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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

SATYAKI R. SAIKIA, M.D.,
RESPONDENT

FINAL DECISION AND ORDER
LS0109211MED

The parties to this action for the purposes of § 227.53, Stats., are:

Satyaki R. Saikia, M.D.
2054 S. 102nd Street, # 224
West Allis, WI 53227

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

Department of Regulation and Licensing
Division of Enforcement
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 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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Satyaki R. Saikia, M.D., Respondent, date of birth January 1, 1970, 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 42273, which was first granted June 23, 2000.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2054 S. 102nd Street, # 224, West Allis, WI 53227.
3. Respondent's practice specialty is internal medicine.
4. On June 13, 2001, Respondent was charged in Milwaukee County Wisconsin Circuit Court case number 01CF003049 with one count of violating § 940.225(2)(a), Stats. (second degree sexual assault/by use of force), a class BC felony, punishable by a fine of not more than \$10,000 or imprisonment for not more than 30 years, or both. The criminal complaint in that proceeding alleged:
 - a. Respondent was employed as a physician at Sinai Samaritan Medical Center (SSMC) in Milwaukee, Wisconsin.
 - b. On June 11, 2001, Ms. A was a patient at SSMC who was awaiting intestinal surgery. While Ms. A

was lying in bed with an IV tube attached to her arm, Respondent entered her hospital room and discussed with Ms. A her condition, including abdominal pain.

c. Respondent told Ms. A that he needed to perform a pelvic exam. Although Respondent was not Ms. A's primary physician, Ms. A believed he was one of the physicians from the hospital who was to check on her pre-operatively and she removed her lower garments. During the exam, Respondent inserted his fingers inside Ms. A's vagina and began to rub her upper vaginal area.

d. Respondent suddenly unzipped his pants, grabbed hold of the back of Ms. A's head and without her consent forced her mouth onto his penis. Respondent forced Ms. A to perform oral sex and Respondent ejaculated into Ms. A's mouth. Respondent told Ms. A not to tell anyone about what occurred and then left her room.

5. On July 11, 2001:

- o Respondent waived the preliminary hearing.
- o The court found probable cause to bind him over for trial.
- o The State filed the original information.
- o The State brought a motion to increase the amount of bail, which the court granted.
- o Respondent was unable to make the bail and was taken into custody.

6. On August 6, 2001, the State filed an amended information, which added as count II a charge of violating § 940.225(3), Stats., third degree sexual assault, a class D felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.

7. The matter was set for jury trial on August 29, 2001. However, on that date, Respondent entered into a plea agreement, by which Respondent pled no contest and was then found guilty and convicted of two counts of § 940.225(3), Stats., third-degree sexual assault.

8. § 940.225(3), Stats., is a law the circumstances of which substantially relate to practice of medicine.

9. Two additional female patients also alleged that Respondent engaged in inappropriate sexual contact during pelvic examinations which Respondent performed in October 2000 and April 2001. Although Respondent was not formally charged with crimes for the incidents involving the first two patients, the incidents were read into the record for purposes of consideration by the judge in determining the sentence to impose.

10. Respondent's sentencing on the criminal convictions is pending.

CONCLUSIONS OF LAW

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

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by engaging in the conduct with Ms. A as set out above, has engaged in conduct which tends to constitute a danger to the health, welfare, or safety of a patient, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h) and is subject to discipline pursuant to § 448.02(3), Stats.

4. Respondent, by having had sexual contact with his patient Ms. A, as set out above, has violated § 940.22(2), Stats., a law the circumstances of which substantially relate to circumstances of the practice of medicine, which is unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(z) and is subject to discipline pursuant to § 448.02(3), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Satyaki R. Saikia, M.D., to practice medicine and surgery in the state of Wisconsin is hereby REVOKED, effective immediately.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 17th day of October, 2001.

Sidney E. Johnson, M.D.

Secretary

Medical Examining Board