

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
BLAISE P. VITALE, M.D., :
RESPONDENT. :

0005996

Division of Legal Services and Compliance Case No. 17 MED 412

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

Blaise P. Vitale, M.D.
22592 Assembly Drive
Grantsburg, WI 54840

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 Blaise P. Vitale, M.D. (DOB June 26, 1963), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 32065-20, first issued on April 18, 1991, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 22592 Assembly Drive, Grantsburg, Wisconsin 54840.

2. At all times pertinent herein, Respondent practiced family medicine at a medical center (Hospital) in Grantsburg, Wisconsin.

3. In October 2017, the Department received a National Practitioner Data Bank Medical Malpractice Payment Report. The report reflects a payout based on Respondent's alleged failure to diagnose sepsis in Patient A, a male born in 1968.

4. On January 28, 2014, Patient A presented to the Hospital's emergency department via ambulance reporting flu for approximately five days.

5. Patient A's medical chart reflects complaints of shortness of breath, right upper quadrant abdominal pain, abdominal swelling, diarrhea, vomiting, and excessive sweating. Nursing notes document that Patient A was jaundiced, pale, and that his skin was cool to the touch.

6. Respondent ordered a chest x-ray and full lab work up. He also ordered that Patient A be admitted to the hospital for administration of fluids and to monitor his elevated kidney function.

7. During this admission, Respondent ordered additional tests, including CT scans, and monitoring.

8. An abdominal CT scan revealed the presence of a large staghorn calculus in the left kidney without evidence of obstruction or perforation. Respondent determined that specialty care was needed and arranged for Patient A to be transferred to another facility.

9. While awaiting transfer, Patient A's medical condition quickly diminished, including difficulty breathing and speaking, so Respondent intubated Patient A for transport.

10. Patient A expired approximately one hour after transport and an autopsy identified *Streptococcus pyogenes* sepsis as a cause of Patient's A's death.

11. Respondent did not diagnose or treat Patient A for sepsis.

12. During the pendency of this action Respondent completed four (4) American College of Emergency Physician continuing medical education courses on the topic of sepsis. Respondent agrees that none of these credits may be used to satisfy any continuing education requirements that have been or may be instituted by the Medical Examining Board or Department.

13. 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 Blaise P. Vitale, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public.

3. As a result of the above conduct, Blaise P. Vitale, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Blaise P. Vitale, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Blaise P. Vitale, M.D., shall pay COSTS of this matter in the amount of \$ 674.73.

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:

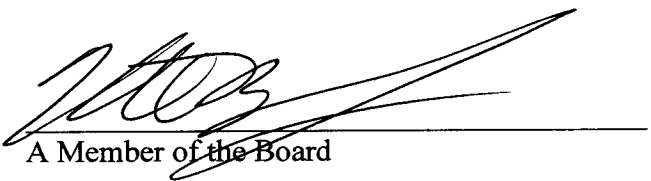
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (no. 32065-20), or Respondent's right to renew his license, 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


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BLAISE P. VITALE, M.D.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0005996

Division of Legal Services and Compliance Case No. 17 MED 412

Respondent Blaise P. Vitale, 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 John B. Casserly

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.


Stipulation
In the matter of disciplinary proceedings against
Blaise P. Vitale, M.D., DLSC Case No. 17 MED 412

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.

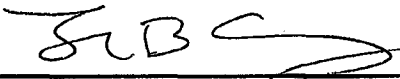
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Blaise P. Vitale, M.D., Respondent
22592 Assembly Drive
Grantsburg, WI 54840
License no. 32065-20

11/23/18
Date


John B. Casserly, Attorney for Respondent
Geraghty, O'Loughlin & Kenney, P.A.
Alliance Bank Center, Suite 1100
55 E. Fifth Street
St. Paul, Minnesota 55101

11-27-18
Date


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

11/27/18
Date