

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2021-017

In the Matter of

BHAGWAN DASS GUPTA, M.D.,

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Bhagwan Dass Gupta, M.D., (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 17-379.

Findings of Fact

1. The Respondent was born on September 30, 1950. He graduated from the All India Institute of Medical Sciences in 1973. He has been licensed to practice medicine in Massachusetts under certificate number 44639 since 1979. He is certified by the American Board of Internal Medicine and holds a subspecialty certification in Cardiovascular Disease. He practices in Lynnfield and has no hospital privileges.

2. On October 6, 2017, at approximately 6:30 a.m., the Respondent and a female nuclear medicine technologist were in the cardiac lab at Union Hospital in Lynn.

3. The Respondent approached the technologist from behind and hugged her.
4. During the hug from behind, the Respondent touched the technologist in a manner that made her feel uncomfortable.
5. The Respondent's hospital privileges were subsequently suspended.

Conclusion of Law

Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

Sanction and Order

The Respondent's license to practice medicine in the Commonwealth of Massachusetts is hereby reprimanded. The Respondent is further hereby ordered to complete (5) CPD credits in the maintenance of boundaries. The CPD credits required by this Consent Order are to be completed in addition to the CPD credits required as part of the license renewal process. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

Execution of this Consent Order

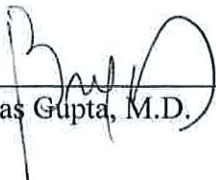
Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null

and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on her behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

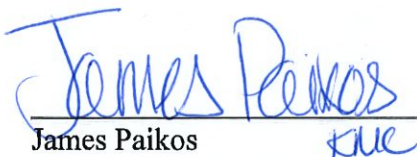
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Bhagwan Das Gupta, M.D.
Licensee

1/22/21
Date

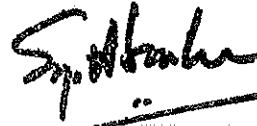

Paul Cirel
Attorney for the Licensee

1/25/21
Date


James Paikos
Complaint Counsel

1/27/21
Date

So ORDERED by the Board of Registration in Medicine this 8th day of April,
20 21.

A handwritten signature in black ink, appearing to read "G. Abraham", written over a horizontal line.

George Abraham, M.D.
Board Chair