

## 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

NESTOR E. MACHARE-DELGADO, M.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007477**

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Division of Legal Services and Compliance Case No. 19 MED 546

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

Nestor E. Machare-Delgado, M.D.  
La Crosse, WI 54601

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 Nestor E. Machare-Delgado, M.D., (Year of Birth 1974) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 53307-20, first issued on June 29, 2009, with registration current through October 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in La Crosse, Wisconsin 54601.

2. At all times relevant to this proceeding, Respondent practiced internal medicine at a facility in La Crosse, Wisconsin (Facility).

3. On September 27, 2019, several nurses reported concerns to the Facility that Respondent engaged in unprofessional and inappropriate conduct towards the nursing staff and, in particular, a float nurse (Nurse A).

4. The Facility conducted an investigation which found, *inter alia*:

- a. Respondent's inappropriate behavior towards Nurse A took place over two years;
- b. Respondent attempted to hold Nurse A's hand on several occasions;
- c. Respondent commented on Nurse A's appearance on almost a daily basis;
- d. Respondent referred to Nurse A and other nurses as the "fairy girls" and called them Disney character names; and
- e. Respondent did not stop his inappropriate behavior even after being confronted by Facility staff.

5. On October 4, 2019, the Facility placed Respondent on paid administrative leave and Respondent resigned from the Facility on October 23, 2019.

6. Respondent admits that he "made mistakes" in the way he interacted with Nurse A at the Facility and acknowledges that his comments and behavior were unprofessional.

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

#### CONCLUSIONS OF LAW

1. The 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 violated Wis. Admin. Code § Med 10.03(2)(h) by engaging in repeated or significant disruptive behavior or interaction with physicians, hospital personnel, patients, family members, or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice medicine and surgery in the state of Wisconsin, (license number 53307-20) is LIMITED as follows:

- a. Within six (6) months of the date of this Order, Respondent shall at his own expense take and successfully complete the *Medical Ethics, Boundaries*,

*and Professionalism* course offered by the Case Western Reserve University School of Medicine, or an equivalent course that has been pre-approved by the Board or its designee.

- b. Respondent shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Respondent must take and pass any exam offered for the course(s).
- c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.
- d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$746.00.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license (no. 53307-20) 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: Stephen A. Wacker, MD  
A Member of the Board

21 July 2021  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

NESTOR E. MACHARE-DELGADO, M.D.,  
RESPONDENT.

STIPULATION

ORDER 0007477

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Division of Legal Services and Compliance Case No. 19 MED 546

Respondent Nestor E. Machare-Delgado, 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.

*emachared*

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Nestor E. Machare-Delgado, M.D., Respondent  
La Crosse, WI 54601  
License No. 53307-20

06/28/2021

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Date



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Colleen Meloy, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

6/29/21

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Date