

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

YASMIN SAFAVI, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004207

Division of Legal Services and Compliance Case Number 13 MED 243

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

Yasmin Safavi, M.D.
1545 Sunrise Road
Oregon, WI 53575

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 disposition of this matter, subject to the approval of the Wisconsin 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. Respondent Yasmin Safavi, M.D. (dob March 15, 1956), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 43432-20, first issued on June 20, 2001, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1545 Sunrise Road, Oregon, Wisconsin 53575.

2. The Department opened this matter on referral from the United States Department of Health and Human Services, Office of Inspector General (OIG) which completed a desk audit of Respondent's 1-11-11 to 8-31-11 Medicaid and Badger Care Plus claims for American Community Medical Center (ACMC), a clinic located in Madison, Wisconsin .

3. The OIG audit covered approximately 25 patients and revealed concerns that Respondent's visit notes contained unusually similar patient histories, identical errors appearing across different visit notes, incorrect gender use, and documentation of the same type of generic counseling for most visits.

4. APMC maintains a website indicating it provides free medical consultation and medicine to those who cannot afford it, as well as medical care to low-income, uninsured, and underinsured people on a sliding fee scale. Respondent claims that APMC does not receive federal funding, that everyone who works there—from physicians to office support staff—is an unpaid volunteer, and that any fees collected for medical services rendered are applied to cover operating costs.

5. On December 11, 2014, Department investigators traveled to APMC to interview Respondent and review patient charts.

Patient A

6. Department investigators reviewed Patient A's chart spanning 15 visits from 6-2-11 to 1-13-13, and noted the following charting deficiencies:

- a. Patient A's drug allergy was charted for the first four visits, but not thereafter.
- b. An identical and obviously outdated sentence regarding controlled substances appeared in two consecutive notes, and also verbatim in another patient chart.
- c. Charting regarding Patient A's mental status incorrectly indicated the visit occurred in a hospital rather than at APMC, and incorrectly used the wrong gender in four places.
- d. Two different visit notes for the same date, including different Plan sections, with no indication of which was the final note.
- e. Patient A is described as white in one note and multiracial in another.
- f. In four chart entries, the handwritten and typed notes differed regarding vital signs, including height and weight.
- g. In multiple chart entries, the Review of Systems, Physical Exam, HPI, Assessment, and Plan notes were identical to prior visits.
- h. In one chart entry, the Subjective section repeated a mental status exam from over a year prior, and then contained a different mental status exam later in the same chart entry.

Patient B

7. Department investigators reviewed Patient B's chart spanning 6 visits from 3-17-11 to 4-28-11, and noted the following charting deficiencies:

- a. In multiple chart entries, there were two different visit notes for the same date with no indication of which was the final note.
- b. In multiple chart entries, Physical Exam notes had HEENT and NEURO information repeated twice with different wording.
- c. In multiple chart entries, Review of Systems, Physical Exam, Master Problem, HPI, Assessment, and Plan notes were identical to previous notes.
- d. In multiple chart entries, Patient B was described as "slender" per Physical Examination, whereas the Master Problem List indicated "morbid obesity."
- e. One chart entry showed a BMI of 28 for a weight of 164 pounds whereas the next visit showed a BMI of 35 for the same weight.
- f. In multiple chart entries, the visit time is noted to be 10:30pm.

Patient C

8. Department investigators reviewed Patient C's chart spanning 18 visits from 6-28-11 to 10-7-14, and noted the following charting deficiencies:

- a. Charting entries for Patient C's Past Psychiatric History and Personal History were the same or substantially similar to charting entries for Patient B's Past Psychiatric History and Personal History.
- b. One handwritten visit note indicated Respondent was aware of Patient C's drug allergies to prescription pain pills and sulfa, but Respondent did not document those allergies in the finalized typed note until three months and five visits later.
- c. One chart entry reflects two contradictory Alcohol/Drug Involvement sections.
- d. One chart entry reflects an inaccurate Mental Status section indicating the visit occurred in a hospital versus the ACMC clinic, and incorrectly used the wrong gender reference in four places.
- e. On multiple chart entries, the Review of Systems, Physical Exam, HPI, Assessment, and Plan notes were identical to prior visits.
- f. One chart entry indicates Patient C's chief complaint as body rashes for the last five months, but none of the preceding chart entries reflect a body rash diagnosis.

9. On December 11, 2014, Department investigators interviewed Respondent at ACMC regarding the above-described charting deficiencies. Respondent stated she typed her

own visit notes using a succession of three electronic recordkeeping systems (EMR). Upon switching between EMR systems, ACMC printed out all patient information from the previous system and put them into patient charts.

10. Respondent acknowledged some of the above-described deficiencies and admitted it is possible she used copy-and-paste charting on occasion. However, she claimed to use standard language to describe common presentations. Respondent claimed she completed her charting when the patient was present and/or immediately upon leaving the exam room. She never dictated, and if the computers were unavailable, she took handwritten notes and entered the information electronically when the EMR system became available.

11. Respondent provided Department investigators with a certificate indicating that on 2-1-15, she completed 2.0 AMA PRA Category 1 credits through an online course offered by the Oregon Medical Association entitled "The Clinician Perspective and the Critical Role of Documentation."

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Yasmin Safavi, M.D., engaged in unprofessional conduct pursuant as defined by Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002) by engaging in any practice or conduct which tends to constitute a danger to the health, welfare, or safety of patient or public.

3. By the conduct described in the Findings of Fact, Respondent Yasmin Safavi, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(za) (Nov. 2002) by failing to maintain patient health care records consistent with the requirements of ch. Med 21.

4. As a result of the above conduct, Yasmin Safavi, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Yasmin Safavi, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Yasmin Safavi, M.D. (license number 43432-20), is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete eight (8) hours of continuing medical education in recordkeeping.

b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).

c. The Board or its designee may reject any course and may accept a course for less than the number of hours for which Respondent seeks approval.

d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within ninety (90) days from the date of this Order, Yasmin Safavi, M.D., shall pay COSTS of this matter in the amount of \$2,000.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

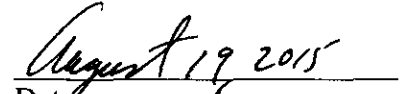
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 43432-20) 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 and completion of the education.

7. 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

YASMIN NAKHAT YUSUF SAFAVI, M.D.,
RESPONDENT.

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STIPULATION

0004207

Division of Legal Services and Compliance Case No. 13 MED 243

Respondent Yasmin Safavi, 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.

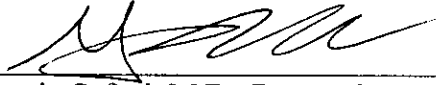
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

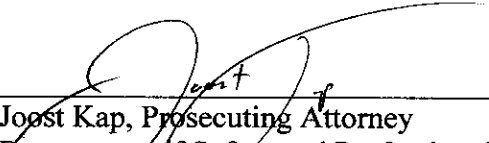
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Yasmin Safavi, M.D., Respondent
1545 Sunrise Road
Oregon, WI 53575
License no. 43432-20

08/05/2015
Date



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

8/5/2015
Date