

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : AFFIDAVIT OF SERVICE  
 :  
 ROBERT KELLER, M.D., :  
 RESPONDENT. :  
 :


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Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 24, 1990 she served the following upon the respondent's attorney:


FINAL DECISION AND ORDER dated July 18, 1990

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent's attorney:

Mr. Philip Atinsky  
Attorney At Law  
Germania Building - Suite 604  
135 West Wells Street  
Milwaukee, WI 53203-1807  
Certified P 568 986 951

  
\_\_\_\_\_  
Glenda Nelson  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 24th day of Sept, 1990.

  
\_\_\_\_\_  
Notary Public  
Dane County, Wisconsin  
My Commission Expires 02/07/93

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
ROBERT KELLER, M.D., :  
RESPONDENT. :

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

Robert Keller, M.D.  
501 Ranch Road  
Ft. Lauderdale, FL 33326

State of 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 Disposition of this matter, subject to the approval of the Board. The Board has viewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Robert Keller, Respondent herein, 501 Ranch Road, Ft. Lauderdale, Florida 33326, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license # 19121 which was granted on December 5, 1974.
2. On September 22, 1988, the California Board of Medical Quality Assurance issued an Order granting a probationary certificate to Respondent which allowed him to practice medicine and surgery in California with certain limitations including participation in an alcohol rehabilitation program.
3. Respondent received treatment for alcoholism at DePaul Hospital in 1985. He successfully completed a 30 day in-patient program and two year recovery program with case reviews and random drug screens.

4. Since Respondent's return to Milwaukee in 1989, he has been actively involved with the Volunteer and Alcoholics Anonymous Programs at DePaul Hospital. Letters outlining his treatment, progress, and voluntary activities are attached as Exhibits A and B.

5. Respondent has been attending Alcoholics Anonymous sessions on a voluntary basis and agrees to continue his attendance at Alcoholics Anonymous meetings on at least a weekly basis.

6. Respondent is currently employed as the Medical Director and Director of Research at the Wilson Bode Center, Milwaukee, Wisconsin.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board has authority pursuant to sec. 227.44(5), Wis. Stats., to resolve this contested case by Stipulation.

#### ORDER

NOW, THEREFORE, IT IS ORDERED, that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED THAT Robert Keller, M.D., shall attend meetings of Alcoholics Anonymous under the following conditions:

1. That he shall attend such meetings on at least a weekly basis for a period of one year commencing on the effective date of this Order.

2. That after a period of six months following the effective date of this Order, Respondent may petition the Medical Examining Board for removal of any or all of the conditions set forth herein.

3. That Respondent agrees to refrain from all personal use of alcohol.

4. Respondent agrees to insure that his attendance at the meetings of Alcoholics Anonymous are recorded in writing and that such records are maintained for review by the Medical Examining Board if necessary.

5. Respondent agrees to allow the Medical Examining Board access to the records set forth in paragraph 4 above at any time during the one year period commencing with the effective date of this Order.

6. Respondent shall ensure that the records required under paragraph 4 above are maintained and any expenses incurred in paragraphs 1-5 above shall be the responsibility of Respondent.

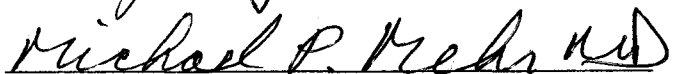
7. At the end of one year of the effective date of this Order, Respondent shall appear before the Medical Examining Board, at its option, to provide evidence to the Board that Respondent had successfully completed the terms of this Order. In the event the Board wishes Respondent to appear, they shall notify him in writing.

IT IS FURTHER ORDERED that pursuant to the authority of Wis. Stats. sec. 448.02(4), should the Medical Examining Board determine that there is probable cause to believe that Robert Keller, M.D., has violated the terms of the Final Decision and Order of the Medical Examining Board, the Board may order that the license of Robert Keller, M.D., to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

IT IS FURTHER ORDERED that no cost shall be assessed against either party.

IT IS FURTHER ORDERED that the complaint in this matter be, and hereby is, dismissed.

Dated at Madison, Wisconsin, this 18 day of July, 1990.



Michael P. Mehr, M.D.  
Secretary  
Medical Examining Board

PS:vks  
ATY-1134

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

ROBERT KELLER, M.D., :  
RESPONDENT. :

STIPULATION

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It is hereby stipulated between Robert Keller, M.D., personally and by his attorney, Philip L. Atinsky, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Robert Keller, Respondent herein, resides at 12 Hudson Watch, Ossining, New York 10562, and is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license no. 19121 which was granted on December 5, 1974.

2. That a Complaint was filed against and duly served upon Respondent on February 12, 1990.

3. That Respondent has read the Complaint and understands the nature of the Complaint and understands the nature of the allegations against him.

4. The Respondent and his counsel are aware of and understand each of the Respondent's rights, including the right to a hearing on the allegations against him at which time the State has the burden of proving these allegations by preponderance of the evidence; the right to confront and cross examine the witnesses against him; the right to call witnesses in his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decisions 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 rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

5. Respondent freely, voluntarily, and knowingly waives each and every one of the rights set forth in paragraph 4 above.

6. On September 22, 1988, the California Board of Medical Quality Assurance issued an Order granting a probationary certificate to Respondent which allowed him to practice medicine and surgery in California with certain conditions, including participation in an alcohol rehabilitation program.

7. Respondent received treatment for alcoholism at DePaul Hospital in 1985. He completed a 30 day in-patient program and two year follow-up with case reviews and random drug screens in 1986 and 1987. Respondent has successfully completed both the in-patient and recovery programs.

8. Since Respondent's return to Milwaukee in 1989, he has been actively involved with the Volunteer and Alcoholics Anonymous Program at DePaul Hospital. Letters outlining his treatment progress and volunteer activities are attached as Exhibits A and B.

9. Respondent has been attending Alcoholics Anonymous sessions on a voluntary basis and agrees to continue his attendance at these meetings on at least a weekly basis.

10. Respondent will be employed, as of August 1, 1990, at Faxton Memorial Hospital, Utica, New York.

11. That Respondent has abstained from and will continue to abstain from any personal use of alcohol.

12. That in consideration of the above facts and admissions, Respondent agrees to withdraw his previously filed Answer and allows entry of the attached Final Decision and Order by the Medical Examining Board.

13. That in consideration of the above facts and admissions, particularly Respondent's successful completion of the in-patient and out-patient programs initiated in 1985, Complainant hereby moves the Medical Examining Board for dismissal of the pending Complaint.

14. That the parties to this Stipulation understand the Department of Regulation and Licensing, Division of Enforcement, will take no further action against Respondent's license based on the allegations contained in the Complaint unless Respondent violates the terms and conditions of this Stipulation and any Board Order adopting this Stipulation, in which event the Department may reinstate the Complaint and reinstate proceedings against Respondent.

15. This agreement in no way prejudices the Medical Examining Board from any further action against the Respondent based on any acts not alleged in the present Complaint which might be violative of the Wisconsin Medical Examining Board Statutes and Rules.

16. All parties hereto agree to waive the proposed decision by the Hearing Examiner and agree to present the Stipulation directly to the Medical Examining Board.

17. All parties hereto agree that counsel for the parties and the Board Advisor in this matter may appear before the Medical Examining Board to argue on behalf of acceptance of this Stipulation.

18. This Stipulation, if adopted by the Wisconsin Medical Examining Board, shall become effective immediately upon the issuance of the written Order by the Wisconsin Medical Examining Board.

19. The parties hereto waive assessment of any costs in this matter.

20. In the event any term or condition of this Stipulation and Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or Order shall be binding in any manner on any party.

Dated: 7/9/90

Philip L. Atinsky  
Philip L. Atinsky  
Attorney for Respondent

Dated: 7/10/90

Pamela M. Stach  
Pamela M. Stach  
Attorney for Complainant

I, Robert Keller, M.D., having read the above Stipulation and having discussed its contents with my attorney and understanding its terms, do hereby freely and voluntarily enter into this Stipulation.

Dated: 7/9/90

Robert Keller, M.D.  
Robert Keller, M.D.  
Respondent



NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is September 24, 1990.

WLD:dms  
886-490