

PUBLIC

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

IN THE MATTER

SURRENDER

OF

ORDER

RAJENDRA PRAKASH GUPTA, M.D.
CO-02-10-5063-A

BPMC No. 03-227

RAJENDRA PRAKASH GUPTA, M.D., says:

On or about August 17, 1971, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 109890 by the New York State Education Department. I currently reside at Redacted Address

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and

such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: 7/29/03, 2003

Redacted Signature

RAJENDRA PRAKASH GUPTA, M.D.
Respondent

AGREED TO:

Date: 8/15, 2003

Redacted Signature

DAVID BRAND, ESQ.
Attorney for Respondent

Date: 11 August, 2003

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 8/22, 2003

Redacted Signature

DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of **RAJENDRA PRAKASH GUPTA, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8/27, 2003

Redacted Signature

MICHAEL A. GONZALEZ R.P.A.
VICE CHAIR
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
RAJENDRA PRAKASH GUPTA, M.D.
CO-02-10-5063-A

STATEMENT
OF
CHARGES

RAJENDRA PRAKASH GUPTA, M.D., the Respondent, was authorized to practice medicine in New York state on August 17, 1971, by the issuance of license number 109890 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 10, 2002, in the United States District Court, Southern District of New York, Respondent was found guilty, based on a plea of guilty, of Health care fraud, in violation of 18 USC 1347, a felony, and on or about June 2, 2003, was sentenced to twenty-four (24) months imprisonment, three (3) years supervised release upon release from imprisonment, and to pay \$404,000.00 restitution and a \$100.00 special assessment.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED *August 5*, 2003
Albany, New York

Redacted Signature

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct