

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

ALEXANDER J. MACGILLIS, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER  
(94 MED 495)

The parties to this proceeding for purposes of sec. 227.53, Stats. are:

Alexander J. MacGillis, M.D.  
2500 North Mayfair Road  
Wauwatosa, WI 53226

Wisconsin Medical Examining Board  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Alexander J. MacGillis, M.D., personally, Mary H. Michal, attorney for Dr. MacGillis, and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

### FINDINGS OF FACT

1. Alexander J. MacGillis, 2500 North Mayfair Road, Wauwatosa, Wisconsin, was born on November 6, 1928 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since July 22, 1957, license #12695.

2. Dr. MacGillis specializes in the practice of urology. He currently practices his specialty with Urology Associates, Ltd., S.C.

3. Dr. MacGillis saw the patient for the first time on January 12, 1989 as the result of a referral from the patient's family physician and gynecologist. The referral was made because the patient reported an episode of gross hematuria and a history of bacteriuria. The patient was experiencing pressure in the suprapubic area that radiated back to her sacral area.

4. On January 12, 1989, Dr. MacGillis took a history from the patient and performed a physical examination including an urinalysis. The physical examination disclosed no abdominal masses and the urethra and trigone were free of any indurations. The urinalysis was normal and was free of red blood cells. Dr. MacGillis scheduled the patient for an IVP and a cystoscopic examination.

5. The IVP was performed on January 19, 1989 in the Department of Radiology at St. Joseph's Hospital. The IVP disclosed a 5 cm. mass arising from the lateral aspect of the right kidney. A correlative ultrasound performed by the Department of Radiology following the IVP confirmed the presence of a 6 cm. by 5 cm. mass in the right kidney.

6. Dr. MacGillis performed the cystoscopic examination on January 19, 1989 while the patient was under anesthesia following a D&C performed by her gynecologist. The cystoscopic examination did not disclose any tumors. Dr. MacGillis concluded that the patient's history of hematuria was probably the result of insidious hemorrhagic cystitis.

7. The Radiology Department at St. Joseph's Hospital did not provide Dr. MacGillis with the films from the IVP or advise him of the results of the IVP or the ultrasound prior to the time he performed the cystoscopic examination or at any time thereafter.

8. Dr. MacGillis did not make any inquiries regarding the results of the IVP he had ordered or review the IVP films prior to the cystoscopic examination or at any time thereafter until the patient was referred to him for additional medical care on June 25, 1991.

9. Following discovery of the incident described herein, Dr. MacGillis and Urology Associates, Ltd., S.C., reviewed and revised the protocols for x-ray acquisition and review and have fully implemented these protocols as more fully set forth in Attachment A to this Final Decision and Order. Dr. MacGillis has made a personal commitment to follow these protocols and to personally review every x-ray relating to urological problems for every test he has ordered. These protocols were voluntarily implemented by Dr. MacGillis and Urology Associates, Ltd., S.C., before the Stipulation which is the basis for this Final Decision and Order was executed by the parties to this proceeding.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.

2. The Wisconsin Medical Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

3. Dr. MacGillis' inaction, in that he did not take affirmative action in a timely manner to ascertain the results of the IVP performed on January 19, 1989, which the Department of Radiology had failed to forward to him, was negligence in treatment contrary to sec. 448.02(3), Stats.

ORDER

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

IT IS FURTHER ORDERED that Alexander J. MacGillis, M.D., license # 12695, is Reprimanded.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 23rd of August, 1995.

WISCONSIN MEDICAL EXAMINING BOARD

Walter R. Schwartz, M.D.  
Walter R. Schwartz, M.D., Secretary

ATY-FLG2194

## PROTOCOL FOR X-RAY ACQUISITION AND RADIOLOGY REPORTS

I, Alexander J. MacGillis, M.D., agree to follow the Protocol for X-ray Acquisition by Urology Associates, Ltd., S.C. attached.

I have implemented this protocol, and in addition I agree to personally review every x-ray relating to urological problems for every test I have ordered.

Alexander J. MacGillis, M.D.  
Alexander J. MacGillis, M.D.

May 14, 1995  
Date

*Attachment A*

Protocol for X-ray Acquisition By Urology Associates, Ltd., S.C.  
from St. Joseph's Hospital X-ray Department, West Allis Memorial  
Hospital X-ray Department, St. Luke's Hospital X-ray Department,  
Elmbrook Memorial Hospital X-ray Department.

1. X-rays mean:

- a. Intravenous pyelography.
- b. Cystograms.
- c. Kidney, ureter, bladder, flat plates.
- d. Chest x-rays.
- e. CAT scans.
- f. Ultrasound.

2. Office X-ray protocol is as follows:

- a. X-rays are ordered by the nurse assisting the doctors in Urology Associates. The ordering is recorded in the chart with the date ordered, ~~the~~ the date the examination is to be performed.
- b. Preparation of the patient instructions are to be given by the ordering nurse or by the X-ray Department technicians.
- c. X-ray reports and/or the x-rays are to be present in the office prior to and during the office instrumentation examination. X-rays are to be acquired in ample time for the examining urologist to review them.
- d. Reports of the film readings are to be sent to the ordering urologist as soon as possible, and immediately upon completion of the transcription.
- e. When x-rays are ordered, they are to be recorded as such in the x-ray and test log, with the date, time, patient's name and the type of study. The same is to be logged in when the work is received. If a report or reports are not received in five working days, it is to be traced and obtained for review by the treating physician immediately. Charts are to be flagged with a color sticker indicating they are active, and test reports have not been received.

3. Hospital X-ray protocol is as follows:

- a. X-rays - IVP, cystogram, ultrasound, or CAT scan, which are phone ordered or hospital ordered, must be in the cystoscopy room at the time of instrumentation. This is the responsibility of the reading radiologist. This responsibility extends to the x-ray clerk and technicians assigned to the cystoscopy room.
- b. If x-rays of the patient being instrumented (i.e. cystoscopy), are not present in the cystoscopy suite at the time the examination is to commence, they are to be pursued, obtained and delivered to the suite by the x-ray technicians and surgical technicians. The instrumentation, examination is not to commence without

the specific films of the patient in the room for review by the examining urologist,

- c. The treating urologist expects personal communication about ominous findings on x-ray, CAT scan, ultrasound, by the radiologist and urologist prior to instrumentation of the involved patient or shortly thereafter.
- d. A dictated report about the procedure should be delivered to the ordering physician within 24 hours after it is accomplished.
- e. On completion of review of x-rays by the designated urologist, they should be returned to the hospital x-ray department immediately by the participation x-ray technician and/or surgical technician.

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

ALEXANDER J. MACGILLIS, M.D.,  
RESPONDENT.

:  
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:  
: STIPULATION  
: (94 MED 495)  
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It is hereby stipulated between Alexander J. MacGillis, M.D., personally, and by his attorney, Mary H. Michal, and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Alexander J. MacGillis, M.D., 2500 North Mayfair Road, Wauwatosa, Wisconsin, was born on November 6, 1928 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since July 22, 1957, license #12695.
2. Dr. MacGillis specializes in the practice of urology. He currently practices his specialty with Urology Associates, Ltd., S.C.
3. An investigation of Dr. MacGillis is pending before the Wisconsin Medical Examining Board, investigative file 94 MED 495.
4. The parties to this Stipulation agree that the Wisconsin Medical Examining Board may render the Final Decision and Order attached hereto, the terms of which have been agreed upon by the parties.
5. Dr. MacGillis understands that by signing this Stipulation, he freely, voluntarily, and knowingly waives his rights, including the right to a hearing on the allegations against him, the right to confront and cross-examine witnesses against him, the right to call witnesses on his behalf and to compel their attendance by subpoena, the right to testify on his 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 and Order, the right to petition for rehearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
6. The parties waive all costs of this proceeding.
7. The parties to this Stipulation and the Board Advisor, Michael P. Mehr, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation. Any appearance by either party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.



8. If any term of this Stipulation or the incorporated Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or the Final Decision and Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: 8-14-95

Alexander J. MacGillis, M.D.  
Alexander J. MacGillis, M.D.

Dated: 8/15/95

Mary H. Michal  
Mary H. Michal  
Attorney for Dr. MacGillis

Dated: 8/8/95

Gilbert C. Lubeke  
Gilbert C. Lubeke  
Attorney for the Department of  
Regulation and Licensing,  
Division of Enforcement

GCL:daw  
ATY-FLG2193

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN MEDICAL EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

AUGUST 24, 1995.

### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

REINHART | BOERNER | VAN DEUREN  
NORRIS & RIESELBACH, S.C.

ATTORNEYS AT LAW

August 24, 1995



Mr. Wayne Austin  
Department of Regulation & Licensing  
State of Wisconsin  
P.O. Box 8935  
Madison, WI 53708-8935

Dear Mr. Austin:

Re: 94MED495

Pursuant to our telephone conference of Thursday, August 24, 1995, the following language is proposed for the monthly disciplinary report of the Department of Regulation & Licensing:

Alexander J. MacGillis, M.D. reprimand.

Stipulation and Order on August 23, 1995 for not affirmatively acting in a timely manner to ascertain the results of an IVP, which the Department of Radiology had failed to forward to him, contrary to section 448.02(3), Stats.

It is our understanding that this language is acceptable to you. If this understanding is incorrect or if you would like to discuss this language further, please contact me. We appreciate your attention to this matter.

Sincerely,

Mary H. Michal

6471MHM.LT

cc Dr. Alexander J. MacGillis