

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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 |
| ROSS E. LEVATTER, M.D.,           | : |                          |
| RESPONDENT.                       | : |                          |

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ORDER 0000962

Division of Enforcement Case No. 09MED171

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

Ross E. Levatter, M.D.  
5640 E. Wonderview Road  
Phoenix, AZ 85018-8501

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 and Licensing  
1400 East Washington Avenue  
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 Medical Examining 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. Ross E. Levatter, M.D., Respondent, date of birth June 3, 1955, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the State of Wisconsin pursuant to license number 39282-20. Respondent's credential was first granted August 22, 1997, and expires on October 31, 2011. Respondent's specialty is diagnostic radiology.

2. Respondent's address of record with the Wisconsin Medical Examining Board is 5640 E. Wonderview Road, Phoenix, AZ 85018-8501.

3. At the time of the events set out below, Respondent practiced radiology via telemedicine. He resided in Arizona and held a license to practice medicine in Wisconsin, but has never practiced while present in the state. Respondent has not practiced medicine anywhere since 2008.

4. On September 23, 2008, in Albuquerque, New Mexico Respondent was indicted on charges of racketeering; conspiracy to commit racketeering; money laundering; conspiracy to commit money laundering; promoting prostitution; and conspiracy to commit promoting prostitution in violation of § 30-42-1 to § 30-42-6; NMSA 1978 (racketeering); § 30-28-2, NMSA 1978 (conspiracy to commit racketeering); § 30-52-4, NMSA 1978 (Money Laundering); §30-28-2; §30-51-4 NMSA 1978 (Conspiracy to commit money laundering); §30-9-4.A through F, NMSA 1978, (Promoting prostitution; §30-28-2, § 30-9-4.A, C, D and F , NMSA 1978 (conspiracy to commit promoting prostitution).

5. On February 15, 2010, Respondent entered a plea of no contest to money laundering, and two counts of conspiracy to commit promoting prostitution.

6. On April 8, 2010 the court in New Mexico sentenced the Respondent to 3 years incarceration along with terms and conditions that include 2 years of parole and 5 years of concurrent supervised probation. According to his attorney, Respondent is expected to be released from prison in approximately November 2011.

7. On August 5, 2009, based on conduct from the same set of operative facts in Arizona, the Arizona Medical Board issued a Letter of Reprimand to the Respondent. Disciplinary action is pending or has occurred in other jurisdictions in which Respondent was licensed to practice medicine.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct as set forth above, resulting in adverse action by the Arizona Medical Board, constitutes unprofessional conduct, as defined by Wis. Admin. Code § MED 10.02(2)(q). Respondent is therefore subject to discipline pursuant to Wis. Stat. § 448.02(3).

## ORDER

IT IS HEREBY ORDERED that the VOLUNTARY SURRENDER by Ross E. Levatter, M.D., Respondent, of his Wisconsin license to practice medicine and surgery (license No. 39282-20) is hereby ACCEPTED. The voluntary surrender of Respondent's right to reinstate his credential, by renewal without specific reinstatement by the Board, is also accepted.

IT IS FURTHER ORDERED that:

1. If Respondent ever seeks to regain this or any other credential from the Board:
  - a. Respondent shall provide evidence sufficient to satisfy the Board that he does not have any mental health or cognitive condition that could interfere with his ability to safely provide professional services to patients or the public.
  - b. Due to the period in which he is not practicing medicine, Respondent shall satisfy the Board that his competence to practice medicine and surgery is such that he does not present a risk to his patients.
  - c. The Board retains sole discretion to determine whether or not to grant any credential to Respondent in the future, and whether to impose limitations, including indefinite monitoring, on any credential the Board may decide to grant.
2. Respondent shall, within 90 days, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$131.25 pursuant to Wis. Stat. § 440.22(2).
3. Payment of costs shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone: (608) 267-3817  
Fax: (608) 266-2264
4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in 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 timely submit payment of the costs as set forth above, the Respondent's license (No. 39282-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.
5. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Skiles MD MBA 7/20/11  
A Member of the Board Date