

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
DAVID A. LAPIDES, M.D., :
RESPONDENT. :

ORDER 0008264

Division of Legal Services and Compliance Case No. 22 MED 135

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

David A. Lapidés, M.D.
Fort Myers, FL 33919

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 David A. Lapidés, M.D., (Year of Birth 1984) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 1324-320, first issued on July 1, 2021. This registration expired on November 1, 2021, and has not been renewed.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Fort Myers, Florida 33919.

¹ Pursuant to Wis. Stat. § 440.08(3), Respondent has the right to apply to renew upon payment of a fee until October 31, 2026.

2. At all times relevant to this proceeding, Respondent practiced as a neurologist at a medical center located in Charlottesville, Virginia (Center).

3. On January 18, 2022, Respondent was charged with, pleaded guilty to, and was convicted of two (2) counts of Child Porn:Copy/Xmit/Sell-Etc, class U felonies in violation of Virginia Code Section 18.2 – 374.1:1, in the Circuit Court for the City of Charlottesville, Virginia, Case Nos. 21-187-01 and 21-187-02. The underlying conduct involved Respondent’s use of a personal phone to share a video containing underage pornography on March 21 and March 29, 2021.

4. On September 20, 2022, Respondent was sentenced to ten (10) years of incarceration and five (5) years of probation. However, Respondent was given credit for time served (14 months) and the remainder of his ten (10) year sentence was suspended.

5. On February 23, 2022, the Arizona Medical Board issued an Interim Consent Order prohibiting Respondent from the practice of medicine in Arizona. As of July 12, 2022, Respondent had surrendered his medical licenses in Kentucky, Minnesota, Nebraska, Utah, and his medical license in South Carolina was suspended.

6. In lieu of further litigation of this matter, Respondent desires to voluntarily surrender his Wisconsin license and registration, and 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(3)(c) 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.

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(h) by failing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.

4. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(i) by, except as provided in par. (j), violating or being convicted of any laws or rules of this state, or of any other state, or any federal law or regulation that is substantially related to the practice of medicine and surgery.

5. 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. The VOLUNTARY PERMANENT SURRENDER by Respondent of his license and registration to practice medicine and surgery in the state of Wisconsin (number 1324-320), as well as his right to renew such license and registration, is accepted.
3. This surrender constitutes Respondent's permanent relinquishment of his license to practice medicine and surgery in the state of Wisconsin, and any appurtenant right to renew that registration. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice medicine and surgery in the state of Wisconsin.
4. In the event Respondent applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$572.00, before any application for a credential will be considered by the applicable board or Department.
5. Any payments of costs (made payable to Department of Safety and Professional Services), 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. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:

Sheldon A. Walker, MD
A Member of the Board

11/16/22

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

DAVID A. LAPIDES, M.D., :
RESPONDENT. :

STIPULATION
ORDER 0008264

Division of Legal Services and Compliance Case No. 22 MED 135

Respondent David A. Lapidés, 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

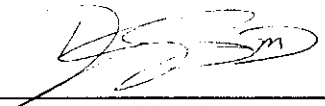
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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. 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.



David A. Lapides, M.D., Respondent
Fort Myers, FL 33919
License No. 1324-320

10/25/2022

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

10/25/2022

Date