

BEFORE THE IOWA BOARD OF MEDICINE

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST
ANJALI K. GUPTA, M.D., RESPONDENT**

File No. 02-11-025

**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board), and Anjali K. Gupta, M.D., (Respondent), on February 11, 2011, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license No. 37462 on August 31, 2007.
2. Respondent's Iowa medical license is active and will next expire on December 1, 2011.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged pursuant to Iowa Code section 272C.3(k) and 653 IAC 23.1(35) with violating a Physician Health Contract that she entered into with the Iowa Physician Health Program (IPHP).

COUNT II

5. Respondent is charged pursuant to Iowa Code sections 147.55(4), 148.6(2)(h) and 272C.10(4) and 653 IAC 23.1(6) for engaging in substance abuse which may impair her ability to practice medicine with reasonable skill and safety.

COUNT III

6. Respondent is charged pursuant to Iowa Code sections 147.55(3), 148.6(2)(a) and 272C.10(3) and 653 IAC 23.1(14) with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession includes, but is not limited to, an intentional perversion of the truth, either orally or in writing, by a physician in the practice of medicine.

STATEMENT OF MATTERS ASSERTED

7. Respondent is an Iowa-licensed physician who practices radiation oncology in Iowa City and Sioux City, Iowa.

8. On December 23, 2009, Respondent entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) for substance abuse monitoring.

9. On May 24, 2010, Respondent tested positive for alcohol and the IPHP noticed Respondent to the Board for violating her Physician Health Contract. The Board voted to allow Respondent to remain in the IPHP subject to substance abuse monitoring.

10. Respondent tested positive for alcohol in violation of the terms of her Physician Health Contract on September 30; and November 13, 2010.

11. On September 29, 2010, Respondent altered a report prepared by the IPHP and submitted the altered report to a potential employer.

12. On November 10, 2010, the IPHP referred Respondent to the Board for consuming alcohol on multiple occasions in violation of her Physician Health Contract and for altering a report prepared by the IPHP.

13. The Board alleges that Respondent violated the terms and conditions of her Physician Health Contract when she consumed alcohol on multiple occasions.

14. The Board alleges that Respondent engaged in alcohol abuse which may impair her ability to practice medicine with reasonable skill and safety in violation of the laws and rules governing the practice of medicine in Iowa.

15. The Board alleges that Respondent knowingly made misleading, deceptive, untrue or fraudulent representations in the practice of medicine in violation of the laws and rules governing the practice of medicine in Iowa.

SETTLEMENT AGREEMENT

16. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating her Physician Health Contract, engaging in alcohol abuse which may impair her ability to practice medicine with reasonable skill and safety and knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of medicine. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.

17. **CIVIL PENALTY:** Respondent shall pay a **\$2,500** civil penalty. The civil penalty shall be paid within twenty (20) days of this Order and shall be made payable to the Treasurer of Iowa and mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

18. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall establish a monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the monitoring program.
- B. **Compliance with Assessment Program Recommendations:** Respondent recently completed substance abuse treatment at a Board-approved substance abuse treatment facility and she shall fully comply with all recommendations made by the substance abuse treatment program.
- C. **Alcohol Prohibition:** Respondent shall not consume alcohol or use other products which contain alcohol.

- D. **Controlled or Prescription Drug Restriction:** Respondent shall not use any controlled or prescription drug unless the controlled or prescription drug has been prescribed for Respondent's use by another qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform any qualified treating health care provider of his history of substance abuse prior to receiving any prescription drug.
- E. **Drug Screening Program:** Respondent shall fully comply with the Board's drug screening program. Respondent shall provide random blood or urine specimens when required and provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by Respondent.
- F. **Substance Abuse Counseling:** Respondent shall submit to the Board for approval the name and CV of a substance abuse counselor.
- (1) The counselor shall submit written quarterly reports concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
 - (2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board.

(4) Respondent is responsible for all costs associated with counseling.

G. **Substance Abuse Meetings:** Respondent shall attend at least twelve Alcoholics Anonymous (AA) or similar substance abuse meetings monthly and not less than two each week. Respondent shall obtain documentation of attendance and include copies of this documentation with his quarterly reports. Respondent shall have at least weekly contact with his AA sponsor.

H. **Mental Health Counseling:** Respondent shall submit to the Board for approval the name and CV of a mental health counselor.

(1) The counselor shall submit written quarterly reports concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

(2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board.

(4) Respondent is responsible for all costs associated with the counseling.

- I. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine to serve as worksite monitor. The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor. The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of professional misconduct, sexual misconduct, substance abuse or a violation of the terms of this Order. The worksite monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- J. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- K. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
- L. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each

quarterly report required under this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

20. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

21. Respondent voluntarily submits this Order to the Board for consideration.

22. This Order constitutes the resolution of a contested case proceeding.

23. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24.

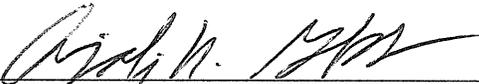
24. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

25. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be

provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

26. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

27. The Board's approval of this Order shall constitute a **Final Order** of the Board.

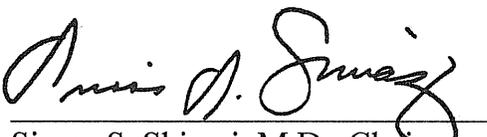


Anjali Gupta, M.D., Respondent

Subscribed and sworn to before me on February 11, 2011.

Notary Public, State of _____.

This Order is approved by the Board on February 11, 2011.



Siroos S. Shirazi, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686