

## 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  
JEFFREY B. GORELICK, M.D., :  
RESPONDENT. :

**0005516**

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Division of Legal Services and Compliance Case No. 14 MED 554

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

Jeffrey B. Gorelick, M.D.  
6560 N. Atwahl Dr.  
Glendale, WI 53209

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 Jeffrey B. Gorelick, M.D. (dob August 24, 1955), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 24928-20, first issued on October 22, 1982, 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 6560 N. Atwahl Dr., Glendale, Wisconsin 53209.

2. Respondent is certified by the American Board of Physical Medicine and Rehabilitation, and specializes in treating acute and chronic pain.

3. On July 16, 2014, Respondent and the Board resolved case numbers 11 MED 360, 11 MED 361 and 13 MED 083 with a stipulated Final Decision and Order (2014 FDO). The

allegations in those matters were that Respondent inappropriately, but non-sexually, touched female patients during examinations.

4. The 2014 FDO reprimanded Respondent, ordered him to undergo continuing medical education on medical record-keeping, and limited his license as follows:

When seeing female patients, Respondent shall have a chaperone present during any examination that includes the patient's intimate parts, including the vaginal area, pelvic area, breast, and buttock, whether clothed or unclothed, and during any examination during which an intimate part is reasonably likely to be touched or exposed. Unless a patient requests a particular chaperone, the chaperone shall be an adult woman who is not related to Respondent. If the patient is a child under age 14, a parent or legal guardian may serve as the chaperone if requested by the parent or legal guardian. Respondent shall document the identity of the chaperone in the patient health care record. This limitation is permanent.

When seeing female patients, Respondent shall personally inform a patient of his intent to touch an intimate part immediately before he conducts any examination that includes the patient's intimate parts, including the vaginal area, pelvic area, breast, and buttock, whether clothed or unclothed, and prior to any examination during which an intimate part is reasonably likely to be touched or exposed. Respondent shall document that he informed the patient of his intent in the patient health care record. This limitation is permanent.

5. On November 7, 2014, the Department opened this matter based on a complaint alleging Respondent had violated the 2014 FDO.

6. A Department investigator subsequently went to Respondent's practice location and asked to review all files for female patients who were new to Respondent's practice since the 2014 FDO went into effect. Respondent produced twenty-seven patient files, ten of which the Department investigator copied and collected for further review.

7. Those ten patient files reflected that Respondent failed to comply with the 2014 FDO documentation limitation requiring more specific informed consent language. The Department notified Respondent of the violations and directed him to immediately gain full compliance with the 2014 FDO.

8. In June 2016, upon request by the Department, Respondent provided an additional ten patient files purportedly demonstrating improved compliance with the 2014 FDO. Although these records demonstrated improved compliance when compared with the previously gathered records, the Department concluded Respondent at times still failed to comply with the 2014 FDO, specifically the documentation limitation requiring more detailed informed consent language for all examinations involving "his intent to touch an intimate part" or when "an intimate part is reasonably likely to be touched or exposed."

9. Respondent disputes the Department position that the 2014 FDO requires him to use the specific 2014 FDO language during his informed consent discussion and charting of the same. Respondent contends he could prove his compliance with the 2014 FDO limitations, but going forward he nevertheless agrees to specifically use and chart the language quoted in paragraph 8 above.

10. 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 Jeffrey B. Gorelick, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(1)(a) by violating the terms of the 2014 FDO.

3. As a result of the above conduct, Jeffrey B. Gorelick, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jeffrey B. Gorelick, M.D., is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,950.00.

4. Costs shall be made payable to the Wisconsin Department of Safety and Professional Services, and shall be 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  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

5. In the event Respondent violates any term of this Order, Respondent's license (no. 24928-20), may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

  
\_\_\_\_\_   
A Member of the Board

11/15/17  
\_\_\_\_\_   
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
JEFFREY B. GORELICK, M.D., :  
RESPONDENT. : **0005516**

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Division of Legal Services and Compliance Case No. 14 MED 554

Respondent Jeffrey B. Gorelick, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

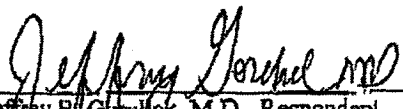
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 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 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.

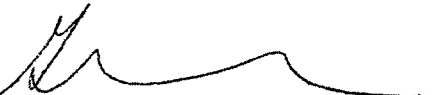
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
\_\_\_\_\_  
Jeffrey B. Gorslock, M.D., Respondent  
6460 N. Atwahl Dr.  
Glendale, WI 53209  
License no. 24928-20

11/6/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Lori Gendelman, Attorney for Respondent  
Ofjen Gendelman Zitzer Johnson & Weir SC  
20935 Swenson Drive, Suite 310  
Waukesha, WI 53186

11/6/17  
\_\_\_\_\_  
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

11/7/17  
\_\_\_\_\_  
Date