

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ARUN PARIKH, M.B.B.S.,
RESPONDENT.

FINAL DECISION
AND ORDER

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

Arun Parikh, M.B.B.S.
15285 Mark Drive
New Berlin, Wisconsin 53151

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

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 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

1. That Arun Parikh, M.B.B.S., date of birth March 24, 1949, is a
physician duly licensed to practice medicine and surgery in the State of
Wisconsin pursuant to license #0023373, which was granted August 14, 1980.
Dr. Parikh resides in New Berlin, Wisconsin.

2. That Respondent specializes in the area of psychiatry and at all
times relevant to this matter practiced in Milwaukee County, Wisconsin.
Respondent is now Board Certified in Psychiatry.

COUNT I

3. That in March of 1981 Patient 1, a 20 year old female, was feeling
anxiety and suffering from other psychological problems and went to the
facility where Respondent was employed.

4. That after Patient 1 was seen by a psychologist, she was referred
to Respondent for his psychiatric assessment.

5. That prior to prescribing medications to Patient 1, Respondent elected to perform a physical examination. That after he concluded the physical examination, Respondent fondled Patient 1's breasts.

6. That Patient 1 ran from the room, went home, and reported the incident to the police. The police elected not to pursue the matter based on their assessment of Patient 1's credibility and Respondent's statements that Patient 1 was not in touch with reality.

COUNT II

7. That in July of 1980 Patient 2, a female who was then 26 years of age and who had long term emotional problems, first saw Respondent in his professional capacity. She continued to see Respondent in his professional capacity through November of 1981.

8. That in October, 1981 during a psychotherapy session Respondent had Patient 2 perform oral-genital sex on Respondent.

9. Patient 2 asked that she be provided with another psychiatrist for psychotherapy and when questioned on her reason for the request she reported the incident of oral sex. When Respondent was confronted with the allegation he took the position that it had never occurred. Because of the patient's emotional history and because the supervisor was not aware of the allegation made by Patient 1, no action was taken against Respondent by the facility, but Patient 2 was assigned to another psychiatrist.

COUNT III

10. That in early 1981, Patient 3, a 39 year old female with a lengthy history of psychiatric and emotional problems, began seeing Respondent for psychotherapy.

11. That shortly after he began treating Patient 3, Respondent began fondling her breasts and masturbating himself in her presence during therapy sessions. This occurred on several occasions.

12. That Respondent last saw Patient 3 in his professional capacity in mid-1982. At that time, when Respondent was on vacation, Patient 3 saw another psychiatrist at the facility and advised that psychiatrist of the sexual conduct which had been taking place in her therapy sessions with Respondent. That report led directly to the cessation of Respondent's employment at the facility.

ALL COUNTS

13. That when Respondent's conduct with Patient 3 was brought to the attention of his supervisors and he resigned from his position at that facility, he himself, through his attorneys, brought the circumstances to the attention of the Medical Examining Board, by a letter dated August 6, 1982, a copy of which is attached as Exhibit A.

14. That the letter was referred to the Wisconsin Department of Regulation and Licensing, Division of Enforcement, for full investigation of the matters briefly set out in the letter.

15. The investigation conducted by the Division of Enforcement revealed the possibility of Respondent's inappropriate conduct with the two additional patients. A considerable period of time passed while the Division of Enforcement attempted to find, interview, and obtain release forms from the three patients. The investigation was also complicated by one of the patients retaining an attorney for the purposes of commencing civil litigation against Respondent. Respondent was hesitant to discuss his conduct while under the threat of a civil lawsuit.

16. That from the time Respondent's conduct with Patient 3 was reported in mid-1982 until the present, Respondent has voluntarily sought and received psychotherapy and psychotropic medications from Drs. Raymond Headlee, M.D. and K. Kwang Soo, M.D., psychiatrists practicing in the Milwaukee area. Respondent's participation in these therapeutic regimens for the past six years has been systematic, continuous, active and productive. In addition, six years ago, Respondent voluntarily resigned from all hospital and clinical institutions in which he held appointments, for the ensuing six years has limited his practice with patients to less than one-half time practice.

17. That at the request of the Wisconsin Department of Regulation and Licensing, Division of Enforcement, Respondent submitted to a psychological evaluation, at his expense, by John C. Gonsiorek, a clinical psychologist in Minneapolis, Minnesota who has experience in evaluating and treating psychotherapists who have engaged in sexual conduct with their patients, which evaluation was considered by the Board. In his evaluation, Dr. Gonsiorek concluded that given the nature of Respondent's psychological and intellectual profile that with continued therapy, clinical supervision, and some additional training, that Respondent should be capable of resuming a full range of psychiatric functions and roles.

18. That at this time the majority of Respondent's practice is as a medical consultant to the Wisconsin Department of Health and Social Services, Division of Community Services, Bureau of Social Security Disability Insurance. In that role, Respondent reviews claims and reports concerning disabilities, but does not have contact with patients. Respondent also maintains a less than one-half time practice as a psychiatrist.

19. That neither the Wisconsin Medical Examining Board nor the Wisconsin Department of Regulation and Licensing, Division of Enforcement, have ever received any complaints about Respondent's practice as a physician, except those matters which are included within these Findings of Fact.

20. That in February, 1988 the parties submitted a proposed resolution of this matter to the Wisconsin Medical Examining Board. That resolution would have prohibited Respondent from examining or treating patients and would have restricted his practice to his position at the Wisconsin Department of Health and Social Services, Division of Community Services, Bureau of Social Security Disability Insurance, reviewing claims and reports. That resolution would have also required Respondent to continue in his psychotherapy and other treatment with Drs. Headlee and Soo, and require that he obtain training in the area of professional ethics and the handling of professional boundaries with patients.

21. That the Wisconsin Medical Examining Board rejected the proposed resolution of this matter and issued an Order remanding the matter, in which the Board suggested that an appropriate resolution would include a program of post-graduate training of not less than two years in an approved psychiatric program. A copy of the Order Remanding is attached as Exhibit B.

22. Following the rejection of the proposed resolution by the Board, the parties were unable to reach agreement on the matter and a formal disciplinary complaint was issued at the Board's next meeting in March of 1988.

23. That in the course of preparing the prosecution of this matter, the Complainant, Department of Regulation and Licensing, Division of Enforcement, retained as an expert witness Robert M. Factor, M.D., the Director of Psychiatric Residency Education at the University of Wisconsin Hospital and Clinics.

24. That in addition to being asked to review Respondent's conduct as it related to professional standards, Dr. Factor was asked to attempt to formulate an appropriate educational program for Respondent's rehabilitation.

25. That in formulating a training program for Respondent Dr. Factor relied upon the following:

- a. Medical records of Patients 1, 2, and 3, including records of treatment provided by Respondent as well as subsequent treatment;
- b. Statements given by Patients 1, 2, and 3.
- c. Eight page psychological evaluation of Respondent prepared by Dr. Gonsiorek, referred to in paragraph 17 above;
- d. A lengthy interview of Respondent by Dr. Factor.

26. As a result of his review, Dr. Factor determined that a full psychiatric residency program would not be required for Respondent's rehabilitation. Dr. Factor felt that although a standard residency program would provide Respondent with some additional valuable training, that such a program would not center on the areas where Respondent required additional training and would spend time on areas in which Respondent does not require additional training. As a result of his review, Dr. Factor also determined that no Continuing Medical Education program would provide Respondent with the training Respondent required.

27. That Dr. Factor then formulated an individually monitored clinical and didactic training program which is more intense in the areas which Respondent needs additional training and which provides supervision by a senior psychiatrist, who will be aware of Respondent's specific educational needs. That program is set out below in the Order portion of this document.

28. That Dr. Factor has billed the Wisconsin Department of Regulation and Licensing, Division of Enforcement, for \$562.50 for the services he has provided pursuant to contract.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this matter pursuant to section 448.02(3), Wis. Stats.
2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent's conduct in engaging in inappropriate sexual conduct with Patients 1, 2, and 3 constitutes unprofessional conduct as defined by section 448.02(3), Wis. Stats. and Wis. Adm. Code sec. Med 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the license to practice medicine and surgery in the State of Wisconsin of Arun Parikh, M.B.B.S. is hereby limited, effective January 25, 1989, as follows:

1. That Dr. Parikh shall not practice medicine or surgery in any role or setting in the State of Wisconsin except as provided in paragraphs 2 and 3 below.
2. That Dr. Parikh shall be allowed to practice medicine and surgery as a medical consultant for the Wisconsin Department of Health and Social Services, Division of Community Services, Bureau of Social Security Disability Insurance, which role shall not include the direct examination or treatment of patients.
3. That Dr. Parikh shall be allowed to practice medicine and surgery with those patients which Dr. Parikh sees in conjunction with the education program set out below.
4. Dr. Parikh shall participate in and complete an individually monitored clinical and didactic training program to be created and supervised by Sidney Weissman, M.D., the former Director of Psychiatric Residency Education at Michael Reese Hospital in Chicago, Illinois, who is also a psychoanalyst with the Chicago Institute of Psychoanalysis. The objectives of the program shall be to provide Dr. Parikh with education and to improve Dr. Parikh's abilities, in the following areas: interpersonal skills, empathy, intrapsychic and interpersonal psychodynamics, recognition and management of transference and countertransference issues, psychotherapy techniques, clinical judgment, handling affectively charged situations, undue influence and undue familiarity, use of consultations and supervision by colleagues concerning new patients and ongoing patient care. The educational program shall include the following:
 - a. A didactic portion including readings assigned by Dr. Weissman and discussed with Dr. Weissman or his designee;
 - b. Dr. Parikh seeing psychiatric patients in Dr. Parikh's Milwaukee office under the supervision of Dr. Weissman.

c. The number of patients seen by Dr. Parikh shall be limited to that number and variety of patients which Dr. Weissman feels that he can adequately supervise and which Dr. Parikh can adequately manage;

d. The supervision shall consist of Dr. Parikh meeting with Dr. Weissman, at a place specified by Dr. Weissman, three to four hours each week to discuss Dr. Parikh's cases, as indirect supervision; and Dr. Weissman seeing patients with Dr. Parikh in Milwaukee in joint sessions one time each month.

e. The program shall continue until such time as Dr. Weissman feels that Dr. Parikh is competent to practice psychiatry with patients without such ordered supervision, especially in the areas set out as the objectives to the program. The program shall be at least one year in length.

f. Dr. Weissman shall report to the Medical Examining Board quarterly regarding Dr. Parikh's participation in the educational program. If at any time Dr. Weissman notes or becomes suspicious of any unprofessional conduct on the part of Dr. Parikh, Dr. Weissman shall report that immediately to the Medical Examining Board.

g. Dr. Parikh shall bear the expense of the educational program.

5. That upon Dr. Parikh's successful completion of the educational program Dr. Weissman shall write to the Wisconsin Medical Examining Board and acknowledge that successful completion. Successful completion of the educational program, set out above, shall be prima facie evidence of the rehabilitation of Dr. Parikh.

6. Dr. Parikh shall pay to the Department of Regulation and Licensing, Division of Enforcement, within 60 days, the \$562.50 in fees the Department incurred in retaining Dr. Factor, which payment shall be considered the assessment of costs of the proceeding pursuant to section 440.22, Wis. Stats.

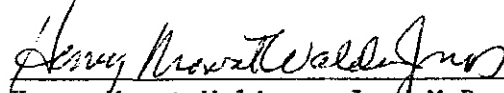
7. Dr. Parikh shall continue in his psychotherapy with Dr. Headlee or another therapist approved by the Board until the therapist feels that Dr. Parikh has successfully completed the therapy.

8. Dr. Parikh shall continue in his medication management by Dr. Soo, or another psychiatrist approved by the Board, until such time as the psychiatrist feels further medication management is not required.

9. That in the event that Dr. Parikh requests the Medical Examining Board to lift any of these restrictions on his ability to practice medicine and surgery in the State of Wisconsin Dr. Parikh shall provide reports to the Board from his therapist and psychiatrist stating what progress, if any, Dr. Parikh has made in therapy. In addition, such reports shall comment upon

Dr. Parikh's long term capacity to control his behavior, his ability to handle affectively charged situations and complex interpersonal relationships, as well as Dr. Parikh's problems with depression and low self-esteem.

Dated at Madison, Wisconsin this 8 day of December, 1988.



Henry Mowat Waldren, Jr. M.D.,
Secretary
Medical Examining Board

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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

ARUN PARIKH, M.B.B.S.,

Respondent

ORDER MODIFYING THE FINAL DECISION AND ORDER

On December 8, 1989, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, Dr. Parikh's license to practice medicine and surgery in Wisconsin was limited in part to require that psychiatric patients be seen by respondent only on an outpatient basis under the supervision of Sidney Weissman, M.D.

On June 9, 1989, respondent petitioned the board to modify the terms of his limited license to permit him to obtain hospital privileges. The petition was supported by Dr. Weissman.

Based upon respondent's petition, and upon other relevant information of record herein, the Medical Examining Board modifies paragraph 4.b. of the Final Decision and Order in this matter dated December 8, 1988, to read as follows:

b. Dr. Parikh seeing psychiatric patients on an inpatient or an outpatient basis under the supervision of Dr. Weissman.

All other terms and conditions of the board's order shall remain unchanged.

Dated this 18th day of September, 1989.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by H. Mowat Waldren, Jr., M.D.
H. Mowat Waldren, Jr., M.D.
Secretary

wra:10761