

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 :
 : FINAL DECISION AND ORDER
JOSEPH J. PIETRAFITTA, M.D., : 0003638
RESPONDENT. :

Division of Legal Services and Compliance Case No. 14 MED 306

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

Joseph J. Pietrafitta, M.D.
9325 Upland Lane N. #205
Maple Grove, MN 55369-4474

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 Joseph J. Pietrafitta, M.D. (dob October 25, 1948), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 34999-20, first issued on November 18, 1993, 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 9325 Upland Lane North #205, Maple Grove, Minnesota 55369-4474.

2. Respondent is board certified in general surgery and internal medicine, and has been continuously licensed to practice medicine and surgery in the state of Minnesota since March 10, 1990.

3. In February and October 2013, the Minnesota Board of Medical Practice (MN Board) received complaints alleging that, in 2011 and 2012, Respondent: improperly performed open and endoscopic carpal ligament release surgeries; provided inappropriate post-operative care; and did so without appropriate informed consent. One or more of these failures occurred with at least three different patients, and resulted in significant permanent injury in two of the cases.

4. On January 16, 2014, Respondent met with the MN Board Complaint Review Committee. Respondent acknowledged that he had not initially recognized a post-operative complication in one of the patients, but denied the remaining allegations. Respondent also informed the committee that he had chosen to refrain from performing carpal tunnel procedures, and had begun referring those patients to other providers.

5. On July 12, 2014, Respondent and the MN Board entered into a stipulation and order (MN Order). The MN Order reprimanded Respondent, imposed a monetary penalty, and limited his license for a minimum of two years, including that Respondent shall not perform carpal tunnel release surgery, either with an open or an endoscopic technique.

6. After two years, Respondent may petition the MN Board to reinstate an unconditional license, at which time the MN Board may continue, modify or remove the conditions set forth in the MN Order.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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).

2. By the conduct described in the Findings of Fact, Respondent Joseph J. Pietrafitta, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.03(3)(c) (Oct. 2013) by having adverse action taken by another jurisdiction against his license to practice medicine and surgery.

3. As a result of the above conduct, Joseph J. Pietrafitta, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Joseph J. Pietrafitta, M.D., is REPRIMANDED.

3. The license to practice medicine and surgery in Wisconsin issued to Joseph J. Pietrafitta, M.D., is LIMITED, as follows:

a. Respondent shall not perform carpal tunnel release surgery, either with an open or an endoscopic technique.

b. Respondent shall fully comply with all terms, limitation, and conditions imposed by the MN Order.

b. Respondent shall promptly provide the Board with a copy of any document issued by the MN Board which continues, modifies or removes the conditions of the MN Order, including any document granting or denying, in whole or in part, reinstatement of Respondent's license to practice medicine and surgery in Minnesota.

c. In the event Respondent intends to practice medicine and surgery in the state of Wisconsin, he shall notify the Board of his intentions and Wisconsin practice address(es) at least ninety (90) days prior to his return.

d. Upon Respondent providing proof sufficient to the Board, or its designee, that he has successfully complied with all terms and conditions of the MN Order, the Board or its designee may issue an Order removing the limitation on Respondent's license.

4. Within 90 days from the date of this Order, Joseph J. Pietrafitta, M.D., shall pay COSTS of this matter in the amount of \$239.58.

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 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, Respondent's license (34999-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

1/26/15
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
JOSEPH J. PIETRAFITTA, M.D., :
RESPONDENT. :

0003638

Division of Legal Services and Compliance Case No. 14 MED 306

Respondent Joseph J. Pietrafitta, 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.

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.

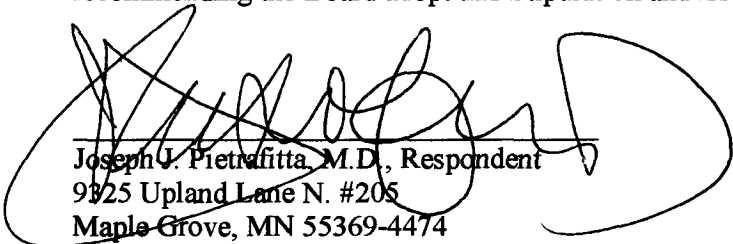
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

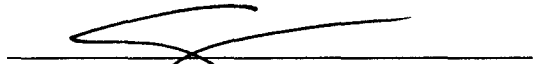
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



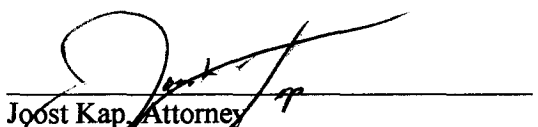
Joseph J. Pietrafitta, M.D., Respondent
925 Upland Lane N. #205
Maple Grove, MN 55369-4474
License no. 34999-20

12/3/14
Date



Anthony J. Novak, Attorney for Respondent
Larson & King, LLP
30 East Seventh Street, Suite 2800
Saint Paul, MN 55101

12-16-14
Date



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

12/19/14
Date