

# 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/wscqa>.
- 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)

STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

-----  
IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST:

ALLAN B. LEVIN, M.D.,

**FINAL DECISION AND ORDER**

RESPONDENT

LS0111143MED  
-----

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

Allan B. Levin, M.D.

4585 Fox Bluff Lane

Middleton, WI 53592

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 Allan Bertram Levin, M.D. (dob 11-29-38) 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 #16820, first granted on 7-8-69. Respondent is a neurosurgeon. During all times relevant to the matters set forth herein, respondent was a tenured faculty member of the University of Wisconsin Medical School, and had agreed to and was subject to the University's Clinical Practice Plan (CPP).
2. Respondent did, during the years 1983-93, provide medico-legal consulting services to a number of clients. Such services were permitted by the CPP. The CPP also required all physicians to report and share such income with other members of the CPP. Respondent did not report any of his non-patient related medico-legal income to, or share that income with, the CPP members, but instead kept all of it for his own use. Respondent's gross receipts from this activity for this period averaged approximately \$20,000/yr.
3. Respondent's clerical staff did, during the years 1985-93, routinely perform billing for respondent. When bills were prepared for hospitalized patients who were seen by respondent's partners or residents when respondent was out of town (i.e., when respondent's partners "covered" for respondent, a common and acceptable activity), staff then caused the patient to be billed for having been seen (or the resident having been supervised) by respondent. This is not permitted under Medicaid and Medicare rules. Respondent, as a physician, is accountable for the actions of his staff.

4. Respondent retired from the University of Wisconsin following a contested internal hearing in this matter. He is presently working as a consultant, and not providing direct patient care. The moneys collected pursuant to the inappropriate billing practices set forth in ¶¶ 3-4, above, have been refunded to the extent they were paid by Medical Assistance or Medicare. Respondent has also settled a lawsuit resulting from the activities described in ¶2, above, in a manner acceptable to the affected parties.

CONCLUSIONS OF LAW

A. 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.

B. The conduct described in paragraphs 2-3, above, violated § Med 10.02(2)(m), Wis. Adm. Code. 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 Allan B. Levin, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent's license to practice medicine and surgery is LIMITED for one year (and continuing until his community service obligation set forth below, is completed), effective the date of this order, as provided by §448.02(3)(e), Wis. Stats.

IT IS FURTHER ORDERED, that respondent shall provide no fewer than 160 hours of uncompensated community service (which may consist of providing clinical medical services to indigent patients in an established program for providing such services) as approved by the Board or its designee. Respondent shall propose a plan for such community service within 45 days of this Order, and shall diligently and continually work towards completing the requirements of this paragraph.

IT IS FURTHER ORDERED, that respondent shall pay the partial costs of investigating and prosecuting this matter in the amount of \$1100, 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 November 14, 2001.

WISCONSIN MEDICAL EXAMINING BOARD

By: Sidney Johnson

A Member of the Board