

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

RODRIGO R. ITABLE, M.D.,

Respondent

ORDER ON PETITION

On September 25, 1996, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license was limited in part to require that within nine months of the Order, Dr. Itable take and achieve a score of 75 on the Special Purpose Examination of the Federation of State Medical Boards. The Order specifies that Dr. Itable not be permitted to take the examination more than twice without board permission, and that the license would be suspended if Dr. Itable failed to achieve a score of 75 in two attempts.

Dr. Itable attempted the SPEX examination on December 31, 1996, and again on June 2, 1997, but failed to achieve a score of 75 in either attempt. Accordingly, he was notified on June 12, 1997, that his license was suspended immediately.

By letter dated June 16, 1997, Dr. Itable petitioned the board to permit him to appear in support of his request that he be permitted to sit for SPEX a third time. He appeared on June 25, 1997, and modified his request to either permit him to practice with a limited license or to enter and complete a remedial education program fashioned by the University of Wisconsin Continuing Medical Education Program. The board considered the matter on that date, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Rodrigo Itable, M.D., be, and hereby is, reinstated for a period of 90 days from the date of this Order. The license shall be limited during its term as set forth in paragraph 1 of the board's September 25, 1996, Order relating to prescribing for weight reduction.

IT IS FURTHER ORDERED that Dr. Itable is hereby granted leave to sit for the SPEX examination for the third time during the term of the limited license granted hereby.

DISCUSSION

The board continues in its conviction that a physician practicing as a general practitioner should be capable of passing the SPEX examination, and therefore continues in its insistence that Dr. Itable's continuing licensure requires that he do so. At his appearance before the board, Dr. Itable described the basis for his difficulty in the examination process, centering principally upon his difficulty in fully considering the individual test items in the time permitted. While the board would not presume to decide that such difficulty may find its basis in the fact that Dr. Itable apparently speaks English as a second language, it should be noted that the Federation of State Medical Boards, in cooperation with the Department of Regulation and Licensing, will consider and rule upon requests for accommodations in the examination process. Should Dr. Itable be in a position to establish the need for such an accommodation, he may wish to pursue that possibility.

Dated this 7th day of July, 1997.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Glenn Hoberg M.D.
Glenn Hoberg, D.O.
Secretary

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Rodrigo R. Itable, M.D.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On July 14, 1997, I served the Order On Petition dated July 7, 1997 upon the Respondent Rodrigo R. Itable, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 329.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

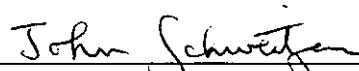
Rodrigo R. Itable, M.D.
2745 W. Layton Avenue
Milwaukee WI 53221



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 14th day of July, 1997.


Notary Public, State of Wisconsin
My commission is permanent.

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:

July 14, 1997

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.)