

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
PRAKASH D. SHAH, M.D., : LS0512213MED
RESPONDENT. :

Division of Enforcement Case No. 04 MED 465

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

Prakash D. Shah, M.D.
2801 W. Kinnickinnic River Parkway
Milwaukee, WI 53215

Wisconsin Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A formal complaint was filed in this matter on December 21, 2005. Prior to the hearing on the formal complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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. Respondent Prakash D. Shah (d.o.b. 9/12/62) is duly licensed in the state of Wisconsin to practice medicine and surgery (license #32376). This license was first granted on 7/1/91. Respondent's specialty is internal medicine, cardiology.
2. Respondent's last reported address on file with the Department of Regulation and Licensing is 2801 W. Kinnickinnic River Parkway, Milwaukee, WI 53215.
3. On 11/29/04, a complaint was received in the Department of Regulation and Licensing concerning the Respondent's provision of medical services to female Patient HB (d.o.b. 1/25/40). This complaint was opened for investigation by the Medical Examining Board screening panel on 1/25/05.
4. A formal complaint was filed in this matter on December 21, 2005. No evidentiary hearing had been held to date.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

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

IT IS FURTHER ORDERED that this matter is DISMISSED for the reasons set out in the stipulation and that no costs shall be assessed against either party.

This Order is effective on the date of its signing.

MEDICAL EXAMINING BOARD

By: Bhupinder Saini MD
A Member of the Board

8/16/06
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	
PRAKASH D. SHAH, M.D.,	:	LS0512213MED
RESPONDENT.	:	

Division of Enforcement Case No.04 MED 465

It is hereby stipulated between Prakash D. Shah, M.D., Respondent, Paul R. Erickson, Attorney for Prakash D. Shah, M.D. and Michael J. Berndt, Attorney Supervisor, Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (04 MED 465). Respondent consents to the resolution of this investigation by stipulation.
2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Respondent has obtained the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining 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 be returned to the Administrative Law Judge for further proceedings. In the event that this 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 Enforcement and any member of the Medical Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 accord with standard Department procedure.
8. The basis for this Stipulation and Order of Dismissal is that if the matter were fully litigated there is not a reasonable probability of establishing by a preponderance of the evidence that the Respondent engaged in negligence in practice or unprofessional conduct. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Prakash D. Shah, M.D.
2801 W. Kinnickinnic River Parkway
Milwaukee, WI 53215

Date

Paul R. Erickson, Attorney for Respondent
Gutglass, Erickson, Bonville, et al.
735 N. Water Street, Suite 1400
Milwaukee, WI 53202-4267

Date

Michael J. Berndt, Attorney for Complainant Date
Wisconsin State Bar #1009070
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