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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST: : FINAL DECISION AND ORDER

DILIP P. PATEL, M.D.,

RESPONDENT.

LS9903257MED

Division of Enforcement

97 MED 254

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

*Dilip P. Patel, M.D.
3741 Pleasant Lane
Racine, WI 53405*

*Wisconsin Medical Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Dilip P. Patel, M.D., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Dilip P. Patel, M.D., 3741 Pleasant Lane, Racine, Wisconsin, 53405, was born on 11/16/45, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 10/23/81, licensee #24238.
2. Dr. Patel specializes in emergency medicine.
3. On 9/6/95, a patient, W.B., presented at the emergency room complaining of a severe headache of 5 days duration. Dr. Patel evaluated the patient. Dr. Patel failed to take a complete history from the patient, but he did ascertain that the patient had a history of a cryptic arteriovenous malformation which had resulted in a left frontal intracerebral bleed leading to the patient's hospitalization on 11/26/94. This left frontal intracerebral bleed had resolved without surgical intervention. Dr. Patel discharged the patient from the emergency room on 9/6/95 without seeking a further evaluation of the patient by his treating neurologist or another competent neurologist, without obtaining a CT scan of the patient's head and without admitting the patient to the hospital for further evaluation and observation. Dr. Patel gave the patient a prescription for Vicodin and directed the patient to consult with his neurologist the next day. The patient made an appointment to see his neurologist on 9/8/95, but before his scheduled appointment time, he was admitted to the emergency room at approximately 11:15 a.m. on 9/8/95, unresponsive. At the time of admission, his pupils were fixed and dilated and he was flaccid in all

extremities with very shallow respirations. A CT scan demonstrated a subarachnoid hemorrhage with significant edema in the left frontal lobe and a left to right shift. The patient was admitted to the hospital and expired on 9/9/95.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Patel's conduct in failing to take a complete history from the patient and in discharging the patient from the emergency room prior to obtaining a further diagnostic workup by a competent neurologist or to obtaining a CT scan of the patient's head or to admitting the patient to the hospital for observation and further evaluation constituted a violation of sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(h).
4. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Patel.

ORDER

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

IT IS FURTHER ORDERED that Dilip P. Patel, M.D., will, within one year of the date of this Final Decision And Order, take and complete 30 hours of category 1 continuing medical education courses in the evaluation of patients presenting with acute neurological events. Each course attended in satisfaction of this Order must be preapproved by the Wisconsin Medical Examining Board or its designee. Dr. Patel will be responsible for locating courses satisfactory to the Wisconsin Medical Examining Board and for obtaining the required approval of the courses from the Wisconsin Medical Examining Board or its designee. Dr. Patel will within 60 days of completion of this educational requirement submit an affidavit to the Wisconsin Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be mailed or delivered to:

*Department Monitor
Department of Regulation And Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

Dr. Patel will be responsible for paying the full cost of attendance at these courses. Dr. Patel will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his sec. 448.13, Stats., biennial training requirements.

IT IS FURTHER ORDERED that Dilip P. Patel, M.D. will pay the costs of this proceeding in the amount of \$450.00 to the Department of Regulation And Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935, within 30 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that Dilip P. Patel, M.D. will appear before the Wisconsin Medical Examining Board, if an appearance is requested by the Board, at the conclusion of the educational program to establish that he has complied with all of the terms of this Final Decision And Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Dilip P. Patel has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Patel to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 25th day of March, 1999.

WISCONSIN MEDICAL EXAMINING BOARD

Ronald Grossman M.D.

