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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
GOPE C. HOTCHANDANI, M.D., :
RESPONDENT. : ORDER 0000724

Division of Enforcement Case No. 08MED085

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

Gope C. Hotchandani, M.D.
2771 Ramada Way
Green Bay, WI 54304

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

PROCEDURAL HISTORY

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Gope C. Hotchandani, M.D., Respondent, date of birth September 2, 1947, 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 41587, which was first granted August 27, 1999.

2. Respondent's last address reported to the Department of Regulation and Licensing is 2771 Ramada Way, Green Bay, WI 54304.

3. On or about October 6, 2008, in the United States District Court, Western District of Michigan, the Respondent pled guilty to one felony count of Health Care Fraud-Omnibus Treatment, in case number 2:08-CR-08. The conviction stemmed from the Respondent billing Blue Cross Blue Shield of Michigan for a higher level of services than he actually provided to patients.

4. On February 4, 2009, the United States District Court, Western District of Michigan, issued a Judgment in a Criminal Case to the Respondent, which ordered:

- a. Imprisonment of Respondent for a 30-day term beginning February 6, 2009;
- b. Three-year Supervised Release;
- c. In-home confinement for the first five months of supervised release. Respondent is allowed work release from 6:00 a.m. – 7:00 p.m. Monday through Friday;
- d. Respondent is to retain a Medical Insurance Reimbursement Expert to review business books and reports quarterly;
- e. Respondent is to include “Insurance Reimbursement Only for Medically Necessary Procedures” on all written or verbal advertisements;
- f. Respondent is to pay an Assessment Fee of \$100; a Fine of \$20,000; and Restitution of \$18,656.14 to Blue Cross Blue Shield of Michigan.

5. In satisfaction of the Judgment issued by the United States District Court, Western District of Michigan, Respondent:

- a. Served a 30-day jail sentence from February 6, 2009 – March 6, 2009 (upon his release, the United States District Court Eastern District of Wisconsin accepted supervision of Respondent);
- b. Began his three-year supervised release on March 6, 2009 (scheduled to end March 5, 2012);
- c. Underwent in-home confinement during the first five months of his supervised release;
- d. Hired an expert, who reviews his records monthly and quarterly and submits reports to Respondent’s probation agent;
- e. Includes the special language provided in the Judgment in all advertisements, written or verbal.
- f. Paid the fine of \$20,000 and restitution of \$18,656.14 to Blue Cross Blue Shield of Michigan.

6. On February 25, 2009, based on Respondent’s conviction, The Michigan Department of Community Health (MDCH) filed an Administrative Complaint against the Respondent requesting a hearing to determine whether disciplinary action should be taken against the Respondent. Pending a hearing and final determination of the cause, the MDCH issued an Order of Summary Suspension based on Respondent’s conviction and pursuant to section 16233(5) of Michigan’s Public Health Code.

7. On March 12, 2009, an Administrative Law Judge ordered the dissolution of the Order of Summary Suspension issued by the MDCH on February 25, 2009.

8. On July 15, 2009, the Michigan Board of Medicine Disciplinary Subcommittee issued a Consent Order, which made the following findings:

- a. Respondent was convicted of a felony in violation of section 16221(b)(v) of the Public Health Code, supra;
- b. Respondent's conviction evidences lack of good moral character in violation of section 16221(b)(vi) of the Public Health Code, supra;
- c. Respondent's conviction evidences fraud or deceit in obtaining or attempting to obtain third party reimbursement in the course of professional practice in violation of section 16221(d)(iii) of the Public Health Code, supra;
- d. Respondent's conviction evidences misrepresentation in obtaining or attempting to obtain third party reimbursement in the course of professional practice in violation of section 16221(e)(i) of the Public Health Code, supra.

9. The Consent Order stated the following:

- a. Respondent's license is suspended for a period of 60 days beginning on the effective date of the Order. Respondent shall be given credit for the time during which the Order of Summary Suspension was in effect (February 25, 2009 – March 12, 2009).
- b. Respondent is placed on probation for period of three years to run concurrently with his U.S. District Court probation/supervised release. Reduction of the probationary period shall occur only while Respondent is employed as a physician. Respondent shall be automatically discharged from probation at the end of the probationary period provided he has complied with the terms of this order. Respondent must complete the following within the period of probation:
 1. Compliance with criminal probation – Respondent shall satisfy all the terms of probation imposed in the criminal case.
 2. Continuing Education Credits – Within one year of the Order, Respondent shall successfully complete continuing education credits in the areas of ethics and billing.
 3. Residency and Practice Outside Michigan – Periods of residency and practice outside Michigan shall not reduce the probationary period of this Order.
 4. Compliance with the Public Health Code – Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- c. Respondent shall pay a fine of five thousand (\$5,000) dollars to the State of Michigan.
- d. Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent Order.

10. In satisfaction of the Michigan Board of Medicine Consent Order, the Respondent:
 - a. Served a 60-day suspension of his medical license;
 - b. Began his three-year probation period, which is to run concurrent with his supervised release, on March 6, 2009 (scheduled to end March 5, 2012);
 - c. Maintains compliance with his criminal probation;
 - d. Completed the following continuing education courses jointly sponsored by the University of Colorado School of Medicine and Challenger Corporation:
 - i. Consult Coding, 2 hours;
 - ii. Established Office Patients E/M Coding, 2 hours;
 - iii. Rational Physician Coding for E/M Services, 2 hours;
 - iv. Rational Physician Coding for New Office Patients, 2 hours;
 - v. Basic E/M Coding, 2 hours.
 - e. Paid the \$5,000 fine to the State of Michigan on August 27, 2009; and
 - f. Paid all costs and expenses associated with his compliance of the terms and conditions of the Consent Order.

11. On March 8, 2010, the New York Department of Health Ordered effective immediately, pending a hearing to determine a penalty or sanction, ordered that the Respondent shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

12. On March 14, 2010, the Respondent signed an affidavit in which he acknowledged an understanding that the New York Department of Health charged him with professional misconduct and he submitted his application to the Board for permission to surrender his license. The Board accepted his application for surrender and issued a Surrender Order on March 22, 2010.

13. The Respondent currently practices at Hotchandani Laser, Vein & Cosmetic Surgery performing medical aesthetic and cosmetic surgeries. Hotchandani Laser, Vein & Cosmetic Surgery clinics are located in Green Bay, Wisconsin and Appleton, Wisconsin.

14. Respondent currently maintains an active license in Michigan and is in compliance with all terms of the Consent Order.

15. On December 28, 2010, the Division of Enforcement received notification from Respondent's probation agent that Respondent is in compliance with the Judgment issued by the United States District Court, Western District of Michigan.

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, by being convicted of a crime which relates to practice under his medical license is in violation of Wis. Stat. § 448.02 (3) and Wis. Admin. Code § MED 10.02(2)(r).

3. Respondent, by having his practice credential limited by the Michigan Board of Medicine Disciplinary Subcommittee, is in violation of Wis. Stat. § 448.02(3) and Wis. Admin. Code § Med 10.02(2)(q).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS FURTHER ORDERED, that the license of Gope C. Hotchandani, M.D. shall be SUSPENDED for a period of 60 days, said suspension to be retroactive and run concurrent with the 60-day suspension imposed by the Michigan Board of Medicine Disciplinary Subcommittee.

IT IS FURTHER ORDERED that the license of Gope C. Hotchandani, M.D. is hereby LIMITED on the following terms and conditions:

1. Respondent shall, at all times, comply with all terms of the Judgment in a Criminal Case issued by the United States District Court Western District of Michigan on February 4, 2009 and currently maintained by the United States District Court Eastern District of Wisconsin. Respondent shall provide written verification to the Board, or its designee, of continuing compliance with the terms of the Judgment on May 1, 2011 and at six month intervals thereafter until the all terms are completed.

2. Respondent shall, at all times, comply with all terms of the Consent Order issued by the State of Michigan Board of Medicine Disciplinary Subcommittee on July 15, 2009. Respondent shall provide written verification to the Board, or its designee, of continuing compliance with the Order on May 1, 2011 and at six month intervals thereafter until the terms of the Michigan Order are completed.

3. Respondent shall notify the Department of Regulation and Licensing of any changes to his Supervised Release or Michigan Order within 10 days of the change.

4. Upon Respondent providing proof sufficient to the Board, or its designee, that he has successfully complied with all terms and conditions of the Judgment in a Criminal Case issued by the United States District Court Western District of Michigan, and the Consent Order

issued by the State of Michigan Board of Medicine Disciplinary Subcommittee, the Board or its designee shall issue an Order removing this limitation of Respondent's license.

5. All documents required to be filed under this Order shall be mailed to the Department Monitor at the address set forth below.

IT IS FURTHER ORDERED that:

6. Respondent shall within 90 days of this Order pay costs of this proceeding in the amount of ELEVEN HUNDRED (\$1,100.00) dollars. Payment shall be made to the Wisconsin Department of Regulation and Licensing, and mailed 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

7. 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 Respondent's license (No. 41587) 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: SKailep MD MBA
A Member of the Board

3/16/11
Date