

BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN RE: SAURABH GUPTA

LICENSE NO.: C1-0008132

Case No.: 10-131-14

ORDER

WHEREAS, the Board of Medical Licensure and Discipline has reviewed this matter and hereby approves the Consent Agreement of the parties, and enters it now as an Order of the Board;

IT IS SO ORDERED this 7th day of April, 2015.

Dr. Hammer -
Gregory O. O'Connell
Robert Coof
for -
Theresa L. Ryan
George Datta
Maryanne Lomax
of Bahst M

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Vanda Calhoun
H.C. Vunoh
Malvina C. Rickard
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Date Mailed
4/8/15

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Case No.: 10-131-14

CONSENT AGREEMENT

A written Complaint was filed with the Delaware Board of Medical Licensure ("Board") and Discipline alleging that Saurabh Gupta, M.D. ("Respondent"), a licensed medical doctor, engaged in conduct that constitutes grounds for discipline pursuant to Delaware's *Medical Practice Act*.

The State of Delaware, by the undersigned Deputy Attorney General, and Respondent submit this Consent Agreement for approval by the Board as a means of resolving the pending administrative prosecution against Respondent pursuant to 24 *Del. C.* § 1731.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent's license was issued in September 2006 and is active.
2. At all times relevant, Respondent was working as a psychiatrist at Rockford Center.
3. On or around January 2, 2011, an Initial Assessment of a minor patient was completed by a nurse and signed off on by Respondent. The Assessment documented that the patient reported she had been the victim of a rape.
4. Respondent was the attending psychiatrist and is identified on the patient's medical records as the minor patient's primary doctor.
5. On or around January 3, 2011, a resident completed a psychiatric assessment of the minor patient which also documented that the patient reported being sexually abused.
6. Respondent did not make a report to the Department of Services for Children, Youth and Their Families as required by the mandatory report law set forth in 16 *Del. C.* § 903.
7. Respondent admits that the allegations set forth in paragraphs one through six

above are true and correct.

8. On January 25, 2015, Respondent completed the Child Abuse Identification and Reporting Guidelines for Medical Providers.

9. Respondent and the State propose that the Board impose the following as a disciplinary sanction for this conduct:

- a. Respondent shall receive a Letter of Reprimand; and
- b. Within 30 days of the date that the Board accepts this Agreement and enters it as an Order, Respondent shall be required to pay a fine in the amount of \$1,000.00 payable to the State of Delaware and mailed to the Division of Professional Regulation, Board of Medical Licensure and Discipline, Cannon Building, Suite 203, 861 Silver Lake Boulevard, Dover, Delaware 19904.

10. The parties to this Consent Agreement are the State of Delaware and Respondent. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

11. Respondent acknowledges that he is waiving his rights under 24 *Del. C.* Ch. 17 and 29 *Del. C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

12. Respondent hereby acknowledges and agrees that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

13. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

14. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.

15. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:


- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and
- c. No provision contained in the Agreement shall constitute or have the effect of an admission by the Respondent as to any fact alleged in the Complaint in this matter or in this Agreement.

16. Respondent acknowledges and agrees that the Board will report this Consent Agreement to the licensing authority of any other state in which he is licensed to practice.


17. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

18. This Consent Agreement, and any disciplinary sanctions contained herein, shall be effective upon acceptance by the Board and entry of the Board's Order.


[signatures on next page]


Saurabh Gupta, M.D.
Respondent

Dated: 3/8/15


Stacey X. Stewart (I.D. # 4667)
Deputy Attorney General

Dated: 3/12/15


Shauna Slaughter
Executive Director
Delaware Board of Medical Licensure and Discipline

Dated: 4/7/15