

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JEFFERY A. MILLER, M.D.,
A/K/A JEFFREY A. MILLER, M.D.
RESPONDENT.

AFFIDAVIT OF SERVICE

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 April 23, 1991 she served the following upon the respondent's attorney:

FINAL DECISION AND ORDER dated April 18, 1991

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:

William J. Mulligan
Davis & Kuelthau, S.C.
111 E. Kilbourn, Suite 1400
Milwaukee, WI 53202-4285
Certified P 568 984 563

Glenda Nelson
Glenda Nelson
Department of Regulation and Licensing

Subscribed and sworn to before me
this 23rd day of April, 1991.

Lewith L...
Notary Public
Dane County, Wisconsin
My Commission expires 11/06/94

3. That in November of 1987, on two separate occasions, Respondent used a mirror to observe the same female patient disrobing for examinations.

4. An investigation by the Air Force did not disclose any evidence of other unethical or inappropriate behavior.

5. Respondent agreed to a psychiatric evaluation, which was conducted in December of 1987. The diagnosis resulting from the psychiatric evaluation was that Respondent was suffering from an adjustment disorder with mixed disturbance of emotions and conduct. It was the psychiatrist's opinion that Respondent had a favorable prognosis for rehabilitation.

6. In December of 1987 Respondent's hospital and clinical privileges were restricted by the United States Air Force such that he was not allowed to treat female patients.

7. Respondent continued in psychiatric therapy and in March, 1988 his treating psychiatrist expressed his opinion that Respondent would not pose a risk to female patients. On March 18, 1988 the Air Force modified the restrictions to Respondent's practice such that he was allowed to treat female patients so long as a female chaperon was present during examination and treatment. The partial reinstatement of privileges was conditioned upon Respondent's continuing psychiatric therapy and continuing on anti-depressant medication.

8. Following Respondent's separation from military service he returned to Milwaukee, Wisconsin where he had attended medical school and served a residency and became employed at the Family Health Plan.

9. That Dr. Miller has practiced medicine and surgery in the state of Wisconsin since June, 1988.

10. Respondent advised the medical director at his employing clinic and the officials at the hospital in Milwaukee where he has privileges of the incident which occurred in the Air Force, and which is set out in paragraph 3 above.

11. Respondent has continued in psychiatric therapy, with anti-depressant medication, and is currently receiving psychiatric treatment from Crain Bliwas, M.D., a psychiatrist. Dr. Bliwas has been providing periodic reports to Respondent's employer and a hospital where Respondent has privileges. Those reports have stated that there is no present evidence of psychopathology and that there has been no impairment on his ability to function as a physician.

CONCLUSIONS OF LAW

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

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats., Sec. 227.44(5).

3. That Respondent's conduct as set out in paragraph 4 above, is unprofessional conduct as defined by Wis. Stats., Sec. 448.02(3) and Wis. Adm. Code MED 10.02(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Respondent is hereby Reprimanded.

IT IS FURTHER ORDERED that Respondent's license to practice medicine and surgery in the state of Wisconsin is hereby limited, as follows:

1. That Respondent shall remain in psychiatric treatment with Dr. Crain Bliwas, as his treating psychiatrist. In the event that the treating psychiatrist is unable or unwilling to serve as the treating psychiatrist, the Medical Examining Board shall, in its sole discretion, select a successor treating psychiatrist.

2. That Respondent shall continue in and fully participate in all components of the psychiatric treatment which the treating psychiatrist shall determine to be appropriate for Respondent's rehabilitation. Respondent shall comply with all recommendations of his treating psychiatrist for inpatient or outpatient treatment or both, and shall comply with all aspects of the treatment program as recommended by his treating psychiatrist. All costs of this treatment shall be the responsibility of the Respondent or his health insurer.

3. The treating psychiatrist shall submit formal written reports to the Wisconsin Medical Examining Board every 90 days commencing 90 days after the date of this Order. The report shall assess Respondent's progress in his rehabilitation program and whether there is any impairment in Respondent's ability to function as a physician. The Respondent shall be responsible for the timely filing of these reports. The treating psychiatrist and Respondent shall report immediately to the Wisconsin Medical Examining Board any suspected violation of this Order.

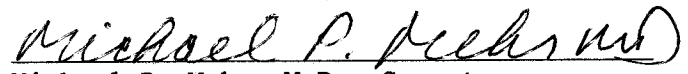
4. Respondent shall provide and keep on file, with his treating psychiatrist and all treatment facilities and personnel, current releases which comply with state and federal laws authorizing release of all of his medical and treatment records and reports to the Wisconsin Medical Examining Board and permit his treating psychiatrist and other treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with the Wisconsin Medical Examining Board. Copies of said releases shall be filed simultaneously with the Wisconsin Medical Examining Board.

5. Respondent shall appear before the Wisconsin Medical Examining Board at least annually to review the progress of his treatment and rehabilitation. It shall be Respondent's obligation to schedule those appearances with the Board office. Respondent may petition the Wisconsin Medical Examining Board for modification of the terms of his limited license. Denial of the petition, in whole or in part, shall not be considered a denial of a license within the meaning of Wis. Stats., Sec. 227.01(3)(a) and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part, of his petition for modification of his limited license.

6. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice medicine and surgery in the state of Wisconsin. Should the Medical Examining Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of the alleged violation.

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."

Dated at Madison, Wisconsin this 18th day of April, 1991.


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

JRZ:pp
ATY-1448

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JEFFERY A. MILLER, M.D.,
RESPONDENT.

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STIPULATION

It is hereby agreed and stipulated, by and between, Jeffery A. Miller, M.D., Respondent; William J. Mulligan of Davis & Kuelthau, S.C., attorneys for Respondent; John R. Zwieg, attorney for the Department of Regulation and Licensing, Division of Enforcement; and, the Wisconsin Medical Examining Board, as follows:

1. Jeffery A. Miller, M.D., Respondent, date of birth: March 10, 1955, is a physician currently licensed and registered to practice medicine and surgery in the State of Wisconsin; that his license, which bears number 24581, was granted July 1, 1982; that his last address reported to the Wisconsin Department of Regulation and Licensing is 6037 Glen Court, Franklin, Wisconsin 53132

2. The Wisconsin Department of Regulation and Licensing, Division of Enforcement, has an open investigative file, 89 MED 91 concerning Respondent. The investigative file contains allegations that in November, 1987, Respondent engaged in conduct which resulted in limitations upon his clinical privileges as an United States Air Force physician.

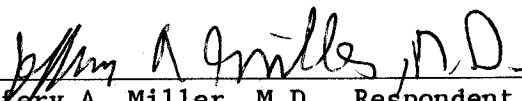
3. Respondent admits the allegations contained in investigative file 89 MED 91, and further agrees that the attached Findings of Fact, Conclusions of Law, and Order may be made and entered without further notice to any party.

4. The attorneys for the parties may appear before the Wisconsin Medical Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Final Decision and Order.


5. In the event that the Wisconsin Medical Examining Board does not accept this resolution of this matter, the Stipulation and Final Decision and Order shall be void and of no effect and the parties agree not to contend that

the Board has been biased in any manner by the submission of this proposed resolution to the Board.

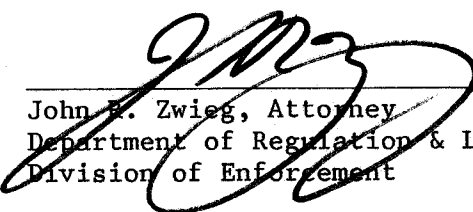
Dated this 10th day of ^{April} ~~March~~, 1991.


Jeffery A. Miller, M.D., Respondent


Dated this 18th day of April, 1991.


William J. Mulligan
Davis & Kuelthau
Attorney for Respondent

Dated this 22nd day of March, 1991.


John E. Zwieg, Attorney
Department of Regulation & Licensing
Division of Enforcement

Dated this 18th day of April, 1991.


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

JRZ:pp
ATY-1449

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 April 23, 1991.

WLD:dms
886-490