

## 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 THE LICENSE OF :  
: FINAL DECISION AND ORDER  
BRUCE CARDONE, M.D. : FOR REMEDIAL EDUCATION  
:

0004659

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Division of Legal Services and Compliance Case No. 14 MED 281

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

Bruce W. Cardone, M.D.  
501 N. Thornbush Circle  
Hartland, Wisconsin 53029-8649

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 Bruce W. Cardone, M.D., (DOB January 29, 1955), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 30890-20, first issued on January 24, 1990, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 501 N. Thornbush Circle, Hartland, Wisconsin 53029-8649.

2. On January 15, 2014, Patient A, a female born in 1971, first presented to Respondent for a consultation related to varicose veins.

3. Between May 12, 2014 and May 23, 2014, Respondent performed bilateral low extremity endovenous laser ablation treatments on Patient A.

4. On May 27, 2014, Patient A presented for a follow up ultrasound evaluation of her left leg. Respondent found the common femoral vein (CFV) partially occluded and diagnosed the patient with a deep vein thrombosis (DVT). Respondent prescribed a therapeutic dose of Lovenox,<sup>®</sup> 100 mg daily, for one month.

5. Between May 29, 2014, and June 5, 2014, Respondent saw the patient for follow-up ultrasound evaluation and treatment of Patient A's DVT.

6. At a follow up visit on June 12, 2014, Respondent noted the DVT had improved as it had retracted back out of the CFV. Patient A was advised to continue taking Lovenox<sup>®</sup>, use compression stockings, and return for follow up ultrasound evaluation in one week.

7. On June 16, 2014, Patient A presented to her primary care provider's physician assistant (PA) for a second opinion. Patient A relayed a history of deep vein DVT in her left leg and the use of Lovenox<sup>®</sup>. The PA renewed the Lovenox<sup>®</sup> thru June 30, 2014, advised Patient A to start Coumadin<sup>®</sup><sup>1</sup>, 10 mg daily, beginning June 28, 2014, and ordered a referral to general surgery and vascular physician, Dr. A.

8. On June 18, 2014, Patient A returned to see Respondent at which time Respondent aspirated six cc's of blood from Patient A's right calf and performed an ultrasound of the left leg. During the aspiration, Respondent confronted Patient A because he was very concerned and objected that a PA intended to institute a treatment plan without seeing the patient's treatment records or discussing the patient with Respondent. The Respondent believed that the PA was using a potentially dangerous medication to treat a medical problem that no longer existed.

9. On July 3, 2014, Patient A presented to Dr. A for follow up care and treatment.

10. Patient A reported her interactions with Respondent to Dr. A during the above-noted visit as evidenced by Dr. A's charting which states as follows: *On June 18 the patient had a follow up appointment at the vein clinic where the patient was "reprimanded" for seeking a second opinion.*

11. Respondent offered Patient A the option of a second opinion with a vascular surgeon on several occasions before the office visit of June 18, 2014 but did not chart his discussions with Patient A in this regard.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

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<sup>1</sup> Coumadin<sup>®</sup> is the brand name for warfarin.

2. Within nine (9) months of the date of this Order, Bruce W. Cardone, M.D., shall take and successfully complete four (4) hours of education on the topic of communication in medical practice.

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

b. The Board or its designee may reject any course.

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

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

e. The education completed pursuant to this requirement may not be used to satisfy any other continuing education requirements.

3. Proof of successful course completion 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

4. In the event of violation of any of the terms of this Order, the Board in its discretion may impose conditions and limitations or other discipline.

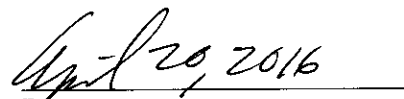
5. This Remedial Educational Order is not considered disciplinary action taken by the Wisconsin Medical Examining Board and pertains solely to Respondent's communication with Patient A regarding the PA's change in treatment plan.

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

BRUCE W. CARDONE, M.D.,  
RESPONDENT.

:  
:  
:  
:  
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STIPULATION

0004659

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Division of Legal Services and Compliance Case No. 14 MED 281

Respondent Bruce W. Cardone, 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 Attorneys Lori Gendelman and Jason Franckowiak.

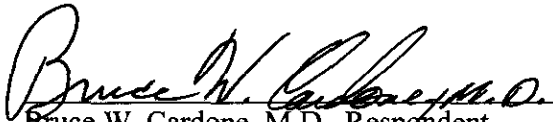
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.

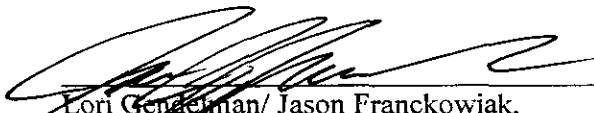
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

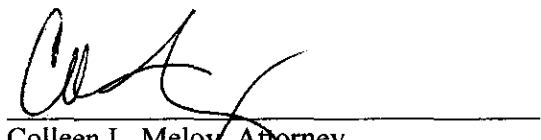
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Bruce W. Cardone, M.D., Respondent  
501 N. Thornbush Circle  
Hartland, Wisconsin 53029-8649  
License no. 30890-20

03/22/2016  
Date

  
Lori Gendelman/ Jason Franckowiak,  
Attorneys for Respondent  
Otjen, Gendelman, Zitzer, Johnson & Weir, S.C.  
20935 Swenson Dr., Ste. 310  
Waukesha, WI 53186

3/29/16  
Date

  
Colleen L. Meloy, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3/30/16  
Date