

Public

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

SUSHIL GUPTA, M.D.
CO-05-09-4675-A

COMMISSIONER'S
SUMMARY
ORDER

TO: SUSHIL GUPTA, M.D.
11 Old Farm Road
Woodbridge, CT 06525

SUSHIL GUPTA, M.D.
205 Main Street
East Haven, CT 06512

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Connecticut, Department of Public Health, Bureau of Healthcare Systems, (hereinafter "Connecticut Board") has made a finding substantially equivalent to a finding that the practice of medicine by **SUSHIL GUPTA, M.D.**, Respondent, licensed to practice medicine in New York state on August 23, 1994, by license number 196965, in that jurisdiction, constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the State of Connecticut, attached hereto, as "Appendix A," and made a part hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law Section 230(12)(b), that effective immediately, **SUSHIL GUPTA, M.D.**, Respondent, shall not practice medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine.

Any practice of medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of New York Education Law §6530 and may constitute unauthorized medical practice, a felony defined by New York Education Law §6512.

This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of Connecticut. The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, on a date and at a location to be set forth in a written Notice of Referral Proceeding, together with a Statement of Charges, to be provided to Respondent after the final conclusion of the Connecticut proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Connecticut proceeding, immediately upon such conclusion.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE BE
REVOKED OR SUSPENDED AND/OR THAT YOU
BE FINED OR SUBJECT TO OTHER SANCTIONS
SET FORTH IN NEW YORK PUBLIC HEALTH LAW
SECTION 230-A. YOU ARE URGED TO OBTAIN AN
ATTORNEY FOR THIS MATTER.

DATE: Albany, New York

December 14, 2005



ANTONIA C. NOVELLO, M.D., M.P.H, Dr. P. H.
Commissioner

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

In re: Sushil Gupta, M.D.

Petition No. 2004-0610-001-131

SUMMARY SUSPENSION ORDER

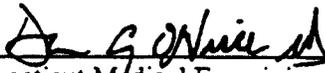
WHEREAS, the affidavits, duly verified, allege facts which show violations of §20-13c of the Connecticut General Statutes, as amended, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger; and,

Pursuant to the authority of §4-182(c) and §19a-17(c), pending the hearing set for the 2nd day of SEPTEMBER 2005, at 9:00 a.m.

It is hereby ORDERED, by vote of the Connecticut Medical Examining Board (hereinafter "the Board") that license number 036095 of Sushil Gupta, M.D. to practice as a physician and surgeon in the State of Connecticut is summarily suspended pending a final determination by the Board regarding the allegations contained in the Statement of Charges.

Further it is hereby ordered by vote of the Board that Sushil Gupta, M.D. immediately surrender his license number 036905 to the Board, 410 Capitol Avenue, MS #13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order.

Dated at Hartford, Connecticut this 16th day of August 2005.


Connecticut Medical Examining Board

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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

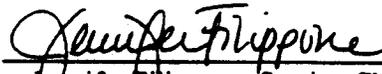
In re: Sushil Gupta, M.D.

Petition No. 2004-0610-001-131

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with the General Statutes of Connecticut §§4-182(c) and 19a-17(c) that the Connecticut Medical Examining Board summarily suspend the license of Sushil Gupta, M.D. to practice as a physician and surgeon in Connecticut. This motion is based on the attached Statement of Charges, affidavits and certified Superior Court records, and on the Department's information and belief that the continued practice of physician and surgeon represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 8th day of August 2004.



Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

In re: Sushil Gupta, M.D.

Petition No. 2004-0610-001-131

STATEMENT OF CHARGES

Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Sushil Gupta, M.D.:

COUNT ONE

1. Sushil Gupta, M.D. of Woodbridge, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut physician and surgeon license number 036095.
2. On at least six occasions from March 2003 through March 2004, respondent has made unnecessary and sexually inappropriate examinations of four different patients, L.S., M.S., D.C., and J.I..
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c, including but not limited to §20-13c(4).

COUNT TWO

4. Paragraph 1 is incorporated herein by reference as if set forth in full.
5. On July 29, 2005, respondent was convicted of two counts of sexual assault in the fourth degree in *State of Connecticut v. Sushil Gupta*, Docket No. CR 04- 31078, G.A. 23 (New Haven). The two convictions were for sexual contact with patients J.I. and M.S. by means of a false representation that the sexual contact was for a bona fide medical purpose.
6. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c, including but not limited to §20-13c(4).

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THEREFORE, the Department prays that:

The Connecticut Medical Examining Board, as authorized in §§19a-17 and 20-13c, revoke or order other disciplinary action against the physician and surgeon license of Sushil Gupta, M.D. as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 8th day of August 2005.


Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

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