

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION  
 : AMD ORDER  
ANDREW KESSLER, M.D., : LS0003232MED  
RESPONDENT :

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Andrew Kessler, M.D.  
37 South Eau Claire Avenue  
Madison, WI 53705

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Andrew Kessler, (D.O.B. 11/14/55) is duly licensed in the state of Wisconsin as a physician and surgeon (license #27249). This license was first granted on October 25, 1985. Respondent is a psychiatrist.
2. [Text redacted]. Prior to October 22, 1998, Respondent's physician prescribed Adderall ® for Respondent's condition. Respondent believed that the medication was no longer effective and so on October 22, 1998, he forged a prescription order for 5 mg. Dexedrine ®, a Schedule II controlled substance, which he attempted to pass at a local pharmacy.

CONCLUSIONS OF LAW

3. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to sec. 448.02(3) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5) Wis. Stats.
4. By the conduct described above, Andrew Kessler, is subject to disciplinary action against his license to practice as a physician and surgeon in the state of Wisconsin, pursuant to Wis. Adm. Coe sec. Med 10.02(2)(p).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached Stipulation of the parties is accepted.

2. Andrew Kessler, M.D., is REPRIMANDED.
3. The license and registration of Respondent to practice medicine and surgery in Wisconsin is LIMITED as follows:
  - a. No later than December 31, 2000, Respondent shall certify to the Board the successful completion of the 40 hour course in Proper Prescribing of Controlled Dangerous Substances sponsored by the Forensic and Educational Consultants of Margate, N.J., or an equivalent course which has been approved in advance by the Board. Respondent shall be responsible for all costs associated with the completion of this education requirement. Respondent shall arrange for the course sponsor to report directly to the Department Monitor at P.O. Box 8935, Madison, WI 53708-8935, telephone: (608) 261-7938. Respondent shall authorize release of all records of attendance and performance during the course to the Department Monitor and the Board. If Respondent does not successfully complete or achieve the objectives of the educational program set forth above, the matter shall be referred to the Board to determine whether additional discipline for the conduct set forth in the Findings of Fact shall be imposed.
4. Respondent shall pay to the Department of Regulation and Licensing the costs of the investigation and prosecution of this action in the sum of \$400.00 within thirty days of the date of this Order.
5. Pursuant to sec. 448.02(4) Wis. Stats., if the Board determines that there is probable cause to believe that Respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of Respondent be summarily suspended pending investigation of the alleged violation.
6. The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".
7. This Order shall become effective upon the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.  
Board Secretary

March 23, 2000  
Date