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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
VIJAYA DASGUPTA, M.D.	:	LS0601251MED
RESPONDENT	:	

(DOE FILE #s 05 MED 017 and 05 MED 131)

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

Vijaya Dasgupta, M.D.
2628 Cochise Tr.
Madison, WI 53711

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

PROCEDURAL HISTORY

The parties in this matter, Vijaya Dasgupta, M.D., Respondent, personally and by her attorney, Bryan D. Woods, Brennan, Steil & Basting SC 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. Vijaya Dasgupta, M.D., Respondent herein, (DOB 10/22/39), is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 21649 which was granted on July 14, 1978.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 2628 Cochise Tr., Madison, WI 53711.
3. At all times relevant to this action, Respondent was working as a physician in the State of Wisconsin.
4. On October 22, 2003, the Medical Examining Board entered a Final Decision and Order limiting Respondent's license to practice medicine and surgery in the State of Wisconsin. The terms of that limited license included, among others, a requirement that the Respondent initiate the process to obtain an assessment under the direction of the University of Wisconsin Continuing Medical Education Program (UW-CME) within 15 days of the date of that Order, complete the assessment and participate in and successfully complete any recommended reeducation.
5. As of the date of this Order, Respondent had not obtained the assessment.
6. On March 15, 2005, the Medical Examining Board opened case # 05 MED 017 for investigation. The allegations in that case involved Respondent's improper evaluation of a mass in the patient's groin upon examination on several medical visits between May 24, 2004 and September 9, 2004 and her failure to properly perform a biopsy of that mass at a later medical appointment on September 14, 2004.
7. The patient who was the subject of complaint # 05 MED 017 died on November 3, 2004 of complications from lung cancer with metastases to the groin.
8. In October 2004, Respondent initiated the assessment required under the 2003 order. She did not complete the assessment process because she had retired in good standing from the Department of Corrections in June of 2005 and was no longer engaged in the practice of medicine with the exception of volunteer work at a MEDIC Clinic.
9. Respondent ended her volunteer work at the MEDIC Clinic in October 2005 and has completely retired from the practice of medicine and surgery in the State of Wisconsin as of the date of this Order.
10. Respondent has cooperated during the course of the investigation and has voluntarily agreed to entry of this Order and the surrender of her license to practice medicine and surgery in the State of Wisconsin.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stat. § 448.03(2) and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat § 227.44(5).

ORDER

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

IT IS FURTHER ORDERED that the SURRENDER of the license of Vijaya Dasgupta, M.D., to practice medicine and surgery in the State of Wisconsin is hereby accepted.

IT IS FURTHER ORDERED that Vijaya Dasgupta, M.D. shall not practice or attempt to practice medicine and surgery in the State of Wisconsin when not licensed.

IT IS FURTHER ORDERED that in the event Vijaya Dasgupta, M.D. wishes to resume the practice of medicine and surgery in the State of Wisconsin at some future date, she shall appear before the Medical Examining Board to request the right to reapply for licensure and to satisfy the Board as to her competence to resume practice. Evidence of such competence may include, but not be limited to, any testing, evaluation, assessment or retraining the Board deems appropriate. The Board shall review the allegations and evidence contained in the investigative files which are the basis of this investigation, if available, prior to determining whether to allow relicensure by Vijaya Dasgupta, M.D. and, if so, under what conditions.

IT IS FURTHER ORDERED that in the event that the Medical Examining Board denies the request of Vijaya Dasgupta, M.D. for relicensure, or allows a limited license only, such denial or limitation shall not constitute a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a).

IT IS FURTHER ORDERED that Vijaya Dasgupta, M.D. shall pay costs in this matter of nine hundred ninety nine dollars (\$ 999.00) payable to the Department of Regulation and Licensing within ninety days of the effective date of this Order.

IT IS FURTHER ORDERED that investigative files 05 MED 017 and 05 MED 131 are hereby closed without any further proceedings.

IT IS FURTHER ORDERED that this Order is effective upon signing.

Dated this 25th day of January, 2006.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

BY: Bhupinder Saini MD
A Member of the Board