

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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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  
CHRISTOPHER A. GUTE, M.D., :  
RESPONDENT. :

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**ORDER 0007980**

Division of Legal Services and Compliance Case No. 20 MED 365

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

Christopher A. Gute, M.D.  
Wausau, WI 54401

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 Christopher A. Gute, M.D., (Year of Birth 1979) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 52503-20, first issued on December 26, 2008, with registration current through October 31, 2021.<sup>1</sup> Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Wausau, Wisconsin 54401.

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<sup>1</sup> Respondent's license was set to expire October 31, 2021, and it does not appear he has attempted to renew. However, due to 2021 Wisconsin Act 10, all health care provider licenses or certificates will not expire and will remain active until thirty days after the end of the declared national emergency. Pursuant Wis. Stat. § 440.08, Respondent maintains the right to apply to renew his license until October 31, 2026.

2. At all relevant times, Respondent was employed by an anesthesiology group based in Wausau, Wisconsin (Group).

3. On September 9, 2020, the 16 physicians on the Group's Board of Directors filed a complaint with the Department alleging that Respondent allowed a registered nurse to practice outside of her scope by delegating a procedure to her while he supervised.

4. While providing anesthesia services at a Wausau surgical center on July 28, 2020, Respondent allowed and directed a registered nurse to perform aspects of an ultrasound guided interscalene brachial plexus nerve block, including holding and guiding the needle, on a male patient who was about to undergo shoulder surgery.

5. The nurse was not in an educational role appropriate for the teaching of peripheral nerve blocks nor was she competent to perform the procedure based on her nursing education, training, or experience.

6. The anesthesia informed consent documentation for the procedure signed by the patient does not reflect that the nurse's involvement or qualifications were discussed with the patient and thus he did not provide informed consent.

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 as defined in 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 whether or not the act or omission resulted in actual harm to any person.

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03 (2)(k) by aiding or abetting the practice of medicine by an unlicensed, incompetent, or impaired person or allowing another person or organization to use his or her license to practice medicine.

4. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(2)(j) by performing an act constituting the practice of medicine and surgery without required informed consent under s. 448.30, Stats.

5. 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 to practice medicine and surgery in the state of Wisconsin (license number 52503-20) is LIMITED as follows:
  - a. Within 90 days of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of informed consent and four (4) hours of education on the topic of delegated medical acts offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses.
  - b. 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - c. The Board 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.
  - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,670.00.
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://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 52503-20), 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 Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:

  
A Member of the Board

5/13/22  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

CHRISTOPHER A. GUILTE, M.D., :  
RESPONDENT. :

STIPULATION  
ORDER 0007980

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Division of Legal Services and Compliance Case No. 20 MED 365

Respondent Christopher A. Guite, 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 Mark Budzinski.

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.

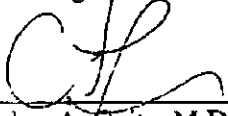
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. If the Stipulation is not accepted by the Board, the 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.

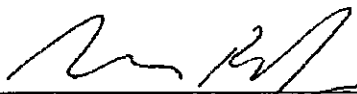
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

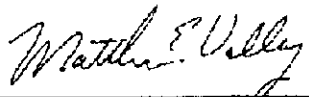
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Christopher A. Guite, M.D., Respondent  
Wausau, WI 54401  
License No. 52503-20

5/2/2022  
Date

  
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Mark Budzinski, Attorney for Respondent  
Corneille Law Group, LLC  
615 S. Monroe Ave.  
Green Bay, WI 54301

5/5/22  
Date

  
\_\_\_\_\_  
Matthew E. Valley, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/6/2022  
Date