

# 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

UDAY V. GUPTA, M.D.,

LS9904202MED

RESPONDENT.

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Division of Enforcement

97 MED 151

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

*Uday V. Gupta, M.D.  
1004 E. Sumner St.  
Hartford, WI 53027*

*Wisconsin Medical Examining Board  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935*

*Department of Regulation and Licensing  
Division of Enforcement  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935*

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Uday V. Gupta, M.D., personally, and by his attorney, Paul R. Erickson; and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Uday V. Gupta, M.D., 1004 E. Sumner Street, Hartford, Wisconsin, 53027, was born on 1/9/42, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 1/26/79, license #22107.
2. Dr. Gupta specializes in the practice of gastroenterology.
3. At 1810 on 5/12/93, R.S., a 60 year old male patient, presented at the hospital emergency room complaining of chest pain. The patient reported that he had been sitting in a bar at approximately 1630 to 1700 waiting for a social event to commence when he experienced numbness of his neck and jaw with pressure extending to his substernal area and then developed sharp chest pain. He did not have any shortness of breath, diaphoresis, nausea or headache. The patient's chest pain was relieved in the emergency room after he was given two nitroglycerin at 1820 and 1840. The emergency room physician contacted Dr. Gupta to admit the patient to the hospital for further evaluation and treatment. Dr. Gupta, as a condition for maintaining staff privileges at the hospital, was required to provide on-call admission services for patients who did not have treating physicians with staff privileges. The hospital did not have a cardiologist on staff. Upon Dr. Gupta's arrival at the hospital, Dr. Gupta and the emergency room physician conferred with each other and reviewed the patient's history, the patient's presenting symptoms, the results of the physical examination and the diagnostic test results available to them. The EKG did not demonstrate any evidence of a myocardial infarction. The CPK was elevated at 454.

They did not have the CPK-MB fraction test results at the time of their conversation although the test had been ordered by the emergency room physician at the same time as the CPK had been ordered. The CPK-MB fraction was, in fact, in the normal range with a value of 3. Dr. Gupte and the emergency room physician made a diagnosis of myocardial infarction. The emergency room physician urged Dr. Gupte to administer TPA therapy. Dr. Gupte did not order any additional diagnostic tests to confirm the diagnosis of myocardial infarction. At 1925, Dr. Gupte admitted the patient to the hospital with an order to begin TPA therapy. Dr. Gupte did not make any affirmative inquiries to determine the value of the CPK-MB fraction prior to ordering and administering the TPA therapy. The normal CPK-MB fraction was known to Dr. Gupte within a few minutes either before or after the TPA therapy was commenced. The TPA therapy was commenced at 2017 prior to receipt of any affirmative confirmatory diagnostic evidence, other than the patient's presenting symptoms, that the patient had experienced a myocardial infarction. In fact, the patient had a dissecting aortic aneurysm. The patient's blood pressure and heart rate dropped significantly at 2120, he became diaphoretic and he complained of nausea. At 2145, a Code 4 was called. At 2230, the Code 4 was terminated and the patient was pronounced dead. An autopsy disclosed the cause of death to be a ruptured dissecting aortic aneurysm involving the ascending aorta.

4. TPA therapy is a form of thrombolytic therapy which when administered to a patient in the absence of affirmative confirmatory diagnostic evidence of a myocardial infarction creates an unacceptable risk of hemorrhage.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Gupte's conduct in administering TPA therapy to the patient prior to obtaining affirmative confirmatory diagnostic evidence that the patient had experienced a myocardial infarction constituted a violation of sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(h).
4. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Gupte.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Uday V. Gupte, M.D., will, within one year of the date of this Final Decision And Order, take and complete 30 hours of category 1 continuing medical education courses in the diagnosis and treatment of cardiovascular disease including the criteria for the use of thrombolytic agents. Each course attended in satisfaction of this Order must be preapproved by the Wisconsin Medical Examining Board or its designee. Dr. Gupte will be responsible for locating courses satisfactory to the Wisconsin Medical Examining Board and for obtaining the required approval of the courses from the Wisconsin Medical Examining Board or its designee. Dr. Gupte will within 60 days of completion of this educational requirement submit an affidavit to the Wisconsin Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will 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

Dr. Gupte will be responsible for paying the full cost of attendance at these courses. Dr. Gupte will not apply any of the continuing medical education credits earned in satisfaction of this Order toward satisfaction of his sec. 448.13, Stats., biennial training requirements.

IT IS FURTHER ORDERED that Uday V. Gupte, M.D. will pay the costs of this proceeding in the amount of \$300.00 to the Department of Regulation And Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935, within 30 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that Uday V. Gupte, M.D. will appear before the Wisconsin Medical Examining Board, if

an appearance is requested by the Board, at the conclusion of the educational program to establish that he has complied with all of the terms of this Final Decision And Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Uday V. Gupte has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Gupte to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 21st day of April, 1999.

WISCONSIN MEDICAL EXAMINING BOARD

Ronald Grossman M.D.

Member, Wisconsin Medical Examining Board

