

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
RAKESH JAGETIA, M.D.,	:	
RESPONDENT.	:	

0003235

Division of Legal Services and Compliance Case No. 13 MED 401

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

Rakesh Jagetia, M.D.
155 Murcott Circle
Orange Village, OH 44022

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Rakesh Jagetia, M.D., Respondent, (dob April 16, 1968), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 39382-20, first issued on October 3, 1997, and with registration expired on October 31, 2011. Respondent retains the right to renew his Wisconsin license and registration to practice medicine and surgery until October 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 155 Murcott Circle, Orange Village, Ohio 44022.

2. Respondent is licensed to practice medicine and surgery in the State of Illinois, pursuant to Illinois license number 036-095649.

3. On September 27, 2013, the State of Illinois Department of Financial and Professional Regulation, Division of Professional Regulation issued a Consent Order (Illinois Order) which included certain conditions as follows:

- a. Respondent's Illinois license is on indefinite probation; Respondent cannot petition for restoration of his license for at least five (5) years from the Order;
- b. Respondent's controlled substance credential is suspended indefinitely;
- c. Respondent shall come under the care and treatment of the Ohio Professional Health Program, and arrange for a quarterly report from the director of the program;
- d. If Respondent re-establishes residency in Illinois, Respondent shall immediately reenter Illinois Health Program and shall comply with all terms and conditions of the Illinois PHP Agreement. Respondent is required to provide a copy of the agreement and quarterly reports of compliance;
- e. Respondent shall abstain from the consumption of alcohol and/ or use of mood altering and/ or psychoactive drugs except those prescribed by a primary care and/ or treating physician;
- f. Respondent shall abstain from the use of any illegal substances;
- g. Respondent shall continue to see primary care physician to treat any and/ all medical illnesses, complaints and/ or symptoms and request for quarterly reports;
- h. Respondent shall not treat or prescribe any Controlled Substances and/ or mood altering substances for himself and/ or any of his family members;
- i. Respondent shall continue to attend NA/AA meetings;
- j. Respondent shall continue to participate in ongoing treatment with his psychiatrist and psychologist, and request for quarterly reports;
- k. Respondent shall submit blood and/ or urine specimens for toxicology testing/ evaluation;
- l. Required additional continuing education related to professional responsibility and medical ethics to be completed annually; and
- m. Respondent is required to pay forfeiture.

4. The basis for the Illinois Order was the Illinois Department of Financial and Professional Regulation's determination that Respondent: abused controlled substances; engaged in conduct likely to deceive, defraud or harm the public; prescribed medications for non-therapeutic purposes; committed unprofessional conduct with regard to controlled substances; and failed to maintain adequate medical records.

5. Respondent has elected to resolve this matter through a stipulated resolution and knows, understands and agrees that these Findings of Fact are sufficient to support the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. By the conduct described in the Findings of Fact, Respondent, Rakesh Jagetia, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(q)

because he has been subject to adverse action taken against his license to practice medicine and surgery by a credentialing agency in another state.

3. By the conduct described in the Findings of Fact, Respondent, Rakesh Jagetia, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(i) having practiced medicine and surgery while unable to do so with reasonable skill and safety to patients.

4. Respondent is therefore subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The license to practice medicine and surgery in the State of Wisconsin, registration and right to renew the registration of Respondent, Rakesh Jagetia, M.D., license no. 39382-20, is **SUSPENDED** as follows:

SUSPENSION

A.1. The license, registration and right to renew the registration of Respondent, Rakesh Jagetia, M.D., license no. 39382-20, to practice medicine and surgery in the state of Wisconsin is **SUSPENDED** for an indefinite period.

A.2. Upon a showing by Respondent that he has successfully completed any period of probation of his credential to practice medicine and surgery in the State of Illinois, that he has satisfied all requirements of the September 27, 2013, Consent Order (Illinois Order), and after payment of the COSTS in this matter, the Board may in its discretion grant, partially grant or deny a petition by the Respondent for return of full Wisconsin licensure and registration, or his right to renew his registration, whichever is appropriate at the time of the Petition. The Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time, or may amend limitations instituted by this Order.

STAY OF SUSPENSION

B.1. The suspension of Respondent's Wisconsin license, registration and/or right to renew his registration, may be stayed, upon Respondent petitioning the Board or its designee and providing proof, which is determined by the Board or its designee to be sufficient, that Respondent intends, within six months, to resume practice in Wisconsin and is in full compliance with the Illinois Order; has fully satisfied the requirements of the Illinois Order, has an unlimited license to practice medicine and surgery in the state of Illinois, and has paid COSTS due in this matter.

B.2. If per paragraph B.1., the Board or its designee authorizes a stay, the Board or its designee may impose additional requirements sufficient to satisfy the Board that the Respondent can safely and reliably engage in the practice of medicine.

B.3. The Board or its designee may, without hearing, remove any stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of any part of this Order or of the Illinois Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeat violation is defined as the multiple violation

of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.1.

- B.4. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
- a. Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
 - b. Actual notice to Respondent or Respondent's attorney.
- B.5. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with this Order and the Illinois Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.6. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

- C.1. Respondent shall comply fully with each and every term of the Illinois Order.
- C.2. Unless and until restored to unlimited active licensure in the State of Wisconsin, Respondent shall provide any potential employer in Wisconsin with a copy of this Order before commencing the practice of medicine and surgery in Wisconsin.
- C.3. Respondent shall, during the duration of this Suspension, whether stayed or not, notify the Wisconsin Medical Examining Board of any change of employment or practice site within five (5) days, if that employment or practice site occurs or exists in the State of Wisconsin.
- C.4. Any final decision by the Illinois Department of Financial and Professional Regulation, or its associated boards, determining that Respondent has violated the terms of the Illinois Order shall be conclusive proof that Respondent has violated the terms of the Illinois Order.
- C.5. Respondent may not prescribe controlled substances in Wisconsin unless and until Respondent first petitions the Board and provides proof, satisfactory to the Board or its designee that doing so will not place patients or the public at unacceptable risk of harm.
- C.6. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services

Required Reporting by Respondent

- D.2. Respondent shall, within forty-eight hours, notify the Department Monitor of any non-compliance or allegations of non-compliance with the Illinois Order. Notification shall include date of the alleged violation, nature of the alleged violation, a copy of any written allegation and any action taken by the State of Illinois on Respondent's credential to practice medicine and surgery in the State of Illinois.
- D.3. Respondent shall, within forty-eight hours, notify the Department Monitor of ANY modification(s) to the Illinois Order and or of Respondent's license to practice medicine and surgery in the State of Illinois. Notification shall include date of the modification, the terms of the modification and a certified copy of any modification by the State of Illinois to the Illinois Order.

Costs of Compliance

- D.4. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being excluded from a required service or program for non-payment is a violation of this Order.

Costs of Proceeding

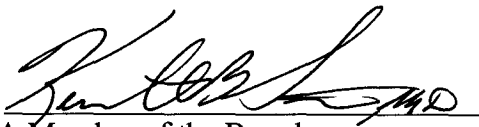
- D.5. Respondent shall pay costs of \$385.00 to the Department of Safety and Professional Services, within ninety (90) days of this Order. In the event Respondent fails to timely submit full payment of costs, Respondent's license SHALL BE SUSPENDED, without further notice of hearing, until Respondent has paid them in full, together with any accrued interest.

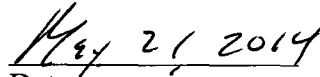
Additional Discipline

- D.5. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 448.02(3).

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

WISCONSIN MEDICAL EXAMINING BOARD

By: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RAKESH JAGETIA, M.D.,
RESPONDENT.

STIPULATION

0003235

Division of Legal Services and Compliance Case No. 13 MED 401

Respondent Rakesh Jagetia, M.D., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the
entry of the attached Final Decision and Order without further notice, pleading, appearance or
consent of the parties. Respondent waives all rights to any appeal of the Board's order, if
adopted in the form as attached.

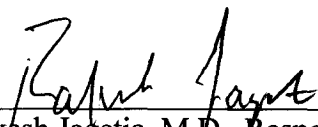
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

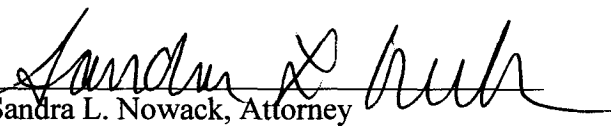
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Rakesh Jagetia, M.D., Respondent
1854 Admiral Ct.
Glenview, IL 60026
License no. 39382-20

4/27/14

Date



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Division of Legal Services and Compliance
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Madison, WI 53707-7190
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sandra.nowack@wisconsin.gov

5/2/14

Date