

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

ALLAH W. BHATTI, M.D.
RESPONDENT.

FINAL DECISION AND ORDER
(90 MED 500 and 95 MED 239)

LS9705222MED

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

Allah W. Bhatti, M.D.
950 North 35th Street
Milwaukee, Wisconsin 53208

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter, Allah W. Bhatti, M.D., Respondent, personally and through his attorneys Michael J. Pfau and Susan A. Engler, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. Allah W. Bhatti, M.D. Respondent herein, whose date of birth is March 31, 1938, and is located at 950 North 35th Street, Milwaukee, Wisconsin 53208, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 19081 which was granted on December 5, 1974. Dr. Bhatti specialized in the practice of orthopedics.

2. Dr. Bhatti is no longer engaged in the active practice of medicine and surgery.

3. A formal investigation consisting of a file entitled 90 Med 500 relating to treatment of a slipped capital femoral epiphysis and a file entitled 95 Med 239 relating to treatment of post-operative complications following a corrective surgical procedure for an equinovarus deformity are pending before the Wisconsin Medical Examining Board.

4. In the interest of resolving this matter, Dr. Bhatti agrees that he will not resume the practice of medicine and surgery in the State of Wisconsin until such time as he meets the conditions set forth in the Order below.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. secs. 448.02 and 227.44(5).

2. The Medical Examining Board has the authority to resolve this matter by stipulated agreement pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED in the event Dr. Bhatti wishes to resume the active practice of medicine and surgery in the State of Wisconsin, he shall do so under the following conditions:

A. Prior to resumption of practice, Dr. Bhatti shall appear before the Medical Examining Board and satisfy the Board as to his competence to practice medicine and surgery. At that time, Dr. Bhatti may, at his option, present to the Medical Examining Board evidence of his competency to resume the practice of medicine and surgery.

B. The Medical Examining Board may, at its option, require that Dr. Bhatti participate in an assessment and evaluation of his medical knowledge and skills conducted by a facility selected by Dr. Bhatti. The assessment and evaluation is to include a testing component and Dr. Bhatti shall allow the individuals conducting the assessment to provide written and verbal information to the Medical Examining Board regarding the process employed in conducting the assessment and evaluation and the results.

C. Following review of the assessment, evaluation, the process employed in conducting the assessment and evaluation and the results obtained from the facility selected by Dr. Bhatti, the Medical Examining Board may, at its option, also require that Dr. Bhatti participate in an assessment and evaluation of his medical knowledge and skills, to be conducted by the University of Wisconsin, School of Medicine, Continuing Medical Education Program as coordinated by Thomas Meyer, M.D. or his designee. The program director shall certify the results of the assessment and evaluation program to the Medical Examining Board and Dr. Bhatti upon completion.

D. In the event that the Medical Examining Board requires Dr. Bhatti to participate in the assessments and evaluations set forth in paragraphs B and C above and there is a significant divergence in the results of the assessments and evaluations, the Board may, if the Board deems it necessary or helpful, request Dr. Bhatti participate in an additional evaluation to be conducted by a facility approved by the Medical Examining Board.

E. Dr. Bhatti shall participate in and complete all ordered assessments and evaluations. If, based on the results of the assessments and evaluations as described in paragraphs B, C, and D, the Medical Examining Board determines that there are deficiencies in Dr. Bhatti's medical skills and/ or knowledge, Dr. Bhatti shall participate in and successfully complete an educational program acceptable to the Medical Examining Board. This program shall be based upon the results of the assessments and evaluations as referenced in paragraphs B, C, and D and shall include a home study component, a clinical component, an evaluation component and, if required by the Medical Examining Board, a monitoring component.

F. Prior to commencing the educational program, the facility providing the retraining shall submit a proposal to the Medical Examining Board, or its designee, for approval.

G. Dr. Bhatti shall take and pass oral and written evaluations, if any, which are administered over the course of the educational program referred to in paragraph E. Dr. Bhatti shall permit all individuals participating in the educational program to submit information regarding his participation in the program to the Board as requested. The individual supervising the educational program shall certify to the Board and Dr. Bhatti, the results of the educational program upon completion.

H. Dr. Bhatti shall participate in and successfully complete all ordered assessments and evaluations and any ordered educational programs as defined in paragraph E prior to resuming the practice of medicine and surgery in the State of Wisconsin.

I. In the event the Board is advised by the supervisor of the educational program that any deficiencies remain in Dr. Bhatti's knowledge and/ or skills in the practice of medicine and surgery, the Board may, in order to insure protection of the public, deny Dr. Bhatti the right to resume practice until the deficiencies have been corrected to the satisfaction of the Board.

J. At the time the Board receives notification of Dr. Bhatti's successful completion of the educational program, the Board shall advise Dr. Bhatti in writing that he may resume the practice of medicine and surgery.

K. In the event that the Medical Examining Board denies Dr. Bhatti's right to resume practice based on the failure to successfully complete any educational program, such denial shall not constitute a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a).

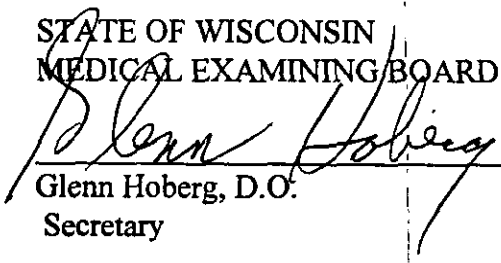
L. All expenses incurred under paragraphs A through I above are the responsibility of Dr. Bhatti.

IT IS FURTHER ORDERED THAT, pursuant to the authority of Wis. Stats sec. 448.02(4), should the Medical Examining Board determine that there is probable cause to believe that Dr. Bhatti has violated the terms of this Final Decision an Order, the Board may order that the license of Dr. Bhatti to practice medicine and surgery in the State of Wisconsin be suspended pending investigation of the alleged violation.

IT IS FURTHER ORDERED that investigative files 90 Med 500 and 95 Med 239 are hereby closed without further proceedings, without findings of any violation, and will not be reopened.

Dated this 22 day of May, 1997.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD


Glenn Hoberg, D.O.
Secretary

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ALLAH W. BHATTI, M.D.
RESPONDENT.

STIPULATION
90 MED 500 and 95 MED 239

It is hereby stipulated between Allah W. Bhatti, M.D., Respondent herein, personally and through his attorneys, Michael J. Pfau and Susan A. Engler, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing as follows:

1. Allah W. Bhatti, of 950 North 35th Street, Milwaukee, Wisconsin 53208, and whose date of birth is March 31, 1938, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 19081 which was granted on December 5, 1974.

2. A formal investigation entitled 90 Med 500 and 95 Med 239 is pending before the Wisconsin Medical Examining Board.

3. In the interests of resolving the pending investigation, Dr. Bhatti voluntarily enters into this stipulation and agrees to entry of the attached Final Decision and Order by the Medical Examining Board.

4. Dr. Bhatti understands that by signing this stipulation, he freely, 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 witnesses against him, the right to call witnesses on his behalf and compel their attendance by subpoena, the right to testify, the right to file objections to any proposed decision and to present briefs and oral argument to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code. Dr. Bhatti further understands that by signing this Stipulation and the entry of the attached Final Decision and Order by the Medical Examining Board that the formal investigation entitled 90 Med 500 and 95 Med 239 will be hereby closed without further proceedings, without findings of any violations and shall not be reopened.

5. Respondent is further aware of his right to seek legal representation prior to signing this stipulation and has done so.

6. That parties waive any costs which may have accrued in this matter.

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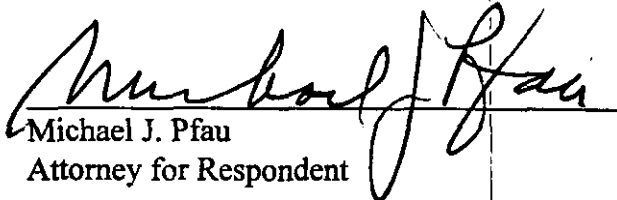
7. The parties to this stipulation and the Board Advisor may appear before the Wisconsin Medical Examining Board in support of this Stipulation.

8. Violation of the terms and conditions set forth in this Stipulation and Final Decision and Order shall constitute a basis for disciplinary action by the Medical Examining Board.

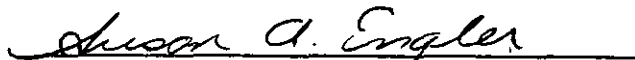
9. The Final Decision and Order, if entered by the Medical Examining Board shall become effective on the date of signing.

10. If any term of this Stipulation or the attached Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then no term of the Stipulation or Order will be binding in any manner on any party and the matter will be returned to the Division of Enforcement for further proceedings.

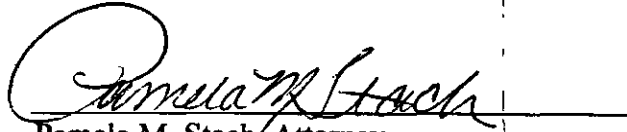
Dated: 6-3-97


Michael J. Pfau
Attorney for Respondent

Dated: 6/3/97

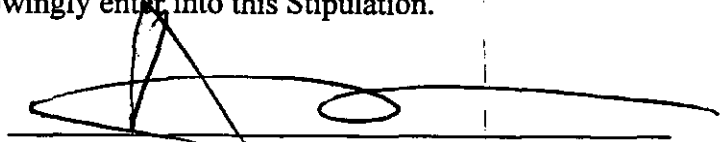

Susan A. Engler
Attorney for Respondent

Dated: June 6, 1997


Pamela M. Stach, Attorney
Department of Regulation and Licensing

I, Allah W. Bhatti, M.D., having read the above Stipulation and attached Final Decision and Order, do hereby freely, voluntarily and knowingly enter into this Stipulation.

Dated: June 2nd 1997


Allah W. Bhatti, M.D.

997-3-100

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Allah W. Bhatti, M.D.,

AFFIDAVIT OF MAILING

Respondent.

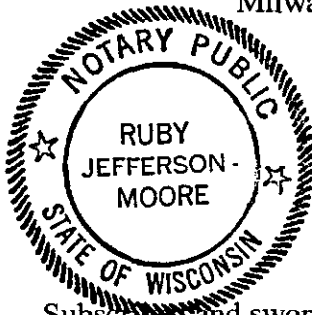
STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On June 11, 1997, I served the Final Decision and Order dated May 22, 1997, LS9705222MED, upon the Respondent Allah W. Bhatti's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 561.

Susan A. Engler, Attorney
100 E. Wisconsin Avenue, Suite 2600
Milwaukee WI 53202



Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 11th day of June, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

June 11, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)