

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT K. ORTWEIN, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004008

Division of Legal Services and Compliance Case No. 14 MED 456

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

Robert K. Ortwein, M.D.
1634 Main St
Racine, WI 53403

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Robert K. Ortwein, M.D., (DOB January 28, 1936), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 16736-20, first granted on April 18, 1969, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1634 Main Street, Racine, Wisconsin 53403.

2. In 2014, the Department of Safety and Professional Services began an audit of compliance with the continuing medical education requirements for physicians for the 2012-2013 biennium.

3. Respondent's name was randomly selected as a subject of the audit pursuant to Wis. Stat. § 448.13(1m).

4. Respondent failed to demonstrate compliance with continuing medical education requirements for the 2011-2013 biennium as follows:

- a. Respondent submitted evidence that he had completed 40 credits of continuing education;
- b. All the credits were after the 2012-2013 biennium;
- c. Respondent therefore did not complete any of the 30 credits due within the 2012-2013 biennium.

5. As of the date of this Final Decision and Order, Respondent has complied with continuing medical education requirements for the 2012-2013 biennium.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 448.13(1)(a) by failing to complete thirty (30) acceptable continuing medical education hours.

3. In violating Wis. Stat. § 448.13(1)(a), Respondent committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(1)(a).

4. As a result of the above violation(s), Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, Robert K. Ortwein, M.D., license no. 16736-20, is hereby REPRIMANDED.

3. 30 of the continuing education credits earned by the Respondent for his self-paced American Academy of Pediatrics activities (reflected by a transcript dated July 16, 2014) have been applied to the 2012-2013 biennium and may not be used for the 2014-2015 biennium.

4. Respondent is on notice that the Department may audit his compliance with continuing medical education requirements in the next biennium.

5. Within 90 days from the date of this Order, Respondent Robert K. Ortwein, M.D., shall pay COSTS of this matter in the amount of \$100.00.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

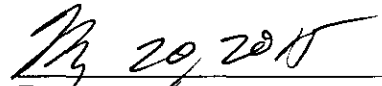
7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (16736-20) 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.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT K. ORTWIEN, M.D.,
RESPONDENT.

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STIPULATION

0004008

Division of Legal Services and Compliance Case No. 14 MED 456

Respondent Robert K. Ortwein, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

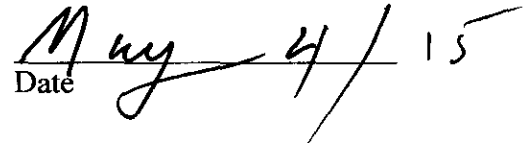
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

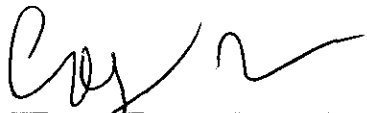
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

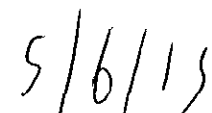
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Robert K. Ortwein, M.D., Respondent
1634 Main St
Racine, WI 53403
License no. 16736-20


Date


Cody Wagner, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190


Date