

## 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

BLAISE P. VITALE, M.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0008210**

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Division of Legal Services and Compliance Case No. 22 MED 297

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

Blaise P. Vitale, M.D.  
Grantsburg, WI 54840

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-f8366

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 Blaise P. Vitale, M.D., (Year of Birth 1963) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 32065-20, first issued on April 18, 1991, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Grantsburg, Wisconsin 54840.
2. At all times relevant to this proceeding, Respondent practiced family medicine at a medical center in Grantsburg, Wisconsin.
3. On February 5, 2019, Patient A, a male born in 1958, underwent a wide excision of malignant melanoma on his left shoulder and a sentinel lymph node biopsy, after being diagnosed

and referred to a surgeon by Respondent. Clear margins were identified, and the sentinel lymph node was negative. The surgeon referred Patient A back to Respondent to perform a high-risk skin evaluation protocol going forward.

4. On May 14, 2019, Patient A saw Respondent for his first skin evaluation. Respondent properly charted Patient A's history of melanoma and the plan that Respondent would do skin evaluations every three months for the rest of 2019, every six months in 2020, and then once per year after that. On August 15, 2019, Patient A returned for his second skin evaluation, per Respondent's plan.

5. On December 5, 2019, Patient A returned to Respondent for his annual physical exam. Respondent did not conduct a skin evaluation, nor did he chart Patient A's history of melanoma. Respondent maintains that he did not recall Patient A's prior diagnosis of melanoma, and the history was not added to the chart due to a coding error.

6. Patient A did not return to see Respondent until March 2, 2021. During this visit, Respondent conducted an annual physical exam but performed no skin evaluation and again failed to chart Patient's A history of melanoma. He recommended that Patient A return within a year.

7. On July 20, 2021, Patient A returned to Respondent complaining of a lump on his left shoulder. Respondent again failed to chart any history of melanoma, instead noting "No history of any trauma or apparent foreign body." Respondent described the lump as a "2.5 cm firm, but fleshy growth in the subcutaneous area just on the lateral posterior shoulder" not attached to the underlying fascia or the skin. He assessed "probable lipoma," noted he did not "see anything worrisome at this point," and recommended it be removed if it gets bigger or more uncomfortable.

8. On January 17, 2022, Patient A returned to Respondent for his annual physical exam. Respondent again charted no history of melanoma. Instead, Respondent charted "We have talked about a lipoma in the past for the last several years, but this sounds like it is getting progressively more and more painful...." Respondent referred Patient A to a surgeon to remove the "lipoma" and conduct a colonoscopy at the same time.

9. On February 1, 2022, Patient A underwent an excision of the mass on his left shoulder and on February 4, 2022, the pathologist diagnosed a malignant melanoma measuring 4.6 cm at its greatest dimension. He was referred to an oncologist for treatment of recurrent melanoma.

10. 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 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, pursuant to Wis. Admin. Code § Med 10.03(2)(b).

3. 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 no. 32065-20), is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete three (3) hours of education on the topic of appropriate recordkeeping, and three (3) hours of refresher education on the topic of dermatological disease offered by a provider pre-approved by the Board's 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'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.
  - d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$533.00.
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  
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 and registration (no. 32065-20), or Respondent's right to renew his license and registration, 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: Sharon A. Wacker, MD  
A Member of the Board

10/19/22  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BLAISE P. VITALE, M.D.,  
RESPONDENT.

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STIPULATION

**ORDER 0008210**

Division of Legal Services and Compliance Case No. 22 MED 297

Respondent Blaise P. Vitale, 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 Adam Fitzpatrick.

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

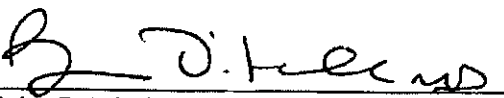
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

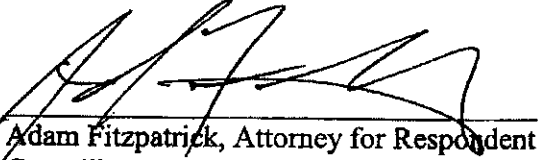
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. 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.

  
Blaise P. Vitale, M.D., Respondent  
Grantsburg, WI 54840  
License No. 32065-20

9/19/2022  
Date

  
Adam Fitzpatrick, Attorney for Respondent  
Corneille Law Group, LLC  
7618 Westward Way, Suite 100  
Madison, WI 53717

9/22/22  
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

9/26/2022  
Date