

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ANJALI K. GUPTA, M.D., RESPONDENT

File No. 02-11-553

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board) and Anjali Gupta, M.D., (Respondent), and on February 9, 2012, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement to resolve the pending charges in this matter.

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, 2013.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who formerly practiced radiation oncology in Iowa City and Sioux City, Iowa.
5. On December 23, 2009, Respondent entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) for substance abuse monitoring.

6. 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 continued substance abuse monitoring.

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

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

9. 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.

10. On February 11, 2011, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board and the Board charged Respondent with:

- A. Violating the terms and conditions of her Physician Health Contract when she consumed alcohol on multiple occasions.
- B. Alcohol abuse which may impair her ability to practice medicine with reasonable skill and safety.
- C. Knowingly making 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 when she altering a report prepared by the IPHP.

Respondent was placed on probation for a period of five years subject to Board monitoring for substance abuse.

11. On November 18, 2011, the Board charged Respondent with willfully and/or repeatedly violating a lawful order of the board previously entered by the Board in a disciplinary matter when she failed to fully comply with the Board's drug screening program.

SETTLEMENT AGREEMENT

12. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the terms and conditions of the order that she entered into with the Board on February 11, 2011. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including revocation of her Iowa medical license.

13. **CIVIL PENALTY:** Respondent shall pay a **\$7,500 civil penalty** within twenty (20) days of the date of this Order. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

14. **BOARD-APPROVED PRACTICE LOCATION:** Respondent shall only practice medicine at a Board-approved practice location under her Iowa medical license. Respondent shall submit the name and address of all locations where she intends to practice medicine to the Board for written approval, prior to practicing medicine under her Iowa medical license.

15. **INDEFINITE PROBATION:** Respondent shall be placed on **indefinite probation** subject to the following terms and conditions:

- A. **Board Monitoring Program:** Respondent shall establish a Board 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. If Respondent fails to establish a monitoring program within thirty days of the date of this Order or fails to fully comply with the monitoring plan, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.
- B. **Compliance with Assessment Program Recommendations:** Respondent shall fully comply with all recommendations made by the substance abuse treatment program. If Respondent fails to fully comply with the Assessment Program Recommendations, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.
- 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. The Board and Respondent note that Respondent has repeatedly failed to comply with established drug testing. If Respondent fails to fully comply with the Board's drug screening program, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

- 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.

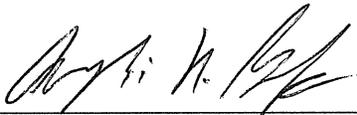
J. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.

- 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.
16. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
17. Respondent voluntarily submits this Order to the Board for consideration.
18. This Order constitutes the resolution of a contested case proceeding.
19. 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.

20. 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.

21. 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.

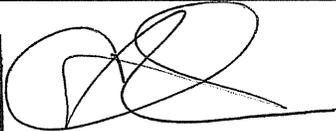
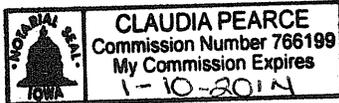
22. The Board's approval of this Order shall constitute a **Final Order** of the Board.



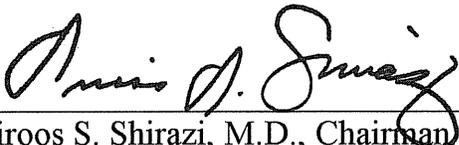
Anjali Gupta, M.D., Respondent

Subscribed and sworn to before me on January 9th, 2012.

Notary Public, State of Iowa.



This Order is approved by the Board on February 9, 2012.



Siroos S. Shirazi, M.D., Chairman
Iowa Board of Medicine

400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ANJALI K. GUPTA, M.D., RESPONDENT

File No. 02-11-553

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on November 18, 2011, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license No. 37462 on August 31, 2007. Respondent's Iowa medical license is active and will next expire on December 1, 2011.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on February 16, 2012, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on December 21, 2011, at 9:30 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C (2005).

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Violation of a Board Order:** Respondent is charged pursuant to Iowa Code sections 148.6(2)((i) and 653 IAC 23.1(11) with willfully and/or repeatedly violating a lawful order of the board previously entered by the Board in a disciplinary matter.

STATEMENT OF MATTERS ASSERTED

12. Respondent is an Iowa-licensed physician who formerly practiced radiation oncology in Iowa City and Sioux City, Iowa.

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

14. 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 continued substance abuse monitoring.

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18. On February 11, 2011, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board and the Board charged Respondent with:

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- C. Knowingly making 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 when she altering a report prepared by the IPHP.

19. Under the terms of the On February 11, 2011, combined Statement of Charges and Settlement Agreement, Respondent was placed on probation for a period of five years subject to Board monitoring for substance abuse.

20. Recently, the Board determined that Respondent has repeatedly failed to fully comply with the terms of her probation including, but not limited to, the following:

- A. Respondent failed to call-in to the Board's drug testing program on multiple occasions between February 11, and August 28, 2011.
- B. Respondent failed to submit a urine specimen when selected for testing by the Board's drug testing program on multiple occasions between February 11, and August 12, and 15, 2011.

- C. Respondent tested positive for Oxazepam, a controlled substance, on April 5, 2011.
- D. Respondent tested positive for alcohol on June 4, 2011.
- E. Respondent failed to demonstrate her continued use of Naltrexone.
- F. Respondent provided dilute urine specimens to the Board's drug testing program on May 16, and July 11, 2011.

E. SETTLEMENT

21. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

22. On November 18, 2011, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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