

State of Rhode Island  
Department of Health  
Board of Medical Licensure and Discipline



**IN THE MATTER OF:**  
**Rajeev Gupta, MD**  
**License No: MD 08729**  
**Case No.: C191639**

**CONSENT ORDER**

Rajeev Gupta, MD ("Respondent") is licensed as a physician in Rhode Island. The Rhode Island Board of Medical Licensure and Discipline ("Board") makes the following

**FINDINGS OF FACT**

1. Respondent has been a licensed physician in Rhode Island since August 3, 1994.
2. Respondent graduated from Patliputra Medical College on June 1, 1983.
3. The Board was notified by the National Practitioner Data Bank (NPDB) of the settlement of malpractice suit, relative to care of Patient A, pursuant to which a payment was made on behalf of Respondent.
4. Respondent was the attending physician for Patient A (alias), a 43-year-old male with a documented history, well-known to Respondent, of asplenia (absence of his spleen) as a result of a bicycle accident during adolescence. Asplenia is known to result in a compromised immune system.
5. Respondent was Patient A's primary care physician ("PCP") from 2008-2015, prior to which period Patient A was cared for by a different PCP. Respondent represented to the Board that, during the time he was Patient A's PCP, he spoke with Patient A several times about Patient

A's need for Pneumovax, which is a vaccine to protect against infection from Streptococcus pneumoniae (pneumococcal) bacteria. There is no documentation in the medical record of such discussions or that Respondent ever ordered the vaccine for Patient A or that such an order was ever sent to a pharmacy.

6. Respondent does not routinely administer vaccines in his office. Rather, Respondent relies on pharmacies to administer the vaccines.

7. Respondent appeared before the Investigative Committee, via teleconference, on April 29, 2020. At that time, Respondent admitted that he did not document Patient A's need for the vaccine in the medical record and that he did not order the vaccine for Patient A or send such an order to a pharmacy.

8. The Investigative Committee concluded that Respondent failed to meet the minimum standard of care because he did not document in the medical record the need for this important vaccine or that he had discussed the need with Patient A, because he did not order the vaccine for Patient A or send such an order to a pharmacy, and because the medical record fails to demonstrate that, overall, Respondent adequately addressed Patient A's asplenia.

9. Accordingly, Respondent violated R.I. Gen. Laws § 5-37-5.1(19), which defines "unprofessional conduct" as including "*.... the failure to conform to, the minimal standards of acceptable and prevailing medical practice ....*"

**Based on the foregoing, the parties agree as follows:**

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
  - b. The right to produce witnesses and evidence on his behalf at a hearing;
  - c. The right to cross examine witnesses;
  - d. The right to have subpoenas issued by the Board;
  - e. The right to further procedural steps except for those specifically contained herein;
  - f. Any and all rights of appeal of this Consent Order;
  - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and
  - h. Any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the Rhode Island Department of Health ("RIDOH") public website.
4. Respondent agrees to pay, within 5 days of the ratification of this Consent Order, an administrative fee of \$1050.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to "**Rhode Island General Treasurer**," and sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn: Lauren Lasso. Respondent will send notice of compliance with this condition to [DOH.PRCCompliance@health.ri.gov](mailto:DOH.PRCCompliance@health.ri.gov) within 30 days of submitting the above-referenced payment.
5. Respondent agrees to a reprimand on his physician license.
6. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH ("Director") shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent's medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request

an administrative hearing within 20 days of the suspension and/or further discipline. The Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 01 day of JUNE, 2020.

Rajeev Gupta  
Rajeev Gupta, MD

Ratified by the Board of Medical Licensure and Discipline on the 10<sup>th</sup> day of JUL, 2020.

Nicole Alexander-Scott  
Nicole Alexander-Scott, MD, MPH  
Director  
Rhode Island Department of Health  
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Providence, RI 02908