

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
 : FINAL DECISION AND ORDER
 : FOR REMEDIAL EDUCATION
 :
 MICHAEL D. D'AMICO, M.D., :
 LICENSEE. :
 : **ORDER 0008183**

Division of Legal Services and Compliance Case No. 21 MED 322

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

Michael D. D'Amico, M.D.
Franklin, WI 53132

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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Licensee Michael D. D'Amico, M.D., (Year of Birth 1967) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 36911-20, first issued on September 8, 1995, with registration current through October 31, 2021.¹ Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Franklin, Wisconsin 53132.

¹ On October 25, 2021, Licensee applied to renew his license and that renewal is still pending review. His license remains active during review.

2. At all times relevant to this proceeding, Licensee practiced as a family medicine physician at a clinic located in Franklin, Wisconsin (Clinic).
3. On March 25, 2020, Licensee evaluated a 58-year-old female patient (Patient A) for pain in her upper right arm which began two days prior when she tripped and fell. Licensee ordered an x-ray that showed Patient A's right humerus was dislocated at the glenohumeral joint with the humeral head located slightly inferior and medial to the glenoid, with several fracture fragments in the area of the glenoid. The radiologist recommended that a CT be considered to better evaluate. Licensee did not personally review the x-ray.
4. On March 25, 2020, Licensee consulted an orthopedic surgeon (Doctor B) by telephone regarding Patient A's diagnosis and verbally conveyed the patient history, exam findings and the information contained in the radiology report to Doctor B. Doctor B opined the information provided by Licensee and the radiology report suggested Patient A suffered a pseudo subluxation. Doctor B did not review the x-ray personally at that time. Based on Doctor B's opinion, Licensee recommended ice, Aleve, a sling, gentle range of motion exercises, an orthopedic consult in a week if no improvement, and to follow-up with him in 2 to 6 weeks if no improvement or symptoms worsen.
5. On March 27, 2020, Patient A called the Clinic and reported that her symptoms were not improving, that she was not sleeping, and that she was taking 5000 mg of Tylenol daily because the pain was unbearable. Licensee prescribed 1-2 tablets of tramadol every 4-6 hours as needed for pain, not to exceed 6 tablets a day for a week.
6. On March 31, 2020, Patient A called the Clinic and stated that she was completely out of tramadol as she was taking 2 tablets every 2 hours due to the pain and requested a refill. Licensee noted that since her injury was without fracture eight days ago, prescription pain medication was no longer indicated. However, Licensee authorized a small quantity refill.
7. On April 6, 2020, Patient A called the Clinic and made another refill request. Despite the fact that Patient A was still complaining of pain and not progressing as expected, Licensee did not recommend Patient A be re-evaluated at that time.
8. On April 21, 2020, Patient A called the Clinic and reported continued right shoulder pain. Licensee authorized alternative medication and advised she return for re-evaluation.
9. On April 23, 2020, Patient A had an appointment with Licensee who again consulted with Doctor B regarding her continued symptoms and pain. Doctor B reviewed the x-ray from March 25, 2020, for the first time, and recommended that Patient A present to the emergency room for relocation of the dislocation that was evident on that x-ray.
10. On August 28, 2020, Patient A underwent surgery for a left reverse total shoulder arthroplasty.
11. In resolution of this matter, Licensee consents to the entry of the following Conclusion of Law and Order.

CONCLUSION OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete three (3) hours of education on the topic of management of fractures and dislocations, as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee 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. Licensee must take and pass any exam offered for the course(s).
 - b. Licensee 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 may not be used in any future attempt to upgrade a credential.
 - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
3. Requests for course approval and proof of successful course completion shall be sent by Licensee 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
DSPSMonitoring@wisconsin.gov

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

4. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Sharon A. Walker, MD
A Member of the Board

9/21/2022

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF
MICHAEL D. D'AMICO, M.D.,
LICENSEE.

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:
:
:
:

STIPULATION

ORDER 0008183

Division of Legal Services and Compliance Case No. 21 MED 322

Licensee Michael D. D'Amico, 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. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Licensee, 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 Licensee;
 - the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
 - the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Maria Schneider.
4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee 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 Licensee or Licensee'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 for Remedial Education.


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

8. Licensee is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Michael D. D'Amico, M.D., Licensee
Franklin, WI 53132
License No. 36911-20

08/30/2022
Date


Maria Schneider, Attorney for Licensee
Gutglass, Erickson, Larson & Schneider, S.C.
735 N. Water St., Ste. 1400
Milwaukee, WI 53202

9-1-22
Date


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

09/01/2022
Date