

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
ASHOK K.V. KUMAR, M.D. : LS 0804161MED
RESPONDENT :

[Division of Enforcement Case 07 MED 062]

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

Ashok K. V. Kumar, M.D.
3033 S. 27th St., Room 2323
Milwaukee, WI 53215.

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

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

PROCEDURAL HISTORY

A formal complaint was filed in this matter on April 16, 2008. 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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Ashok K. Kumar, M.D., Respondent herein, whose date of birth is March 27, 1948, is duly licensed to practice medicine and surgery in the State of Wisconsin under license number 19125, which was granted on December 5, 1974.
2. Respondent's last known address is 3033 S. 27th St., Room 2323, Milwaukee, WI 53215.
3. Respondent specializes in vascular surgery.
4. On July 10, 2006, the Respondent performed a left carotid endarterectomy with AcuSeal graft on a 73 year old female patient, ML. Upon completion of the surgical procedure, the patient was given Protamine to reverse the Heparin. Attempts to stop oozing from the suture line proceeded for approximately 80 minutes. No clots were observed and three

ampules of thrombin were sprayed over the suture line. The patient was also given platelets but oozing continued from the suture line. There was no arterial bleeding. The respondent determined that the patient would remain intubated.

5. Respondent ordered a critical care specialist to follow the patient.

6. Following the endarterectomy Patient ML was admitted to the surgical intensive care unit (ICU).

7. Respondent assessed the patient, including an assessment of the neck and mouth, on two occasions the morning of July 11, 2006.

8. Respondent determined that in his professional opinion that there was no surgical contraindication to extubating the patient.

9. There is a dispute between the parties as to whether Respondent issued an order to extubate the patient or whether he advised the nurse that the patient could be extubated after consultation with the intensivist.

10. The intensive care nurse contacted the respiratory therapist who extubated the patient.

11. The intensive care nurse made an entry in the medical record that Respondent had given a verbal order that it was "okay to extubate the patient."

12. When asked to complete his charts, Respondent became aware of the nurse's entry and, after consultation with the Chief of Quality Assurance, made a correction to reflect that the order had actually been that it was "okay to extubate if okay with Dr. Neni et. al." (the intensivists). Respondent then signed both entries.

13. A formal complaint, has been filed in this matter alleging Respondent engaged in conduct with Patient ML that tended to constitute a danger to the health, welfare and safety of the patient in that Respondent failed to properly evaluate the patient's airway or to seek consultation with an anesthesiologist or intensivist prior to determining that the patient could be extubated.

14. Respondent disputes this allegation and states that he did not intend to evaluate the patient's airway for purposes of possible extubation, but was appropriately deferring the evaluation to the intensivist who was responsible for the patient's care in the intensive care unit.

15. The parties acknowledge the ongoing dispute regarding this allegation but in the interests of resolving this matter, agree to the Order set forth below.

16. The Board understands that there is an ongoing dispute between the parties, has made no determination with regard to this allegation, and the following Order does not constitute a disciplinary action against Respondent.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties as attached hereto, is accepted.

IT IS FURTHER ORDERED that:

1. Within twelve (12) months from the date of this Order, Respondent shall successfully complete The Sterling

Healthcare “The Difficult Airway Course: Anesthesia or its equivalent; the Case Western Reserve: Intensive Course in Medical Record Keeping or its equivalent, and the National Center of Continuing Education’s Strategies for Developing Communication Between Nurses and Physicians or its equivalent.

2. Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the programs. The Department Monitor’s contact information is set forth in paragraph 5 below.

3. Within thirty (30) days following completion of any of the courses identified in paragraph 2(a), above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verify his attendance at and successful completion of the required courses.

4. Respondent is responsible for all costs of the educational programs. Respondent shall not apply any of the continuing education credits earned under this Order toward satisfaction of his Wis. Stat. §448.13 biennial training requirements.

IT IS FURTHER ORDERED that:

5. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Nine Thousand Five Hundred dollars (\$9,500) Payment shall be made payable 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

6. In the event Respondent fails to successfully complete the required educational courses by the Order’s deadline, or fails to timely pay costs, as ordered, the Respondent's license (# 28732) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order and has paid the assessed costs in full, including any accrued interest.

7. The formal complaint in this matter is hereby dismissed.

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

Wisconsin Medical Examining Board

By: Gene Musser, MD
A Member of the Board

9/16/09
Date