

## 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

CHRISTOPHER A. GARCES, M.D.  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

**00039 18**

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Division of Legal Services and Compliance Case Number 14 MED 353

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

Christopher A. Garces, M.D.  
4915 Dennwood Drive  
Sheboygan, Wisconsin 53083

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 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 Christopher A. Garces, M.D. (dob July 03, 1973), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 52732-20, first issued on March 04, 2009, 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 4915 Dennwood Drive, Sheboygan, Wisconsin 53083.

2. Respondent's practice specialty is surgery, and at all times pertinent to this matter, he practiced medicine in Sheboygan, WI.

3. Respondent and Patient A's last office visit in which the surgery was discussed was on September 4, 2013. The patient delayed the surgery until November 22, 2013. On November 22, 2013, Patient A signed a written consent form for right inguinal hernia surgery, which Respondent performed. Respondent reports finding a weakness in the area in which he operated, consistent with a defect that would have required repair at some point in the future. The patient's recovery from the surgery was without complication.

4. Respondent acknowledges that the intended procedure was for a right lower quadrant incisional hernia surgery, which Respondent performed on December 13, 2013, without complication.

5. By performing the wrong procedure on Patient A, Respondent's care of Patient A fell below the standard of minimal competence.

6. Respondent denies that he fell below the standard of minimal competence. However, 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 these matters pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 227.44(5) and 448.02(5).

2. Respondent Christopher A. Garces, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code §§ Med 10.03(2)(d) (Oct. 2013) by performing the wrong procedure on Patient A.

3. As a result of the above violation, Respondent Christopher A. Garces, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Christopher A. Garces, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent Christopher A. Garces, M.D., shall pay COSTS of this matter in the amount of \$238.92 dollars.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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


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 timely submit payment of costs as ordered, Respondent's license (no. 52732-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied.

6. 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

CHRISTOPHER A. GARCES, M.D.,  
RESPONDENT.

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STIPULATION

**00039 18**

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Division of Legal Services and Compliance Case No. 14 MED 353

Respondent Christopher A. Garces, 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 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

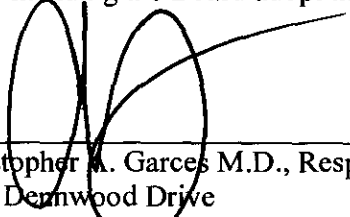
Stipulation  
In the matter of disciplinary proceedings against  
Christopher A. Garces, M.D., Case No. 14 MED 353

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.

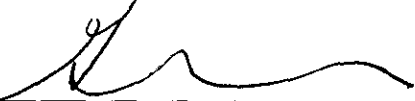
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

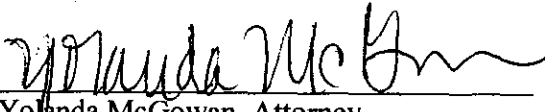
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Christopher A. Garces M.D., Respondent  
4915 Dennwood Drive  
Sheboygan, Wisconsin 53083  
License No. 52732-20

7/27/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Lori Gendelman, Attorney for Respondent  
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.  
20935 Swenson Drive, Suite 310  
Waukesha, WI 53186

3/30/15  
\_\_\_\_\_  
Date

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

4/2/15  
\_\_\_\_\_  
Date