

## 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 :  
: FINAL DECISION AND ORDER  
CHERYL B. WINGATE, M.D., :  
RESPONDENT. :

**0004938**

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Division of Legal Services and Compliance Case No. 16 MED 140

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

Cheryl B. Wingate, M.D.  
8806 Carriage Lane  
Fairmont, WV 26554

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 Medical Examining Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Medical Examining 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 Cheryl B. Wingate, M.D. (DOB November 28, 1961) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 62068-20, first issued on March 26, 2014, 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 8806 Carriage Lane, Fairmont, West Virginia 26554.

2. Respondent is an obstetrician/gynecologist who is also licensed to practice medicine in the states of West Virginia and Michigan, and has at times practiced telemedicine. She is currently living and working in West Virginia.

3. In 2015, the Michigan Board of Medicine disciplined Respondent for violations of applicable Michigan law pertaining to telemedicine.

4. In 2016, the West Virginia Board of Medicine disciplined Respondent based on the discipline of her Michigan medical license.

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

#### CONCLUSION 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).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license by Cheryl B. Wingate, M.D. (license no. 62068-20) to practice medicine and surgery in the state of Wisconsin and the right to renew that license is hereby accepted, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of her right to practice medicine and surgery in the state of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice medicine and surgery in the state of Wisconsin.

4. If Respondent ever seeks any license under Wis. Stat. chs. 440-480, Cheryl B. Wingate, M.D., shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$370.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

5. If applicable, payment of costs would 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  
DPSMonitoring@wisconsin.gov

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

WISCONSIN MEDICAL EXAMINING BOARD

by: Kenneth A. S. MD  
A Member of the Board

September 24, 2016  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CHERYL B. WINGATE, M.D.,  
RESPONDENT.

:  
:  
:  
:  
:  
:

STIPULATION

0004938

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Division of Legal Services and Compliance Case No. 16 MED 140

Respondent Cheryl B. Wingate, 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.

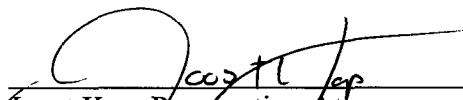
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

DocuSigned by:  
*Cheryl B. Wingate, M.D.*  
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Cheryl B. Wingate, M.D., Respondent  
8806 Carriage Lane  
Fairmont, WV 26554  
License no. 62068-20

8/16/2016

\_\_\_\_\_  
Date

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

8/16/2016  
\_\_\_\_\_  
Date