

# 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](mailto: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

---

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, 1995, 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 instead granted the original request and, by Order dated July 7, 1997, reinstated the license for 90 days and granted permission to take SPEX for the third time.

By notice dated October 24, 1997, the board was notified by the Federation of State Medical Boards that Dr. Itable sat for SPEX on October 15, 1997, and again failed to pass the examination. The board considered the matter at its meeting of November 20, 1997, and ordered the license be suspended until Dr. Itable achieves a passing score on the SPEX.

By letter dated November 28, 1997, Dr. Itable requested that the department consider an accommodation in the examination process in any future attempts by him to pass the examination. The board considered the matter on December 18, 1997, and denied the request by its Order dated December 22, 1997. The basis for the denial was that the policy of the Wisconsin department of Regulation & Licensing and the Medical Examining Board in relation to

examination accommodations is that an individual must suffer from a medical or physical disability in order to be granted an accommodation for the examination. English as a second language is not considered a disability according to this standard.

By letter dated January 23, 1998, Thomas P. Ehr, attorney for Dr. Itable, requested on Dr. Itable's behalf that the board stay the suspension of Dr. Itable's license until he is able to successfully complete the SPEX examination. The board considered the request at its meeting of February 25, 1998.

Based upon Dr. Itable's request and other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the request of Rodrigo Itable that he be granted a stay of the suspension of his license pending his further efforts to pass SPEX be, and hereby is, denied.

DISCUSSION

It is regrettable that Dr. Itable has been thus far unable to pass the SPEX examination. In having failed to do so, however, he has also failed to demonstrate minimum competency to practice medicine in Wisconsin, and the suspension of his license must continue in place until he is able to do so.

Dated this 12th day of March, 1998.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by Wanda Roever  
Wanda Roever  
Secretary

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

---

In the Matter of 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.

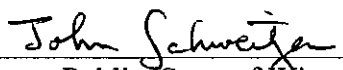
2. On March 17, 1998, I served the Order on Petition dated March 12, 1998 upon the Respondent Rodrigo R. Itable's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope 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 221 158 849.

Thomas P. Ehr, Attorney  
11931 W. Bluemound Road  
Wauwatosa WI 53226

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 17<sup>th</sup> day of March, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: THOMAS P EHR ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 3/17/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD  
1400 East Washington Avenue  
P.O. Box 8935  
Madison WI 53708-8935