

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
ABEL A. GARIBALDI, M.D., :  
RESPONDENT. :

**0004661**

---

Division of Legal Services and Compliance Case No. 14 MED 270

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

Abel A. Garibaldi, M.D.  
629 N. Lake Road  
Oconomowoc, WI 53066

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 Abel A. Garibaldi, M.D. (DOB April 22, 1944), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 42363-20, first issued on July 21, 2000, 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 629 N. Lake Road, Oconomowoc, Wisconsin 53066.

2. Respondent is board certified in both general surgery and cardiothoracic surgery by the American Board of Medical Specialties.

Final Decision and Order  
In re the disciplinary proceedings against  
Abel A. Garibaldi, M.D., Case No. 14 MED 270

3. Respondent was previously licensed to practice medicine and surgery by the State of Oregon and at all times giving rise to this matter, Respondent had medical staff privileges at a healthcare facility (the hospital) located in Oregon.

4. In or about August 2013, the State of Oregon Medical Board (Oregon Board) commenced an investigation into Respondent's practice after receiving information from the hospital expressing concerns about Respondent's laparoscopic surgical skills.

5. On July 10, 2014, while the Oregon investigation was pending, Respondent entered into a Stipulated Order (Order) with the Oregon Board which permanently retired Respondent's license to practice medicine. The Order was in lieu of the Oregon Board requiring Respondent to undergo an evaluation at the Center for Personalized Education for Physicians (CPEP) based upon concerns about Respondent's clinical judgment and medical knowledge relative his laparoscopic surgical skills.

6. The Department opened this investigation after being notified by the Federation of State Medical Boards that Respondent surrendered his Oregon license to practice medicine while under investigation.

7. Respondent reports that his current medical practice involves providing medical evaluations for insurance companies and providing care to homebound patients through a private organization; he has retired from performing surgeries and does not intend to perform them in the future.

8. 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 Abel A. Garibaldi, M.D., violated Wis. Admin. Code § Med 10.03(3)(c) by having any credentialing pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

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

ORDER

1. The attached Stipulation is accepted.

Final Decision and Order  
In re the disciplinary proceedings against  
Abel A. Garibaldi, M.D., Case No. 14 MED 270

2. The medicine and surgery license issued to Abel A. Garibaldi, M.D., (license number 42363-20) is LIMITED as follows:

- a. Respondent may only perform the following surgical procedures involving the integumentary and venous systems:
  - Incision and Drainage
  - Debridement
  - Pairing or Cutting
  - Biopsy (skin)
  - Removal of Skin Tags
  - Shaving of Epidermal or Dermal Lesions
  - Excision Benign Lesions (Skin)
  - Nails
  - Repair (Skin Lacerations)
  - Destruction (of skin lesions)
  - Sclerotherapy
  - Stab Phlebectomy
- b. Respondent shall perform no other surgical procedures without express written permission from the Board or its designee.
- c. In the event Respondent desires to perform any other surgical procedures in the future, Respondent must first petition the Board and provide evidence satisfactory to the Board that Respondent is able to perform additional surgical procedures with reasonable skill and safety of patients and public.
- d. The Board may require Respondent to undergo, and may consider the results of, one or more physical, mental or professional competency examinations if the Board believes that the results of any such examination may be useful to the Board.
- e. Documentation of a competence assessment through CPEP and successful completion of any educational recommendations or additional testing provided in CPEP's report, is pre-approved, and shall be considered evidence satisfactory to the Board of Respondent's competence to perform surgical procedures other than those listed herein.
- f. Whether to remove this limitation from Respondent's license shall be within the sole discretion of the Board.

3. Within ninety (90) days from the date of this Order, Abel A. Garibaldi, M.D., shall pay COSTS of this matter in the amount of \$1,139.50.

Final Decision and Order  
In re the disciplinary proceedings against  
Abel A. Garibaldi, M.D., Case No. 14 MED 270

4. 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

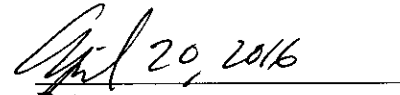
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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. 42363-20) 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.

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

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
ABEL A. GARIBALDI, M.D., : STIPULATION  
RESPONDENT. :  
 : **0004661**

---

Division of Legal Services and Compliance Case No. 14 MED 270

Respondent Abel A. Garibaldi, 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


Stipulation  
In re the disciplinary proceedings against  
Abel A. Garibaldi, M.D., Case No. 14 MED 270

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.

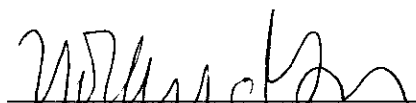
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
\_\_\_\_\_  
Abel A. Garibaldi, M.D., Respondent  
629 N. Lake Road  
Oconomowoc, WI 53066  
License no. 42363-20

4/2/2016  
\_\_\_\_\_  
Date

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

4/4/16  
\_\_\_\_\_  
Date