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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
RAM D. PATHAK, M.D.,	:	
RESPONDENT.	:	ORDER 0000653

Division of Enforcement Case No. 10MED068

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Ram D. Pathak, M.D.
Marshfield Clinic
1000 N. Oak Ave.
Marshfield, WI 54449

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

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Ram D. Pathak, M.D., Respondent, date of birth April 26, 1964, 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 48966, which was first granted February 2, 2006.
2. The Respondent's last address reported to the Department of Regulation and Licensing is Marshfield Clinic, 1000 N. Oak Ave., Marshfield, WI 54449.

3. At the time of the events set forth below, the Respondent was employed as a physician at Marshfield Clinic in Marshfield Wisconsin. The Respondent's practice specialty is endocrinology.

4. On December 19, 2006, Patient DH was referred to the Respondent for an endocrinology consult as a result of him having a parathyroid level of 363 (reference range of 7-53) and a calcium level of 12.3 (reference range 8.5-10.3).

5. On January 5, 2007, Patient DH presented to the Respondent for repeat calcium, phosphorus, and parathyroid hormone testing; a parathyroid sestamibi scan; a neck ultrasound; a Dual Energy X-ray Absorptiometry (DEXA) of his spine, hips and forearm; and 24-hour urine screening for calcium and creatinine. At the Respondent's request, Patient DH was hospitalized for intravenous placement and treatment for elevated ionized calcium of 7.4, calcium of 12.4, and parathyroid hormone (PTH) of 441, all of which put Patient DH at an increased risk for kidney damage.

6. On January 12, 2007, Patient DH underwent an ultrasound of the anterior neck and CT-Pelvis without contrast and CT Stone Study ordered by the Respondent. The radiologist's findings included:

There is a somewhat subtly mixed attenuation mass-like area identified within the high liver to basically in junction area between right lobe and left lobe. On this unenhanced examination, it is relative indeterminate in character. It measures approximately 4.5 x 4.4 cm on image 7. Further evaluation is needed. I would start with a formal multiphase CT of the upper abdomen to further characterize the mass. The patient may well also need MR depending on characteristics. Moderate degenerative changes are noted through the lumbar spine...

7. Patient DH presented to the Respondent the same day for follow-up to discuss hypercalcemia and hyperparathyroidism. The Respondent noted, "There are some changes in the liver as well as the aorta and spleen which are detailed in the ultrasound." The Respondent's assessment included severe hypercalcemia, hyperparathyroidism, and ultrasound consistent with parathyroid adenoma but negative sestamibi scan for a parathyroid adenoma. The Respondent did not follow-up with the CT scan he ordered. The Respondent referred Patient DH to another physician for an evaluation for possible parathyroid surgery.

8. On February 13, 2007, Patient DH underwent a parathyroidectomy. The pathology diagnosis was left superior parathyroid adenoma.

9. On February 22, 2007, Patient DH presented to the Respondent for follow-up to discuss hypercalcemia. Post-surgery, Patient DH's ionized calcium level was 5.2, total calcium level was 8.8 and phosphorus was 2.7. The Respondent noted the hypercalcemia was resolved.

10. On August 22, 2007, Patient DH presented to the Respondent for follow-up to discuss hypercalcemia. Patient DH's ionized calcium, calcium and phosphorus levels were all

within normal range. The Respondent's plan indicated that hypercalcemia from primary hyperparathyroidism had resolved and recommended annual calcium level checks.

11. On July 31, 2008, Patient PH's underwent a CT scan as ordered by his primary care physician. The CT scan revealed extensive hepatic metastatic disease and Patient DH was diagnosed with metastatic adenocarcinoma.

12. On November 28, 2009, Patient PH passed away as a result of metastatic liver cancer.

13. Respondent's conduct as herein described with regard to Patient DH fell below the minimum standards of competence established in the profession in the following respects:

- a. Respondent failed to follow up on the results and recommendations of the January 2007 CT scans ordered by Respondent by either ordering the diagnostic tests recommended by the radiologist or referring the matter to Patient DH's primary care physician.

14. Respondent's conduct as set forth above created the following unacceptable risks to the patient:

- a. Respondent's failure to follow-up with the recommendations from the January 2007 CT scans ordered by Respondent created the risk of delay in diagnosis and treatment of Patient DH's metastatic adenocarcinoma .

15. Respondent's conduct as herein described tended to constitute a danger to the health, welfare and safety of Patient DH.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by failing to follow-up with the CT scan he ordered, engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h).

ORDER

IT IS HEREBY ORDERED that the attached Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that Ram D. Pathak, M.D. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the license of Ram D. Pathak, M.D. to practice medicine and surgery in the State of Wisconsin shall be LIMITED on the following terms and conditions:

1. Ram D. Pathak, M.D. shall, within twelve (12) months of the date of this Order, obtain four (4) hours of education in the appropriate addressing of abnormal physical and laboratory findings; and obtain eight (8) hours of education in the early diagnosis and management of cancers.

- a. The courses attended for compliance with this requirement may not be used in satisfaction of the statutory continuing education requirements for licensure.
- b. Dr. Pathak shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor listed below and for obtaining pre-approval of the course from the Wisconsin Medical Examining Board or its designee prior to commencement of the programs.
- c. Within thirty (30) days following completion of the courses identified in paragraph one above, Dr. Pathak shall file with the Wisconsin Medical Examining Board certifications from the sponsoring organization verifying his attendance at the required courses.
- d. All costs of the educational programs shall be the responsibility of Dr. Pathak.

IT IS FURTHER ORDERED that:

2. Respondent shall within 90 days of this Order pay costs of this proceeding in the amount of twelve hundred (\$1,200.00) dollars. Payment shall be made to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (No. 48966) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Stach
A Member of the Board

2/16/11
Date

10MED068/PATHAK/STACH/LG/1-21-11