

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
JOSE BOGGIO, M.D., :
RESPONDENT. : **ORDER 0006849**

Division of Legal Services and Compliance Case No. 17 MED 429

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

Jose Boggio, M.D.
Drexel Hill, PA 19026-3019

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 Jose Boggio, M.D. (DOB January 20, 1966) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 44514-20, first issued on May 22, 2002, with registration current through October 31, 2021.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Drexel Hill, PA, 19026-3019.
3. At all times relevant hereto, Respondent practiced as a *locum tenens* physician at the Winnebago Mental Health Institute in Winnebago, Wisconsin (WMHI).

4. On October 14, 2017, Patient A, a male born in 1959, was admitted to WMHI on an emergency detention subsequent to multiple suicide attempts.
5. On October 15, 2017, while in a common area at WMHI, Patient A repeatedly fell to the floor in a deliberate effort to injure himself, specifically by striking his head on the floor.
6. After several falls, Patient A lost consciousness and was unresponsive to WMHI staff attempts to arouse him. Patient A was noted by nursing staff and personnel care technicians to have slight extremity tremors, was spitting up bloody mucus, and was incontinent of urine.
7. WMHI staff and Respondent moved Patient A to a mattress in the common area to observe and prevent Patient A from continuing to bang his head on the floor, but he continued to lay unresponsive, per nursing staff reports.
8. On at least two occasions on October 15, 2017, Respondent examined Patient A, who, per reports from WMHI nursing staff and personnel care technicians, displayed no eye movements or other response upon examination.
9. Respondent failed to chart the examinations he performed of Patient A.
10. On October 16, 2017, Patient A was transferred via ambulance to a local hospital emergency department by 911 call. Upon arrival, Patient A underwent a head CT-scan, was diagnosed as being in critical condition with an intracranial bleed, and was admitted for emergency surgery.
11. Patient A never regained consciousness and the family agreed to comfort-care measures. Patient A was extubated on October 21, 2017 and died on November 1, 2017.
12. Respondent denies the care he provided to Patient A fell below standard and claims that a hospital review found systemic issues at WMHI which contributed to the outcome in this matter.
13. Respondent consents to 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 Jose Boggio, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e) by failing to establish and maintain timely patient health care records, including records of prescription orders, under s. Med 21.03, or as otherwise required by law.
3. As a result of the above conduct, Jose Boggio, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Jose Boggio, M.D., is REPRIMANDED.
3. Within one-hundred twenty (120) days from the date of this Order, Jose Boggio, M.D., shall pay COSTS of this matter in the amount of \$2,150.00.
4. Payment of costs shall be made to the Wisconsin Department of Safety and Professional Services Monitor and sent to 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

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

5. In the event Respondent violates any term of this Order, Respondent's license (no. 44514-20) 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: *Anthony Westlake M.D.*
A Member of the Board

6/17/2020
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOSE BOGGIO, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006849

Division of Legal Services and Compliance Case No. 17 MED 429

Respondent Jose Boggio, 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 Peter Hickey.
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 or Respondent's attorney, 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.

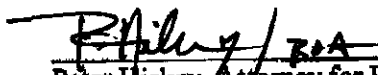
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



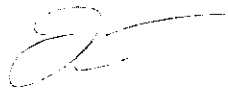
Jose Boggio, M.D., Respondent
731 Lindale Avenue
Drexel Hill, PA 19026-3019
License no. 44514-20

06/02/20
Date



Peter Hickey, Attorney for Respondent
Everson, Whitney, Everson & Brehm, S.C.
414 South Jefferson Street
Green Bay, WI 54301

06/03/20
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

6/3/2020
Date