

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

April 14, 2010

Narendra Kumar Gupta, M.D.  
10160 Medlock Bridge Road  
Johns Creek, GA 30097

RE: Case No. 09-CRF-101

Dear Doctor Gupta:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of Minutes of the State Medical Board, meeting in regular session on April 14, 2010, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3068 9336  
RETURN RECEIPT REQUESTED

*Mailed 5-13-10*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of Minutes of the State Medical Board, meeting in regular session on April 14, 2010, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Narendra Kumar Gupta, M.D., Case No. 09-CRF-101, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

  
\_\_\_\_\_  
Lance A. Talmage, M.D.  
Secretary

(SEAL)

April 14, 2010  
\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 09-CRF-101

NARENDRA KUMAR GUPTA, M.D.

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ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 14, 2010.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Narendra Kumar Gupta, M.D., to practice medicine and surgery in the State of Ohio is REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval y the Board.

(SEAL)



Lance A. Talmage, M.D.  
Secretary

April 14, 2010

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

2010 MAR 18 AM 11:43

In the Matter of

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Case No. 09-CRF-101

Narendra Kumar Gupta, M.D.,

\*

Hearing Examiner Petrucci

Respondent.

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### REPORT AND RECOMMENDATION

#### Basis for Hearing

By letter dated August 12, 2009, the State Medical Board of Ohio [Board] notified Narendra Kumar Gupta, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on the allegation that the Composite State Board of Medical Examiners in the state of Georgia [Georgia Board] had issued an Order of Summary Suspension, which suspended Dr. Gupta's medical license in Georgia. Further, the Board alleged that the Georgia Board's Order constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as set forth in Section 4731.22(B)(22), Ohio Revised Code. Accordingly, the Board advised Dr. Gupta of his right to request a hearing in this matter. (State's Exhibit 1A)

On August 31, 2009, Dr. Gupta requested a hearing. (State's Exhibit 1B)

#### Appearances<sup>1</sup>

Richard Cordray, Attorney General, by Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio.

Hearing Date: February 12, 2010

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<sup>1</sup>Dr. Gupta's legal counsel in Georgia filed his hearing request in this matter. Dr. Gupta did not appear at the hearing, submit a written statement, or have a representative appear on his behalf, although he had been fully informed of the hearing date and time. (Hearing Transcript at 4-7)

### SUMMARY OF THE EVIDENCE

All exhibits, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Narendra Kumar Gupta, M.D., earned a medical degree in 1977 from Patna University in India. Dr. Gupta moved to the United States sometime thereafter. He obtained a certificate to practice medicine and surgery in Ohio in October 1992, and he practiced medicine for a period of time in Lima, Ohio. The Ohio license database indicates that Dr. Gupta reported his medical specialties as internal medicine and nephrology. His Ohio certificate expired in January 2005. (Ohio E-License Center, State of Ohio, March 17, 2010, <<https://license.ohio.gov/Lookup/>>)
2. Dr. Gupta obtained a Georgia medical license in July 2002, and it appears that he practiced medicine in Georgia. (State's Exhibit [St. Ex.] 2 at 2)
3. On April 17, 2009, the Georgia Board issued an Order of Summary Suspension, suspending Dr. Gupta's Georgia medical license. The Georgia Order stated:
  - In or about March 2009, the Georgia Board received information alleging that Dr. Gupta was "examining female patients without a chaperone present and touching them sexually."
  - On or about March 19, 2009, Dr. Gupta was arrested in Fulton County, Georgia, and charged with Sexual Assault on a minor female patient.
  - On or about April 15, 2009, Dr. Gupta was again arrested and charged with Aggravated Sexual Battery on a female patient.

The Georgia Order further stated that Dr. Gupta's Georgia license was summarily suspended, pending further proceedings by the Georgia Board. (St. Ex. 2 at 2-3)

### FINDING OF FACT

On April 17, 2009, the Composite State Board of Medical Examiners in the state of Georgia issued an Order of Summary Suspension, which summarily suspended the license of Narendra Kumar Gupta, M.D., to practice as a physician in the state of Georgia. The Georgia Board's Order cited information that in or about March 2009, the Georgia Board received information that Dr. Gupta was examining female patients without a chaperone present and touching them sexually; that on or about March 19, 2009, in Fulton County, Georgia, Dr. Gupta was arrested and charged with the offense of Sexual Assault involving a minor female patient; and that on or about April 15, 2009, Dr. Gupta was arrested and charged with the offense of Aggravated Sexual Battery involving a female patient.

### CONCLUSION OF LAW

The Georgia Board's Order constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery \* \* \* in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as set forth in Section 4731.22(B)(22), Ohio Revised Code.

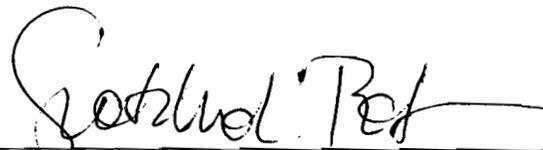
### Rationale for the Proposed Order

The State argued that the Board has the authority to take action in this matter pursuant to Section 4731.22(M), Ohio Revised Code. The Hearing Examiner agrees that the Board has the statutory authority to impose discipline in this matter. However, when all of the following is taken into consideration, it is recommended that no further action be taken: (a) Dr. Gupta is not practicing medicine and surgery in Ohio and has not done so for more than five years; (b) there is no indication that Dr. Gupta will seek to practice medicine in Ohio again; (c) Dr. Gupta cannot practice medicine in Ohio without filing an application to restore his prior certificate, which would be thoroughly reviewed by the Board; (d) the Board can take into consideration the administrative proceeding with the Georgia Board and the outcome of the criminal charges pending against Dr. Gupta at the time it reviews any restoration application; (e) the summary suspension issued by the Georgia Board appears to be only a preliminary, pre-hearing determination, and further proceedings and fact-finding may occur; and (f) the multiple criminal charges filed against Dr. Gupta are not yet resolved.

### PROPOSED ORDER

It is hereby ORDERED, that no further action be taken in the *Matter of Narendra Kumar Gupta, M.D.*, Case No. 09-CRF-101.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Gretchen L. Petrucci  
Hearing Examiner

April 14, 2010

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**FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF GEORGE D. J. GRIFFIN, III, M.D. DR. VARYANI SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye

The motion carried.

NARENDRA KUMAR GUPTA, M.D.

Dr. Amato directed the Board's attention to the matter of Narendra Kumar Gupta, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF NARENDRA KUMAR GUPTA, M.D. DR. MADIA SECONDED THE MOTION.**

Dr. Amato stated that he would now entertain discussion in the above matter.

Dr. Suppan stated that Dr. Gupta's case was brought to the Board's attention due to action taken by the Georgia Composite Medical Board [Georgia Board]. The Georgia Board has issued a Summary Suspension pending further action.

Dr. Suppan continued that in March 2009, it was alleged that Dr. Gupta conducted an examination of a female without a chaperone. Dr. Gupta was arrested for sexual assault of a female minor. In April 2009, Dr. Gupta was arrested for aggravated sexual battery of a female patient.

Dr. Suppan observed that Dr. Gupta is not currently practicing medicine and surgery in Ohio and has not done so for more than five years. There is no indication that Dr. Gupta will seek to practice medicine in Ohio again. Dr. Gupta cannot practice medicine in Ohio without filing an application to restore his license, which would be thoroughly reviewed by the Board and the outcome of Dr. Gupta's administrative proceedings with the Georgia Board and his criminal charges could be considered. For this reason, the Proposed Order states that No Further Action be taken at this time. Dr. Suppan agreed with the recommendation, but expressed concern that the term "No Further Action" could convey that the Board could never take any future action based on these allegations.

April 14, 2010

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Mr. Wilcox stated that taking No Further Action was certainly within the Board's rules. However, Mr. Wilcox opined that a No Further Action order could become an issue in the future. By ordering No Further Action, the Board will essentially be saying that Dr. Gupta committed the violation, but the Board will have chosen not to render any discipline for that violation.

Mr. Wilcox stated that the outcome of the Georgia Board proceedings and Dr. Gupta's criminal charges could not be predicted. Mr. Wilcox stated that if Dr. Gupta filed for an application for restoration of his Ohio medical license, the Board may not be able to consider the current allegations he is cited for because the Board will have already ordered that Dr. Gupta should not be disciplined based on those charges.

Mr. Wilcox recommended that the Board enter an order of Revocation, instead of No Further Action. Mr. Wilcox stated that a revocation would send the message that Dr. Gupta is not welcome to practice medicine in Ohio at this time. If Dr. Gupta is later acquitted of his criminal charges and the Georgia Board takes no action, then Dr. Gupta could reapply for his Ohio license if he wished and bring forth the evidence from his Georgia proceedings.

Dr. Suppan asked if a suspension of Dr. Gupta's license would be more appropriate. Mr. Wilcox stated that Dr. Gupta's Ohio medical license is not currently active, and therefore cannot be suspended. However, an inactive license can be revoked. Dr. Steinbergh agreed that a non-permanent revocation is appropriate.

**DR. SUPPAN MOVED TO AMEND THE PROPOSED ORDER TO REFLECT REVOCATION OF DR. GUPTA'S LICENSE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:**

A vote was taken on Dr. Suppan's motion to amend:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye

The motion to amend carried.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF NARENDRA KUMAR GUPTA, M.D. DR. MADIA SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye

April 14, 2010

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Dr. Madia	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Dr. Varyani	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye

The motion carried.

DANIEL M. MOSHOS, D.O.

Dr. Amato directed the Board's attention to the matter of Daniel M. Moshos, D.O. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation.

**DR. MADIA MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF DANIEL M. MOSHOS, D.O. MR. HAIRSTON SECONDED THE MOTION.**

Dr. Amato stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that this case involves sexual misconduct. Dr. Steinbergh also noted that Dr. Moshos is currently residing in the Chillicothe Correctional Institution. During Dr. Moshos' criminal trial, his attorney, Mr. Tyack, made no opening or closing arguments, nor did he make any objections on Dr. Moshos' behalf. The jury found Dr. Moshos guilty on four counts of his indictment on May 15, 2009, including public indecency, gross sexual imposition, and attempted rape.

Dr. Steinbergh found the Findings of Fact and Conclusions of Law to be appropriate and approved of the Proposed Order of Permanent Revocation.

A vote was taken on Dr. Madia's motion to approve and confirm:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye

The motion carried.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov



August 12, 2009

Case number: 09-CRF- **101**

Narendra Kumar Gupta, M.D.  
2422 Ridge Run Circle  
Lima, OH 45805

Dear Doctor Gupta:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about April 17, 2009, the Composite State Board of Medical Examiners for the State of Georgia [Georgia Board] issued an Order of Summary Suspension [Georgia Board Order] which summarily suspended your license to practice as a physician in the state of Georgia. The Georgia Board Order cited information including that, on or about March 19, 2009, in Fulton County, Georgia, you were arrested and charged with the offense of Sexual Assault involving a minor female patient; that on or about April 15, 2009, you were arrested and charged with the offense of Aggravated Sexual Battery involving a female patient; and that in or about March 2009, the Georgia Board received information that you were examining female patients without a chaperone present and touching them sexually.

A copy of the Georgia Board Order is attached hereto and incorporated herein.

The Georgia Board Order as alleged in paragraph (1) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must

*Mailed 8.13.09*



Narendra Kumar Gupta, M.D.

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be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT/KHM/flb  
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3070 3445  
RETURN RECEIPT REQUESTED

Duplicate Mailing:

Narendra Kumar Gupta, M.D.  
10160 Medlock Bridge Road  
Johns Creek, GA 30097

CERTIFIED MAIL #91 7108 2133 3936 3070 3438  
RETURN RECEIPT REQUESTED - RESTRICTED DELIVERY

**BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS**

**STATE OF GEORGIA**

**IN THE MATTER OF:**

**NARENDRA K. GUPTA, M.D.**  
**License No. 51657,**  
**Respondent.**

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**DOCKET NO.**

**Composite State Board  
of Medical Examiners**

**APR 17 2009**

**DOCKETNUMBER**

**20090058**

**ORDER OF SUMMARY SUSPENSION**

1.

WHEREAS, Respondent was licensed by the Composite State Board of Medical Examiners ("Board") to practice as a physician in the State of Georgia on or about July 12, 2002 and his license expires July 31, 2009.

2.

WHEREAS, in or about March 2009, the Board received information alleging Respondent was examining female patients without a chaperone present and touching them sexually.

3.

WHEREAS, on or about March 19, 2009, Respondent was arrested in Fulton County, GA and charged with the criminal offense of Sexual Assault on a minor female patient.

4.

WHEREAS, on or about April 15, 2009, Respondent was again arrested and charged with the offense of Aggravated Sexual Battery, also on a female patient, in violation of O.C.G.A. §16-6-22.2.

NOW THEREFORE, the Board finds that summary suspension of Respondent's license to practice as a physician in the State of Georgia is warranted under O.C.G.A. § 50-13-18(c)(1),

and hereby ORDERS that Respondent's license to practice as a physician in the State of Georgia be and is hereby SUMMARILY SUSPENDED pending further proceedings on behalf of the Board.

If the Respondent wishes to have an expedited hearing, Respondent shall execute and file with the Composite State Board of Medical Examiners the original and one copy of the attached REQUEST FOR EXPEDITED HEARING no later than fourteen (14) days from the day of service or receipt of this Order. Respondent also shall serve a copy of such REQUEST upon counsel for the Board as identified in the REQUEST.

This Order is signed and attested by the Executive Director on behalf of the Composite State Board of Medical Examiners.

This 17th day of April, 2009.

**COMPOSITE STATE BOARD OF MEDICAL  
EXAMINERS**

JEAN RAWLINGS SUMNER, M.D.  
President

(BOARD SEAL)

  
LASHARN HUGHES,  
Executive Director

PLEASE DIRECT ALL CORRESPONDENCE TO:  
Janet Bolt Wray  
Senior Assistant Attorney General  
Department of Law  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334

**BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF GEORGIA**

IN THE MATTER OF: )

NARENDRA K. GUPTA, M.D. )

License No. 51657, )

Respondent. )

DOCKET NO. )

STATE MEDICAL BOARD  
2009 JUN 22 P 2 30

**REQUEST FOR EXPEDITED HEARING**

I, NARENDRA K. GUPTA, M.D., having been served with the Order of Summary Suspension by the Composite State Board of Medical Examiners ("Board"), do hereby request an expedited hearing. I reserve the right to file a response to a Notice of Hearing in this matter.

This \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
NARENDRA K. GUPTA, M.D.  
Respondent

( ) I am/will be represented by counsel  
Name of counsel if known at this time:

**THIS REQUEST MUST BE FILED WITH THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS, 2 PEACHTREE STREET, N.W., 36<sup>TH</sup> FLOOR, ATLANTA, GEORGIA 30303-3465.**

**A COPY OF THIS REQUEST MUST BE SERVED ON THE OFFICE OF THE ATTORNEY GENERAL, ATTN: JANET BOLT WRAY, SENIOR ASSISTANT ATTORNEY GENERAL, 40 CAPITOL SQUARE, ATLANTA, GEORGIA 30334.**