

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

RODRIGO R. ITABLE, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
94 MED 219

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

Rodrigo R. Itable, M.D.
2745 W. Layton Ave.
Milwaukee, WI 53221

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. Respondent Rodrigo R. Itable (dob 8/8/40) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #20287, first granted on 8/23/76. Respondent is a general practitioner.
2. Respondent did, on and between 1988 and the present, prescribe controlled substance medications for a number of his patients, without adequately recording in their charts the results of any physical examinations and/or laboratory tests.
3. Respondent did, between 1988 and the present, prescribe phentermine, a Schedule IV controlled substance and an amphetamine cogener, for several patients for several years at a time for weight loss, and continued to prescribe this drug even when the patient did not lose weight or was gaining weight. The use of phentermine for more than a few weeks is not recommended by the manufacturer or supported by legitimate research, and places the patient at risk of addiction.

CONCLUSIONS OF LAW

4. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

5. The conduct described in paragraphs 2 and 3, above, violated § Med 10.02(2)(h), Wis. Adm. Code, in that such charting and prescribing is an unjustified risk and danger to the patient. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Rodrigo R. Itable M.D. is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice medicine and surgery of respondent is LIMITED in that respondent shall not prescribe, dispense, order, or attempt to prescribe, dispense or order, any controlled substance, and shall surrender his DEA registration to the DEA, until he has taken and satisfactorily passed the 45 hour course in Proper Prescribing of Controlled Dangerous Substances sponsored by Forensic and Educational Consultants of Margate, N.J., or an equivalent course which has been approved in advance by the Board.

Respondent shall arrange for the course sponsors to report directly to the Department Monitor, and release all records of his performance, attendance, and related issues.

When respondent has satisfactorily completed the course, staff shall inform respondent that this limitation has been removed from his license and he may then resume prescribing controlled substances if he then obtains a valid DEA permit to do so. Respondent shall be responsible for all costs of taking the exam and the course.

IT IS FURTHER ORDERED, that respondent's license to practice medicine and surgery is LIMITED as provided in §448.02(3)(e), Wis. Stats., and in the following respects:

1. Respondent shall not prescribe any prescription drug or device for the purpose of weight loss or control, unless that prescribing is entirely consistent with the labeling approved by the FDA for that drug or device. All prescriptions of any drug or device for the purpose of weight loss or control shall be legibly entered in the patient's chart.

2. Respondent shall, at his own expense, participate in and successfully complete within 12 months of the date of this Order, an educational program established through the University of Wisconsin Continuing Medical Education program (which may conduct any program through the Medical College of Wisconsin or another CME provider) in recordkeeping, and approved by the Board or its designee.

Under the tutelage of a mentor selected by the program, respondent shall review a text selected by the mentor dealing with medical recordkeeping, and shall introduce the mentor's recommended improvements into his system over the period of the program in both his office and hospital records. All of respondent's records may be reviewed and discussed periodically with the mentor, as the mentor shall determine. The review may include not only the adequacy of documentation, but any other quality of care or related issue.

The mentor shall agree to report any matter which may constitute a danger to the health, safety or welfare of patient or public, or any violation of law, to the Board, whenever it comes to the mentor's attention.

Respondent's progress and the outcome of the program shall be reported directly to the department monitor, who may discuss respondent's progress with the mentor. The UW-CME shall certify to the Board the results of the program upon completion.

If respondent does not successfully complete the program or does not successfully achieve the objectives of the program, this matter shall be referred to the Board to determine any additional appropriate discipline for the conduct set out in the Findings of Fact.

Respondent will have the opportunity to present argument to the Board on that issue. The Board will receive the results of respondent's performance in the program as evidence in determining appropriate discipline.

3. Respondent shall, within nine months of this Order, take and achieve a score of 75 on the SPEX (Special Purpose Examination). Respondent may attempt the test twice during this time, but it is respondent's responsibility to schedule himself to take the examination in a timely manner if he wishes to leave himself the option of a second attempt. Respondent shall not attempt the examination more than twice without permission of the Board. If respondent does not achieve this score on his second attempt or has not achieved this score within the time provided, his license shall be suspended forthwith by staff, without further order of the Board, until respondent does achieve a score of 75 or the Board modifies this Order.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$650, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §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.

Dated this September 25, 1996.

WISCONSIN MEDICAL EXAMINING BOARD

by:


a member of the Board

akt

1 \table.stp

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RODRIGO R. ITABLE, M.D.,
RESPONDENT.

STIPULATION
94 MED 219

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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 or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this 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 agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

9. 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 the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

Rodriguez J. Baker

9-13-96

Respondent

Date

Arthur Huxton

9/17/96

Prosecuting Attorney
Division of Enforcement

Date

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RODRIGO R. ITABLE, M.D.,
RESPONDENT.

AFFIDAVIT OF SERVICE

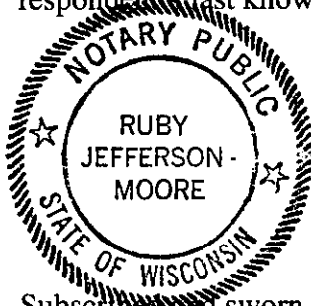
Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 30, 1996, she served the following upon the respondent:

Final Decision and Order dated September 25, 1996

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 at:

2745 W Layton Avenue
Milwaukee, WI 53221
Certified P 213 148 344

an address which appears in the files and records of the Medical Examining Board as the respondent's last known address.



Katie Rotenberg
Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me

this 30th day of September, 1996.

Ruby Jefferson-Moore
Notary Public
Dane County, Wisconsin
My Commission is Permanent

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On September 25, 1996, the Medical Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$650.00 Case #: 94 MED 219

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 650.00

The costs and/or forfeitures are due: October 25, 1996

NAME: Rodrigo R. Itable LICENSE NUMBER: 20287

STREET ADDRESS: 2745 W. Layton Avenue

CITY: Milwaukee STATE: WI ZIP CODE: 53221

Check whether the payment is for costs or for a forfeiture or both:

X COSTS

_____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL

_____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

For Receipting Use Only

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G:\BDLS\FM2145.DOC

Committed to Equal Opportunity in Employment and Licensing+

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

September 30, 1996

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.)