

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
ELLIS D. AVNER, M.D., : LS0911191MED  
RESPONDENT. :

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[Division of Enforcement Case # (07 MED 290)]

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

Ellis D. Avner, M.D.  
Children's Research Institute  
999 N. 92nd Street, suite 730  
Milwaukee, WI 53226

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

Wisconsin Medical Examining Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Ellis D. Avner, M.D., (DOB June 12, 1948) is duly licensed as physician in the state of Wisconsin (license # 47017). This license was first granted on June 15, 2004. Respondent was also licensed in Ohio (license # 35.068850), which was first granted on July 24, 1995, expired on July 1, 2005, and Respondent voluntarily surrendered on October 5, 2006. Since June 30, 2005, Respondent has resided and practiced in Wisconsin.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is Children's Research Institute – Administration, 999 N. 92nd Street, suite 730, Milwaukee, WI 53226.

3. On October 5, 2006, Respondent and the State Medical Board of Ohio entered into a Surrender of

Certificate to Practice Medicine and Surgery, in which, Respondent voluntarily surrendered his Ohio medical license (license # 35.068850). Respondent had provided medical care and written prescription orders for controlled substances, including narcotics, for a co-worker from January of 1997, through June of 2004, without completing and maintaining accurate medical records to reflect his examination, evaluation, and treatment of this co-worker, and without accurately reflecting the utilization of controlled substances in his treatment of this co-worker.

4. On July 16 and 17, 2009, Respondent completed the UCSD Medical Record Keeping Course at the University of California San Diego, earning seventeen credits of continuing medical education. The Medical Examining Board recognizes this course as the continuing medical education the Board would otherwise have ordered Respondent to complete.

### CONCLUSIONS OF LAW

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

2. The conduct described in paragraph 3, above, constitutes a violation of Wisconsin Administrative Code § MED 10.02(2)(q).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Ellis D. Avner, M.D., is hereby REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Four Hundred Twenty Five (\$425.00 ) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, then Respondent's license (# 47017) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

By: Gene Musser MD  
A Member of the Board

11/19/09  
Date