

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOHN A. CAFARO, M.D.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
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:

0004070

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Division of Legal Services and Compliance Case No. 14 MED 266

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

John A. Cafaro, M.D.  
2311 N. Prospect Ave.  
Milwaukee, WI 53211

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 John A. Cafaro, M.D. (dob February 14, 1964), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 41324-20, first issued on August 06, 1999, 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 2311 N. Prospect Avenue, Milwaukee, Wisconsin 53211. Respondent is certified in family medicine by the American Board of Family Medicine.

**Prior Case: 12 MED 436**

2. On April 24, 2013, the Board issued Respondent an Administrative Warning for his failure to obtain parental consent prior to ordering immunizations for two minor patients.

**Current Case: 14 MED 266**

3. On May 28, 2014, Respondent saw two minors, Patient A and Patient B, for their annual checkups. It was the first time Respondent had treated the patients. The patients' mother was asked to stay in the waiting room and was told she would be called if there were any questions.

4. The mother was not summoned for any questions and when Patient A and B were returned to her in the waiting room, she was informed that both had received vaccinations for Hepatitis A and HPV, and that Patient B also received a Meningococcal vaccine.

5. There were no informed consent forms in the patient charts for these visits, and the mother was not otherwise informed nor did she consent to her children receiving the vaccinations.

6. Respondent acknowledges that he failed to get informed consent from the mother prior to vaccinating Patients A and B.

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 John A. Cafaro, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.03(2)(j) (Oct. 2013) by performing an act constituting the practice of medicine and surgery without required informed consent under s. 448.30, Stats.

3. As a result of the above conduct, John A. Cafaro, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

**ORDER**

1. The attached Stipulation is accepted.

2. Respondent John A. Cafaro, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to John A. Cafaro, M.D., (license number 41324-20) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete ten (10) hours of education on the topic of informed consent.

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.

4. Within 90 days from the date of this Order, John A. Cafaro, M.D., shall pay COSTS of this matter in the amount of \$410.

5. 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

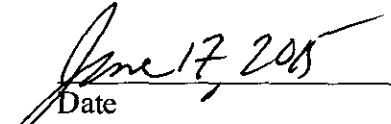
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's

license (no. 41324-20) 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.

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

JOHN A. CAFARO, M.D.,  
RESPONDENT.

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:  
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STIPULATION

0004070

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Division of Legal Services and Compliance Case No. 14 MED 266

Respondent John A. Cafaro, 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

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.

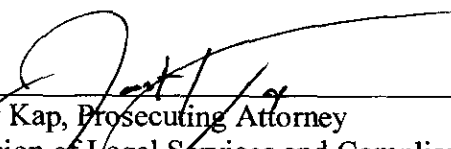
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
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John A. Cafaro, M.D., Respondent  
2311 N. Prospect Ave.  
Milwaukee, WI 53211  
License no. 41324-20

5/18/15  
Date

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

5/26/15  
Date