

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
MARK A. JANIGA, M.D., :
RESPONDENT. :

ORDER 0007894

Division of Legal Services and Compliance Case No. 21 MED 570

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

Mark A. Janiga, M.D.
Wyoming, MN 55009

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 Wisconsin 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 Mark A. Janiga, M.D., (Year of Birth 1972) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 70635-20, first issued on March 1, 2019, with registration current through October 31, 2023.¹ Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in Wyoming, Minnesota 55009.

2. At all times relevant to this proceeding, Respondent practiced as an anesthesiologist and pain management specialist at a clinic in Minnesota (Clinic).

¹ Respondent also maintains a license to practice as a physician in Minnesota (number 49158).

3. On September 11, 2021, the Minnesota Board of Medical Practice (MN Board) issued a Stipulation and Order (MN Order) reprimanding Respondent and placing the following limitations on his Minnesota medical license, *inter alia*:

- (a) Respondent shall not engage in false or misleading advertising.
- (b) Respondent shall obtain written informed consent for all regenerative medicine interventions and procedures, which must explicitly describe the experimental nature of regenerative treatments and the current state of medical research on the effectiveness of regenerative treatments.
- (c) Six months following the date of the MN Order, Respondent shall submit to a random practice audit of his pain and regenerative medicine patient charts, created after the date of the MN Order, to be conducted by a MN Board representative.
- (d) In the event Respondent practices outside of Minnesota, Respondent shall promptly notify the MN Board. Periods of residency outside of Minnesota will not be credited toward any period of Respondent's conditioned license in Minnesota unless he demonstrates that practice in another state conforms completely with Respondent's MN license.
- (e) One year after the date of the MN Order, Respondent may petition for reinstatement of an unconditional license upon satisfactory evidence of completion of the terms and conditions of the MN Order.

4. The MN Order was based on the following stipulated facts, *inter alia*:

- (a) The MN Board received four complaints between April 2018 and August 2019 alleging advertisements and seminars promoting Respondent's practice as well as stem cell therapies provided false and misleading information to consumers regarding the efficacy of stem cell treatment.
- (b) Three of the complaints related to Respondent's advertising during the period in which he was an independent contractor with the Clinic.
- (c) Respondent acknowledged that he had responsibility for the marketing materials used by Clinic during the timeframe he was an independent contractor.
- (d) The MN Board's investigation revealed that the Clinic used a separate entity to present marketing seminars related to stem cell therapies. This entity's print advertising purported to offer a "cure" for conditions including COPD and neuropathy and stated that stem cells could reverse and repair damage caused by disease. A slide presentation stated stem cell treatment results are "extremely successful" and stated that all types of stem cell products are used at the Clinic.

- (e) Respondent asserted the Clinic did not use adipose tissue or fetal/embryonic stem cells.
- (f) Respondent stated he evaluated 164 Clinic patients interested in stem cell therapy, and that approximately 15% of those patients were referred from the advertising seminars. After discussion and physician examination, 49 patients did not receive stem cell treatments. Respondent treated 11 patients for COPD, 8 for diabetic neuropathy, 5 for idiopathic neuropathy, and 84 for orthopedic conditions.

5. Respondent denies that he deliberately misrepresented the expected outcomes or results of offered treatments. Respondent terminated his relationship with the separate entity that presented the marketing materials in July 2018.

6. On September 28, 2021, Respondent submitted his renewal application to the Department and timely reported the MN Order. His license was renewed on January 31, 2022.

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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by engaging in false, misleading, or deceptive advertising, pursuant to Wis. Admin. Code § Med 10.03(1)(k).

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority, pursuant to Wis. Admin. Code § Med 10.03(3)(c).

4. As a result of the above conduct, 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 and registration to practice medicine and surgery in the state of Wisconsin (license number 70635-20), and his right to renew such license and registration, is LIMITED as follows:

- (a) Respondent shall comply with the MN Order.
- (b) Respondent shall notify the Board of any modifications to the MN Order by sending a copy of the modified MN Order to the Department Monitor at the address below within ten (10) days of the MN Board's action.
- (c) Respondent shall notify the Board of any violation of the MN Order. A violation of the MN Order is a violation of this Order.
- (c) This limitation shall be removed from Respondent's license upon providing proof, satisfactory to the Board or its designee, that Respondent has successfully complied with all terms and conditions of the MN Order and his Minnesota license has been restored to full, unrestricted status.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$329.00.

5. Any reports or other documents required by this Order, and payment of costs (made payable to Department of Safety and Professional Services), shall be submitted 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) 266-2112; Fax (608) 266-2264
DPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license (number 70635-20), 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.

7. This Final Decision and Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Sheldon A. Wasserman, MD
A Member of the Board

3/16/2022
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK A. JANIGA, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007894

Division of Legal Services and Compliance Case No. 21 MED 570

Respondent Mark A. Janiga, 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 Pat J. Skoglund.


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.

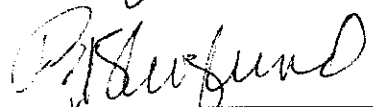
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Mark A. Janiga, M.D., Respondent
Wyoming, MN 55009
License No. 70635-20

3/2/2022


Date



Pat J. Skoglund, Respondent's Attorney
Jardine, Logan & O'Brien, PLLP
8519 Eagle Point Blvd., Suite 100
Lake Elmo, MN 55042

3/2/22

Date



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

3/3/2022

Date