

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AYAZ M. SAMADANI, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
(89 MED 363)

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Ayaz M. Samadani, M.D.
148 Warren Street
P.O. Box 678
Beaver Dam, WI 53916

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

Department of Regulation & Licensing
Division of Enforcement
P.O. box 8935
Madison, WI 53708-8935

The parties to 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 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. Ayaz M. Samadani, M.D., Respondent, is a physician licensed and registered to practice medicine and surgery in the State of Wisconsin pursuant to license #20554, granted December 3, 1976. Respondent's latest address on file with the Department of Regulation & Licensing is 148 Warren Street, P.O. Box 678, Beaver Dam, Wisconsin 53916.

2. The patient, born 2/13/55, presented to Respondent's office on September 10, 1985, complaining of pain in the right lower quadrant. Respondent determined that the patient was pregnant, but she did not know the date of her last normal period. He ordered an ultra-sound examination to establish dates of pregnancy and confinement and gestation position.

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3. On October 1, 1985, following testing and an ultra-sound examination, Respondent determined that the estimated date of confinement (EDC) was April 1986. The patient's weight was 210 pounds and her B/P 140/88. The Respondent made a preliminary assessment that she had no risk factor relating to her pregnancy.

4. On November 5, 1985, Respondent tested and determined that the patient had an elevated Fasting Blood Sugar (FBS) level of 143, and subsequent tests on January 7, 1986, and February 9, 1986, reflect FBS levels of 142 and 153. Respondent placed the patient on a diabetic diet on February 26, 1992. He continued to monitor her Fasting Blood Sugar level and noted readings of 170 on 3/11/86; 169 on 3/18/86; and 147 on 4/1/86. Her blood pressure ranged from 120/60 to 150/94. Respondent failed to appropriately address and treat the patient's gestational diabetes.

5. That during the patient's pre-natal care, Respondent failed to diagnose and assess that there were risk factors associated with her pregnancy from the elevated blood sugar and blood pressure level and he failed to initiate surveillance fetal testing to determine and monitor the condition of the fetus for proper care and management of the patient and her unborn infant.

6. On April 8, 1986, Patient was admitted to Beaver Dam Community Hospitals for possible pre-eclampsia. An ultra-sound examination reflected a BPD of approximately 93 millimeters suggesting a gestational age of 37 weeks plus or minus 2.5 weeks. Good fetal heart activity and fetal motion were noted during the examination.

7. On April 29, 1986, the patient contracted Dr. Samadani and informed him she could not feel fetal movement. Upon his request, she came to his office for evaluation, following which he advised her to go to Beaver Dam Community Hospital in order to undergo an ultrasound examination. This examination was performed and indicated fetal demise. Dr. Samadani then advised the patient that she could undergo delivery of the fetus either at Beaver Dam Community Hospital or in Madison at the Meriter-Madison General Hospital. The patient chose to be admitted to Meriter-Madison General Hospital for delivery.

8. On April 29, 1986 at approximately 4:00 p.m., the patient was admitted to Meriter-Madison General Hospital for induction of labor and delivery of the fetus because of fetal demise as demonstrated by ultrasound performed at Beaver Dam Community Hospital. Induction of labor by use of Pitocin was begun at 5:45 p.m. During the labor, at approximately 8:30 p.m., magnesium sulfate was administered to patient for treatment of presumed pre-eclampsia, because she had developed proteinuria and increased blood pressure.

9. On April 30, 1986 at 1:30 a.m., the patient delivered a non-viable male infant weighting 9 pounds 6 ounces. The discharge diagnoses were: term intrauterine pregnancy, delivered; fetal demise; gestational diabetes mellitus; pre-eclampsia.

10. On April 30, 1986, an autopsy was performed on the patient's baby at the University of Wisconsin Clinical Science Center and the autopsy revealed a full term male infant with no congenital anomalies.

11. The Respondent has agreed to participate in and complete an assessment and educational program developed and administered through the University of Wisconsin School of Medicine, Continuing Medical Educational Program, under the direction and supervision of Thomas C. Meyer, M.D.

12. The objectives of the assessment and the educational program are as follows:

A. Assessment of Dr. Ayaz M. Samadani's knowledge in the following areas:

1. Knowledge of the common complications of normal pregnancy and delivery including endocrine/metabolic disorders and their initial management.
2. Abilities related to conditions seen commonly in his practice.

B. The Assessment will consist of the following:

1. A written assessment of approximately 90 items based on the objectives listed in 12 A (1) & (2) above.
2. A test stimulated recall using the written assessment in 12B(1) above.
3. A chart stimulated recall utilizing 4-5 records of Dr. Ayaz M. Samadani's hospitalized patients and 4-5 records of his outpatients.

C. The educational program shall be designed to specifically address any deficiencies revealed by the assessment program.

13. The Respondent agrees to bear the cost of the assessment and educational programs.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board has authority to enter into the attached stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. By the conduct described above, Ayaz M. Samadani is subject to disciplinary action against his license to practice medicine in the State of Wisconsin, pursuant to Wis. Stats., secs. 448.02(3), and Wis. Adm. Code sec. 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is approved and adopted.

IT IS FURTHER ORDERED that costs of this proceeding in the amount of \$993.21 will be assessed against Dr. Ayaz M. Samadani, pursuant to Sec. 440.22, Wis. Stats., which allows the assessment of costs of the proceeding by an examining board when the examining board disciplines a license holder. This order shall make all costs payable to the Wisconsin Department of Regulation & Licensing.

IT IS FURTHER ORDERED that the Respondent's license to practice medicine and surgery in the State of Wisconsin shall be and hereby is limited as follows:

1. Dr. Ayaz M. Samadani, at his own expense, shall within 90 days of the date of this Final Decision and Order commence the educational program as set forth in the Findings of Facts paragraphs 11 and 12.
2. The Respondent shall be evaluated upon his achievement of the objective of successful completion of the program, and the evaluation of Respondent's achievement of the program's objectives shall be submitted to the Wisconsin Medical Examining Board by Dr. Thomas C. Meyer, the Director of the Department of Continuing Medical Education, University of Wisconsin School of Medicine, as soon as possible after Respondent completes the program.
3. If an educational program cannot be successfully designed to address any deficiencies disclosed by the assessment or if the Respondent does not successfully complete the program or does not successfully achieve the objectives of the program, the matter shall be referred to the Wisconsin Medical Examining Board to determine an appropriate discipline.
4. That when the Respondent has successfully completed the ordered educational program and has achieved the objectives of the program such successfully completed program shall be accepted in lieu of other discipline, and this limitation shall expire.

IT IS FURTHER ORDERED that Ayaz M. Samadani, M.D., Respondent, be and hereby is Reprimanded for failure to appropriately address the patients' gestational diabetes.

Dated at Madison, Wisconsin this 23 day of Sept, 1993



Clark O. Olsen, M.D.,
Secretary
Wisconsin Medical Examining Board

RH:pw
ATY-FLG69

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AYAZ M. SAMADANI, M.D.,
RESPONDENT.

STIPULATION

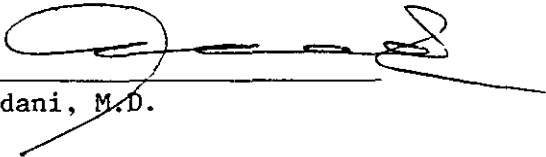
It is hereby stipulated and agreed, by and between, Ayaz M. Samadani, M.D., Respondent; Suzanne E. Williams, attorney for Respondent; and, Roger R. Hall, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation (file 89 MED 363).
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 is aware of his right to legal representation, and has obtained such representation, prior to signing this stipulation.
4. Respondent neither admits nor denies the allegations in this matter, but for personal reasons 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 Division of Enforcement 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 Respondent, his attorney, and the attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The parties to this stipulation agree that the member of the Board appointed as the investigative advisor in this matter may appear before the Board in open or closed session for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

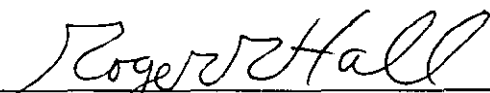
Dated: Aug 9
~~July~~ 9, 1993.


Ayaz M. Samadani, M.D.
Respondent

Dated: Aug 10
~~July~~ 10, 1993.


Suzanne E. Williams
Attorney for Respondent
Bell, Metzner, Gierhart & Moore, S.C.
P.O. Box 1807
Madison, WI 53701-1807

Dated: AUG 10
~~July~~ 10, 1993.


Roger R. Hall
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

ATY2-4431

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

AYAZ M. SAMADANI, M.D.,

Applicant

ORDER DENYING PETITION

On September 23, 1993, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery was limited to require that he submit to an educational program recommended by Thomas C. Meyer, M.D., Director of the Department of Continuing Education, University of Wisconsin School of Medicine, the design of which was to be based on any deficiencies discovered by Dr. Meyer in an assessment of Dr. Samadani's medical knowledge and skills.

By letter dated July 27, 1994, Dr. Samadani petitioned the board for modification of the educational program recommended by Dr. Meyer based on an assessment conducted on April 28, 1994. The recommended program included attendance at a two-week visiting fellowship in normal obstetrics, including a terminal assessment of knowledge gained, and a one-week visiting fellowship in ambulatory care to be equally divided between pediatric and adult care. Dr. Samadani's petition was based on his perception that the cited programs should be unnecessary in light of continuing coursework in obstetrics taken by him, the safeguards provided by the quality evaluation program in place at the hospital where Dr. Samadani practices, and the difficulty in leaving his practice for three weeks.

Based upon Dr. Samadani's petition, and other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Ayaz M. Samadani, M.D. for modification of the requirements of the educational program approved by the board pursuant to its Order in this matter dated September 23, 1993, be, and hereby is, denied.

DISCUSSION

While Dr. Samadani is commended for his continuing efforts to update his knowledge and skills in his OB practice through his participation in continuing medical education programs, the program developed by the U.W. School of Medicine, Department of Continuing Education, was developed specifically to address areas of marginal or unacceptable knowledge in the practice of obstetrics. Dr. Samadiani has presented nothing which would lead the board to believe that the recommended program is duplicative of other training to which he has submitted. And the fact that completion of the recommended program may be disruptive of Dr. Samadani's practice schedule also does not provide a basis for modification of the board's Order. Accordingly, Dr. Samadani's petition must be denied.

Dated this 30th day of August, 1994.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by LSJ
Clark O. Olsen, M.D.
Secretary

WRA 9408262

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NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is September 28, 1993.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (c). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board or the consumer credit review board, the credit union review board or the savings and loan review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions

for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court