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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

UMESH K. SHARMA, B.V.S.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

LS0403244VET

Division of Enforcement

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

Umesh K. Sharma, B.V.S.
325 W. Sliver Spring Dr.
Glendale, WI 53217

Wisconsin Veterinary Examining Board
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

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

The parties in this matter, Umesh K. Sharma, B.V.S., Respondent, and Pamela M. Stach, attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Veterinary 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. That Umesh K. Sharma, B.V.S., Respondent herein, of 325 W. Sliver Spring Drive, Glendale, Wisconsin 53217, whose date of birth is September 16, 1951, is licensed and currently registered to practice veterinary medicine in the State of Wisconsin under license # 4284 which was granted on February 15, 1995.
2. A formal investigation, entitled 99 VET 30, is pending before the Wisconsin Veterinary Examining Board.
3. On January 6, 1999, "Kitty" a twelve-year-old female domestic longhair cat presented at Respondent's clinic with a history of not having eaten for three days, diarrhea, and listless behavior. Respondent examined the cat, took two radiographs to check for obstructions, and drew blood for a CBC. Kitty was hospitalized and put on fluid therapy. A urinalysis indicated a urinary tract infection. Respondent administered penicillin, Wistrol for anorexia, and atropine for diarrhea.
4. Respondent said that he informed the owner of Kitty that there was a high density area in the X-rays that suggested a mass or growth. However, Respondent did not record any diagnosis or any interpretation of the x-rays in the medical records. The owner of Kitty said that the Respondent looked at the x-rays and informed her that there were not any tumors or obstructions present. The x-rays were severely underexposed, but the Respondent did not retake them. Even though the x-rays were of a poor diagnostic quality, a large abdominal mass could be seen in the x-rays.
5. On January 7, 1999, Kitty's condition had improved; she was more alert, had no diarrhea, and was eating A.D. Food. Respondent administered additional fluids and antibiotics. Kitty was discharged home with oral antibiotics as the owner requested.
6. On January 9, 1999, Respondent contacted the owner of Kitty with the results of the CBC. Respondent made a diagnosis of Feline Immunodeficiency Virus ("FIV") based on the results of this test. Respondent did not order another test to confirm the diagnosis of FIV. A second test is required to confirm a diagnosis of FIV.
7. The January 6, 1999 blood report stated that "sample had frozen, causing severe hemolysis, and preventing an accurate CBC" and that a new blood sample needed to be submitted for retesting. Respondent had numerous opportunities to take a new blood sample during the next two months that he treated Kitty, but the Respondent never did. The owner said that the Respondent never told the owner that he needed a new blood sample. Respondent said that he recommended additional

testing and tried to refer the owner to another veterinarian for additional testing, but the owner refused all such requests and referrals for additional testing. However, the patient's medical records do not document any such conversations with the owner or any refusals of additional testing.

8. From January 6, 1999 through March 2, 1999, Respondent believed that Kitty was in the chronic, terminal phase of FIV and he advised the owner that the only thing that could be done was to provide supportive care for Kitty. Respondent treated Kitty with nutritional supplements, vitamins, and steroid injections to stimulate Kitty's appetite. During this time, Kitty lost one-third of her body weight.

9. On March 17, 1999, the owner took Kitty to see Dr. Pa. Dr. Pa. conducted a physical examination and found a mass in the cat's abdomen. X-rays were taken and revealed a tumor in the intestines. Dr. Pa. conducted two blood tests and Kitty tested negative for FIV both times. Dr. Pa. recommended an ultrasound to determine if the tumor was operable.

10. On March 19, 1999, an ultrasound was taken and the tumor was determined to be operable. Dr. Pa. referred the owner to Dr. Pr. to perform the surgery.

11. On March 20, 1999, Dr. Pr. conducted a physical examination and found a mass in the cat's abdomen. Exploratory surgery was done and a large mass was found in the ileocecal junction spreading into the small and large bowels. Dr. Pr. surgically removed the tumor, performed a bowel anastomosis, and then discharged Kitty.

12. On March 23, 1999, Kitty died at the owner's home.

13. On April 18, 1999, Respondent successfully completed a six hour continuing veterinary education course co-sponsored by the Northeastern Wisconsin VMA and ASAP C.E. entitled "Feline Medicine". This course covered the area of the "proper diagnosis and treatment of feline FIV".

14. On August 9, 2003, Respondent successfully completed an eight hour continuing veterinary education course held by the University of Wisconsin-Madison School of Veterinary Medicine entitled "Challenge of the Chest and Abdomen a Radiographic Refresher Course".

15. At the specific request of the Veterinary Examining Board the Respondent submitted samples of medical records of patients that he treated in 2003. These sample patient medical records meet all the requirements of Wis. Admin. Code Sec. VE 7.03.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. Sec. 453.04.

2. The Wisconsin Veterinary Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. Sec. 227.44(5).

3. Respondent's conduct of failing to recognize an abdominal mass that was apparent in the January 6, 1999 x-ray constituted a violation of Wis. Admin. Code sec. VE 7.06(1).

4. Respondent's conduct of basing a diagnosis of FIV on one positive test result constituted a violation of Wis. Admin. Code sec. VE 7.06(1).

5. Respondent's conduct of undertaking inappropriate and unnecessary treatments when the animal's condition warranted additional observation and diagnostic testing constituted a violation of Wis. Admin. Code sec. VE 7.06(1).

ORDER

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

IT IS FURTHER ORDERED that Umesh K. Sharma, B.V.S. shall, within six months from the date of this order, participate in and satisfactorily complete educational courses in the following two areas: 1. An abdominal radiograph interpretation review course that requires Dr. Sharma to review and give his interpretations of abdominal radiographs with a supervising veterinarian. 2. A total of four (4) hours of continuing veterinarian education in the diagnosis and treatment of infectious diseases.

a). Dr. Sharma will be responsible for locating courses satisfactory to the Wisconsin Veterinary Examining Board or its designee and for obtaining the required pre-approval of the courses from the Wisconsin Veterinary Examining Board prior to taking the courses.

b). Dr. Sharma is responsible for providing a description of the course content to the Department Monitor prior to commencement of the program.

c). Further, the Board may reject in whole or in part any educational opportunity which is nominated by Dr. Sharma when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Dr. Sharma nominates it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. If the Board approves an educational opportunity in fulfillment of less than the entire purpose for which Dr. Sharma nominates it, Dr. Sharma may either accept the Board's limited approval, or forego the opportunity entirely and select another course.

d). Dr. Sharma will be responsible for all of the costs of attending the educational programs.

IT IS FURTHER ORDERED that these educational requirements will be considered met if Dr. Sharma submits evidence, acceptable to the Board, of successful completion of the courses identified in paragraphs 13 and 14 in the Findings of Facts above, and if Dr. Sharma submits evidence, acceptable to the Board, that the courses contain all the education components that are required by this Order.

IT IS FURTHER ORDERED that certifications, affidavits, reports or other documents required to be filed with the Wisconsin Veterinary Examining Board be filed with:

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

All certifications, affidavits, reports or other documents required to be filed with the Wisconsin Veterinary Examining Board will be deemed filed with the Veterinary Examining Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that Dr. Sharma shall pay COSTS in the amount of ONE THOUSAND dollars (\$1,000.00). Payment shall be submitted within sixty (60) days from the date of this order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to: Department Monitor, Division of Enforcement, Dept. of Regulation & Licensing, P. O. Box 8935, Madison, WI 53708-8935

IT IS FURTHER ORDERED, that the pending investigation 99 VET 30 is closed without further proceedings.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Veterinary 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 24th day of March, 2004.

WISCONSIN VETERINARY EXAMINING BOARD

Diane Scott
A Member of the Board