

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscga>

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ROBERT A. KRATZKE, M.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005518**

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Division of Legal Services and Compliance Case No. 16 MED 039

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

Robert A. Kratzke, M.D.  
MMC 480  
420 Delaware Street SE  
Minneapolis, MN 55455

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 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 A. Kratzke, M.D. (DOB July 4, 1957), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 26408-20, first issued on October 26, 1984, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is MMC 480, 420 Delaware Street SE, Minneapolis, Minnesota 55455.

2. Respondent is also licensed by the State of Minnesota to practice medicine and surgery.

3. At all times pertinent to this matter Respondent practiced medical oncology in Minnesota.

4. In April 2014, Respondent sought assistance from Minnesota's Health Professionals Services Program (HPSP) for his self-reported abuse of alcohol.

5. In May 2014, Respondent signed a Participation Agreement and Monitoring Plan (Agreement) with HPSP. The Agreement required Respondent, *inter alia*, to abstain from alcohol, complete a residential substance abuse treatment program, and comply with all continuing care recommendations.

6. In 2015, Respondent admitted continued use of alcohol, a violation of the Agreement.

7. In January 2016, the Minnesota Board of Medical Practice (MBMP) issued an order (Minnesota Order) suspending Respondent's Minnesota license to practice medicine based upon his failure to comply with the Agreement. The Minnesota Order was stayed subject to certain terms and conditions to be in effect for a minimum of three years.

8. Respondent did not report the above-referenced action to the Department.

9. 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 Robert A. Kratzke, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(a) by failing, within 30 days, to report to the board any adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.

3. By the conduct described in the Findings of Fact, Respondent Robert A. Kratzke, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

4. As a result of the above conduct, Robert A. Kratzke, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. The medicine and surgery license issued to Robert A. Kratzke, M.D. (license number 26408-20), including the right to renew the license, is SUSPENDED for an INDEFINITE PERIOD OF TIME.
3. The suspension is STAYED on the condition that Respondent comply, and remain in compliance, with all terms and conditions of the Minnesota Order, including any successor Orders.
  - a. In conjunction with any request Respondent makes to renew his registration to practice medicine and surgery in Wisconsin, Respondent shall submit documentation of his compliance with the Minnesota Order.
  - b. The Board or its designee may request additional documentation and/or require Respondent to appear personally to answer questions in conjunction with his petition for renewal.
  - c. The Board or its designee may deny renewal of the registration if it finds Respondent's documentation and/or responses insufficient.
4. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of the Minnesota Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. In addition the Board may prohibit the Respondent from seeking a reinstatement of the stay under paragraph 5 for a specified period of time.
5. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
  - a. Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
  - b. Actual notice to Respondent or Respondent's attorney.
6. The Board or its designee may reinstate the stay if provided with sufficient information that Respondent is in compliance with the Minnesota Order, and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
7. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of

receipt of Respondent's request, unless waived by Respondent. A hearing request does not stay the suspension during the pendency of the hearing process.

8. Within 30 days from the date of this Order, Robert A. Kratzke, M.D., shall pay costs of this matter in the amount of \$400.00.

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

Department Monitor  
Division of Legal Services and Compliance  
Wisconsin 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

9. Violation of any 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 the costs as ordered, the stay of suspension of Respondent's license (no. 26408-20) may, in the discretion of the board or its designee, be removed without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

By:

T. Kratzke MD  
A Member of the Board

Date

11/15/17

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ROBERT A. KRATZKE, M.D.,  
RESPONDENT.

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STIPULATION

**0005518**

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Division of Legal Services and Compliance Case No. 16 MED 039

Respondent Robert A. Kratzke, 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 Wisconsin 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

Stipulation

In the matter of disciplinary proceedings against  
Robert A. Kratzke, M.D., DLSC Case No. 16 MED 039

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.

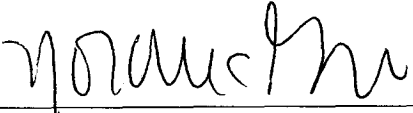
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

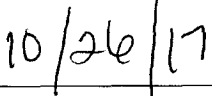
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
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Robert A. Kratzke, M.D., Respondent  
MMC 480  
420 Delaware Street SE  
Minneapolis, MN 55455  
License no. 26408-20

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Yolanda McGowan, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

  
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Date