

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
BEHRAM PASTAKIA, M.D., :
RESPONDENT. : ORDER 0002058

Division of Enforcement Case No. 11 MED 140

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

Behram Pastakia, M.D.
8715 Irvington Avenue
Bethesda, MD 20817-3605

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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 Behram Pastakia, M.D. (dob December 6, 1947) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20-23614, first issued on February 9, 1981 with registration current through October 31, 2013. Behram Pastakia's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8715 Irvington Avenue, Bethesda, MD, 20817-3605.

2. Respondent is certified by the American Board of Radiology for diagnostic radiology and certified for nuclear medicine by the American Board of Nuclear Medicine.

3. On October 23, 2007, Respondent reviewed a barium esophagram of Patient A, a 56 year old male, who was diagnosed with gastric cancer and had undergone near total gastrectomy. A retained sponge was present in the left abdomen following the surgical procedure. Respondent reviewed the radiographs post surgically.

4. Respondent opines that one of the radiographs may not have been available for his review due to system delays at the facility and may have been the reason he did not note the retained sponge.

5. On December 27, 2007, Respondent interpreted a CT scan of the chest, abdomen and pelvis of Patient A. Respondent noted a soft tissue abnormality but failed to identify the retained sponge in the left abdomen and a significant abscess in the bowel resulting in a delay in diagnosis and treatment.

6. Respondent's conduct as herein described with regard to Patient A fell below the minimum standards of competence established in the profession in the following respects:

A. Respondent failed to recognize the presence of the retained sponge and the bowel abscess upon CT scan on December 27, 2007.

7. Respondent's conduct as set forth above created the following unacceptable risks to the patient:

A. By failing to recognize the presence of the retained sponge and the bowel abscess, Respondent exposed the patient to the risk that the patient's condition would not be diagnosed and treated in a timely manner.

8. Respondent's conduct as set forth above tended to constitute a danger to the health, welfare and safety of Patient A.

9. Respondent felt the error occurred due to an electronic software issue and subsequently created a module for review by the radiology department to highlight imaging features for unexpected retained foreign bodies and improve communications between radiologists and referring physicians.

10. Since this incident Respondent has been appointed the head of Quality Assurance for the entire radiology department.

11. Respondent does not currently practice in Wisconsin.

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, Behram Pastakia, M.D. has violated Wis. Admin. Code § MED 10.02 (2) (h).

3. As a result of the above violations, Behram Pastakia, M.D. is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Behram Pastakia, M.D. is REPRIMANDED.
3. The license to practice medicine and surgery issued to Behram Pastakia, M.D. (license number 20-23614) is LIMITED as follows:

a. Within nine months of the date of this Order, Respondent shall successfully complete 4 hours of education in CT interpretation and 2 hours in documentation of radiographic interpretation, including taking and passing any examination offered as part of the course/s.

b. The course/s attended in satisfaction of this Order must be preapproved by the Medical Examining Board or its designee. Respondent shall be responsible for locating a course satisfactory to the Medical Examining Board and for obtaining the required approval of the course/s.

c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

d. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 90 days from the date of this Order, Behram Pastakia, M.D. shall pay COSTS of this matter in the amount of \$1,380.00.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

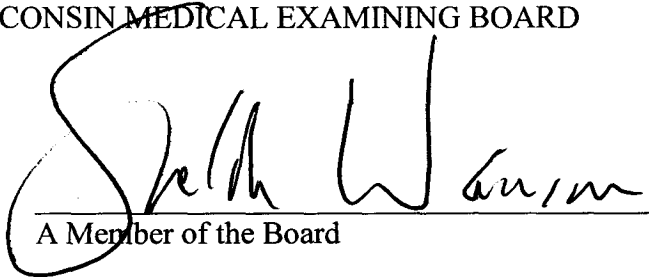
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 20-23614) 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 and completion of the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

9/19/12
Date