and Respondent asked her to face the wall and stand for an examination. Respondent made skin-to-skin contact with Patient B's buttocks. Respondent pulled his hands up between Patient B's buttocks with sufficient force to cause Patient B to lose her balance such that she had to grab the examination table to steady herself.

5. Respondent denies that he examined any part of Patient A or Patient B's buttocks on the dates in question. He indicated that relevant medical records do not show that he would have had a reason to touch the patients' buttocks on the dates in question.

6. Both Patient A and Patient B report that Respondent spoke to them about sexual issues they felt were unrelated to their medical care, and the questions made them uncomfortable.

7. Patient A and Patient B do not know each other and each is unaware of the other's allegations.

8. There is insufficient evidence to establish that Respondent's interactions with Patients A and B were sexually motivated, and Respondent denies any sexual motivation for his contacts with Patient A or Patient B.

9. Respondent states that he is deeply committed to providing care to patients with fibromyalgia, despite the sometimes challenging nature of the patients with fibromyalgia.

10. During the pendency of these matters, the Division received a complaint from Patient C's spouse concerning prescriptions Respondent provided to Patient C. Respondent adequately addressed the patient's own concern and no longer prescribes for the patient.

11. Respondent denies that he engaged in the conduct set forth above. He states that any discussions the patients reported that were of a sexual nature were made for the purpose of legitimate medical treatment. He agrees that the presence of a chaperone is advisable when he has contact with a patient's intimate parts. He has agreed to resolve this matter through stipulation and knows, understands and agrees that the Findings of Fact are sufficient to support the Conclusions of Law and Order below.

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).

CONCLUSIONS OF LAW

2. 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).

Note: All references to Wis. Admin. Code § Med 10.02(2) refer to the Code as it existed before October 1, 2013.

3. The conduct described in the Findings of Fact, above, is contrary to Wis. Admin. Code § Med 10.02(2)(u).

4. As a result of the above conduct, Jeffrey B. Gorelick, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The medicine and surgery license issued to Jeffrey B. Gorelick, M.D., (license number 24928-20) is LIMITED as follows:

a. Within three (3) months of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of medical record keeping.

b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).

c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.

d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

3. When seeing female patients, Respondent shall have a chaperone present during any examination that includes the patient's intimate parts, including the vaginal area, pelvic area, breast, and buttock, whether clothed or unclothed, and during any examination during which an intimate part is reasonably likely to be touched or exposed. Unless a patient requests a particular chaperone, the chaperone shall be an adult woman who is not related to Respondent. If the patient is a child under age 14, a parent or legal guardian may serve as the chaperone if requested by the parent or legal guardian. Respondent shall document the identity of the chaperone in the patient health care record. This limitation is permanent.

4. When seeing female patients, Respondent shall personally inform a patient of his intent to touch an intimate part immediately before he conducts any examination that includes the patient's intimate parts, including the vaginal area, pelvic area, breast, and buttock, whether clothed or unclothed, and prior to any examination during which an intimate part is reasonably likely to be touched or exposed. Respondent shall document that he informed the patient of his intent in the patient health care record. This limitation is permanent.

5. Within ninety (90) days from the date of this Order, Jeffrey B. Gorelick, M.D., shall pay COSTS of this matter in the amount of \$3,382.00.

6. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

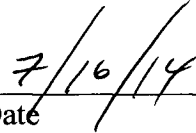
7. Violation of any of the terms of this Order, including failure to satisfactorily complete remedial education or failure to use a chaperone as required above, may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The 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 timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 24928-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

8. Case 13 MED 083 is closed for compliance gained.

9. 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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFREY B. GORELICK, M.D.,
RESPONDENT.

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STIPULATION

0003322

Division of Legal Services and Compliance Case Nos. 11 MED 360, 11 MED 361, 13 MED 083

Respondent Jeffrey B. Gorelick, 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 and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Lori Gendelman.


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.

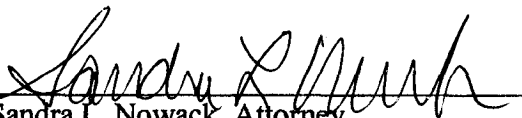
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Jeffrey B. Gorelick, M.D., Respondent
6560 N. Atwahl Dr.
Greendale, WI 53209
License no. 24928-20

6/6/14
Date


Lori Gendelman, Attorney for Respondent
Otjen, Van Ert & Weir, S.C.
700 N. Water Street, Ste. 800
Milwaukee, WI 53202

6/6/14
Date


Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

6/10/14
Date