



Division of Public Health

Division of Public Health, Licensure Unit  
301 Centennial Mall South, 10th Floor, P.O. Box 94986  
Lincoln, NE 68509-4986  
Phone (402) 471-2115 FAX (402) 471-3577

State of Nebraska

Dave Heineman, Governor

7/14/2009

Subramanyam Rajagopal, MBBS  
4001 Gertie Ave  
Lincoln NE 68516

Dear Dr Rajagopal:

This letter is written to notify you that you have completed all terms and conditions of your non-disciplinary "Limitation" as specified in the Findings of Fact Conclusions of Law and Order dated September 9, 2008. Our records were changed June 29, 2009 to reflect the probation completion as being June 12, 2009

Please find enclosed an Original Wall License and a current License Card No. 19684 which do not have the term "Limitation" imprinted on them. You may discard the licensing documents previously issued to you, which had the term "Limitation" imprinted on them.

Please contact Ruth Schuldt, Compliance Monitor, at (402) 471-0313, if you have any questions.

Sincerely,

Helen L. Meeks, Administrator  
Licensure Unit

HLM/clb

Enclosures: Original Wall License  
License Card No. 19684, Exp. Date 10/01/2010

cc: Ruth Schuldt, Compliance Monitor

BEFORE THE AND DIRECTOR AND CHIEF MEDICAL OFFICER  
DIVISION OF PUBLIC HEALTH  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
STATE OF NEBRASKA

IN THE MATTER OF THE	)	
PETITION FOR REINSTATEMENT	)	FINDINGS OF FACT
OF LICENSE TO PRACTICE	)	CONCLUSIONS OF LAW
MEDICINE AND SURGERY	)	AND ORDER REINSTATING
FOLLOWING SUSPENSION	)	LICENSE WITH
PURSUANT TO <u>NEB. REV. STAT.</u>	)	LIMITATIONS
SECTION 71-161.14 of	)	
SUBRAMANYAM RAJAGOPAL,	)	
MBBS	)	

This matter comes before the Director for consideration in the Petition for Reinstatement of License to Practice Medicine and Surgery Following Suspension Pursuant to NEB. REV. STAT. Section 71-161.14 of Subramanyam Rajagopal, MBBS.

FINDINGS OF FACT

1. On November 24, 1998, the License of Subramanyam Rajagopal, to Practice Medicine and Surgery was suspended under the provisions of NEB. REV. STAT. §71-161.13 because he was found to be not qualified to practice the profession due to physical and mental illness.
2. On March 9, 2007, the Board, pursuant to NEB. REV. STAT. §71-161.14, found the Petitioner to be qualified to engage in the practice of Medicine and Surgery subject to limitations; and on June 12, 2007, the suspension of Petitioner's license was removed and he was issued a license subject to limitations.
3. On April 17, 2008, Petitioner requested a hearing to determine whether he was qualified to practice Medicine and Surgery without limitations.
4. Competent medical evidence in the record, including the testimony of the Petitioner, shows that the Petitioner suffers from chronic physical and mental health problems that will not abate; and, that the Petitioner lacked the insight to seek treatment prior to his license being suspended in November of 1998.
5. The Evidence also shows that the Petitioner is now receiving appropriate care and treatment; however, Petitioner has not been practicing Medicine and Surgery since his reinstatement a sufficient amount of time to indicate that he will maintain his current state of health or to demonstrate that he has the insight to seek treatment if necessary.

### CONCLUSIONS OF LAW

Pursuant to NEB. REV. STAT. Section 71-161.14 Dr. Rajagopal's license to practice medicine and surgery may be reinstated when the cause of the suspension no longer exists and the appropriate professional Board finds, upon competent medical evaluation by a qualified physician or physicians, that the petitioner is qualified to engage in the practice of the profession and certifies that fact to the Director. The Board has certified to the Director of Public Health and Chief Medical Officer that the Petitioner is not qualified to engage in the practice medicine and surgery unless limitations are placed on his license. The Board recommended that Petitioner's license continue with the same limitation as are now in effect except that the restriction of working no more than forty (40) hours per week should be eliminated; and, that the limitations remain in effect until June 12, 2009. Upon such finding, the Director, notwithstanding the provision of any other statute shall reinstate such license.

### ORDER

It is hereby ordered that the license of Subramanyam Rajagopal, MBBS, license #19684 continue with the same limitations as are now in effect except that the limitation of working no more than forty (40) hours per week be eliminated and that the limitations remain in effect until June 12, 2009.

Dated this 9 day of September, 2008.

BY: 

Joann Schaefer, MD, Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

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CERTIFICATE OF SERVICE

Comes now the undersigned and certifies that on the 10<sup>th</sup> day of September, 2008, a copy of the foregoing Findings of Fact Conclusions of Law and Order Reinstating License Wlth Limitations was sent by certified United States mail, postage prepaid, return receipt requested, to Nancy Wynner, Demars Gordon Olson & Zalewski, 134 South 13<sup>th</sup> ST, Ste 800, Lincoln, NE 68501 and by interagency mail to Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Vicki Bumgarner  
Health Licensing Coordinator  
Licensure Unit  
Nebraska DHHS - Division of Public Health

BEFORE THE BOARD OF MEDICINE AND SURGERY  
STATE OF NEBRASKA

IN THE MATTER OF THE	)	FINDINGS OF FACT
PETITION FOR REINSTATEMENT	)	CONCLUSIONS OF LAW
OF LICENSE TO PRACTICE	)	AND
MEDICINE AND SURGERY	)	CERTIFICATION
FOLLOWING SUSPENSION	)	AND RECOMMENDATION
PURSUANT TO <u>NEB. REV. STAT.</u>	)	TO THE
SECTION 71-161.14 of	)	DIRECTOR AND
SUBRAMANYAM RAJAGOPAL,	)	CHIEF MEDICAL OFFICER
MBBS	)	

The matter came on for hearing before the Board of Medicine and Surgery on August 15, 2008, on the Petitioner's petition for a determination that the cause for action against his license no longer exists. The Petitioner was present with his attorney, Nancy R. Wynner, and the department was represented by Susan Ugai. Evidence was received and the Board of Medicine and Surgery enters the following findings of fact, conclusions of law, and issues the following certification to the Director and Chief Medical Officer.

Findings of Fact

1. On November 24, 1998, the License of Subramanyam Rajagopal, to Practice Medicine and Surgery was suspended under the provisions of NEB. REV. STAT. §71-161.13 because he was found to be not qualified to practice the profession due to physical and mental illness.
2. On March 9, 2007, the Board, pursuant to NEB. REV. STAT. §71-161.14, found the Petitioner to be qualified to engage in the practice of Medicine and Surgery subject to limitations; and on June 12, 2007, the suspension of Petitioner's license was removed and he was issued a license subject to limitations.
3. On April 17, 2008, Petitioner requested a hearing to determine whether he was qualified to practice Medicine and Surgery without limitations.
4. Competent medical evidence in the record, including the testimony of the Petitioner, shows that the Petitioner suffers from chronic physical and mental health problems that will not abate; and, that the Petitioner lacked the insight to seek treatment prior to his license being suspended in November of 1998.

5. The Evidence also shows that the Petitioner is now receiving appropriate care and treatment; however, Petitioner has not been practicing Medicine and Surgery since his reinstatement a sufficient amount of time to indicate that he will maintain his current state of health or to demonstrate that he has the insight to seek treatment if necessary.

#### Conclusions of Law

The Board has previously concluded that Subramanyam Rajagopal, MBBS is qualified to engage in the practice of medicine and surgery if certain conditions were in effect for a period of two (2) years to ensure that his mental and physical conditions are properly treated and maintained. Based upon the evidence the Board concludes that the Petitioner is still qualified to practice Medicine and Surgery but subject to the current limitations, except that based upon the current evaluation the restriction of working no more than forty (40) hours per week should be eliminated.

#### Certification and Recommendation

The Board certifies to the Director and Chief Medical Officer that Subramanyam Rajagopal, MBBS is not qualified to engage in the practice of medicine and surgery unless limitations are placed on his license. The Board recommends to the Director of Public Health and Chief Medical Officer that the Petitioner's license continue with the same limitations as are now in effect except that the limitation of working no more than forty (40) hours per week be eliminated; and, that the limitations remain in effect until June 12, 2009.

Dated this 26th day of August, 2008.

BOARD OF MEDICINE AND SURGERY

BY



Carl V. Smith, M.D., Chair

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA**

**LICENSURE UNIT**

**JAN 07 2008**

**RECEIVED**

**IN THE MATTER OF  
THE REQUEST FOR HEARING BY**

**SUBRAMANYAM RAJAGOPAL, MBBS  
Medicine and Surgery**

**69 - 070289**

**FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER**

**HISTORY**

1. On November 24, 1998 Dr. Rajagopal's license was suspended pursuant to Neb rev stat 71-161.12 and 71-161.13.
2. On or about September 3, 2004 Dr. Rajagopal submitted a Petition for Reinstatement.
3. The Board of Medicine and Surgery review the Petition on October 8, 2004 and requested documentation and evaluation.
4. On March 9, 2007 the Board reviewed the Petition for Reinstatement and all supporting information, an investigative report and all other material submitted in response to the October 8, 2004 request.
5. The Board of Medicine and Surgery, on June 12, 2007, certified to the Director that Dr. Rajagopal was qualified to engage in the practice of Medicine and Surgery if certain limitations were put in effect for a period of two years to ensure that his mental and physical conditions were properly treated and maintained.
6. In Findings of Fact, Conclusions of Law and Order dated June 12, 2007 the Director ordered that Dr. Rajagopal's license to practice Medicine and Surgery reinstated with certain limitations which were set forth in the order for a period of two years.
7. Thereafter, a license, so limited, was physically issued to Dr. Rajagopal and remains in his possession.
8. In a letter filed July 6, 2007, counsel for Dr. Rajagopal requested "...a hearing before the board."
9. A hearing on that request was held on August 28, 2007, not before the Board of Medicine and Surgery but before a Hearing Officer designated by the Director.
10. At that hearing testimony was taken, evidence adduced and argument made. A transcription of that hearing was filed with the Director on September 13, 2007.

### LEGAL ISSUE PRESENTED

Does the Director have jurisdiction over the purported appeal submitted on July 6, 2007.

### DISCUSSION

This matter began as a procedure brought under Neb. Rev. Stat. §71-161 to determine Dr. Rajagopal's mental and physical qualifications to practice. At that time it was concluded that he was not so qualified and his license was suspended until such time as he became qualified.

In September of 2004 Dr. Rajagopal submitted an application for reinstatement under Title 184 NAC §006.05L. In June of 2007, the Board certified pursuant to 184 NAC 1 §006.05L3a3 that Dr. Rajagopal was conditionally or partially qualified subject to certain stated limitations. Section 006.05L4 provides that the Director shall review those findings on the record without further hearing. Such was done resulting in the June Order.

Title 184 NAC 1 §006.05L3 provides that upon a finding of partial or limited qualification such as the board found here, provisions of Section 006.05C-G shall apply. What that would appear to suggest is that if Dr. Rajagopal desires the relief he sought in his letter of July 6 he must again seek full unencumbered reinstatement as he did originally under section 006.05L.

### CONCLUSION OF LAW

There was no legal authority for holding the August 28, 2007 hearing.

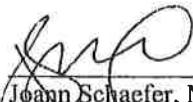
The Director lacks jurisdiction to reconsider or consider anew the Findings of Fact, Conclusions of Law and Order dated June 12, 2007.

### ORDER

The purported appeal submitted on July 6, 2007 and mistakenly addressed in the hearing held on August 28, 2007 is hereby dismissed and denied for want of jurisdiction.

DATED this 28 day of December, 2007.



  
Joann Schaefer, M.D.  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services



THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA

IN THE MATTER OF  
THE REQUEST FOR HEARING BY

SUBRAMANYAM RAJAGOPAL, MBBS  
Medicine and Surgery

69 - 070289

NOTICE OF HEARING

PLEASE TAKE NOTICE that pursuant to Neb. Rev. Stat. 84-901 et seq. and the written request received by the Department on July 26, 2007, a formal hearing will be held before designated Hearing Officer, Terry R. Schaaf on **August 28, 2007 at 1:30 p.m.** For hearing room assignment report to the reception desk on 3rd floor, Nebraska State Office Building, 301 Centennial Mall (14th and M Streets), Lincoln, Nebraska.

The Appellant is hereby advised that they should be present at the time and place of hearing with such witnesses; and such evidence as they may care to present and that they may be represented by counsel at the hearing. Hearings are conducted according to Neb. Rev. Stat. §84-901 et seq., and the Rules of Practice and Procedure of the Department, 184 NAC 1, (a copy of which can be obtained upon request). If auxiliary aids or reasonable accommodations are needed for participation in the hearing, please call Jo Seefeld, (402) 471-0384 or for persons with hearing impairments, (402) 471-9570 TDD, or the Nebraska Relay System, 711TDD, prior to the hearing date.

DATED this 31<sup>st</sup> day of July 2007



*Terry R. Schaaf*  
Terry R. Schaaf  
Hearing Officer

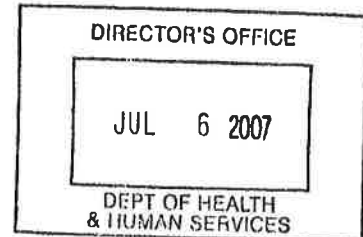
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 31<sup>st</sup> day of July, 2007, a copy of the foregoing **NOTICE OF HEARING** was sent by certified United States mail, postage prepaid, return receipt requested, to **Nancy Wynner, DEMARS GORDON OLSON & ZALEWSKI, 134 South 13<sup>th</sup> Street, Suite 800, Lincoln NE 68501** and by interagency mail to **Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.**

*Jo Seefeld*  
Jo Seefeld, Contested Cases/Hearing Program  
DHHS Division of Public Health  
P.O. Box 95026  
Lincoln NE 68509-5026  
P. (402) 471-0384 F. (402) 471-0383



LAW FIRM



Certified Mail

July 5, 2007

Dr. Joann Schaefer, MD, Chief Medical Officer  
Director, Department of Health & Human Services  
Regulation & Licensure  
P.O. Box 94986  
Lincoln, NE 68509

RE: State of Nebraska v. Subramanyam Rajagopal - License No. 19684

Dear Dr. Schaefer:

Our office represents Mr. Rajagopal in the above-referenced matter.

Pursuant to the Order Reinstating License with Limitations dated June 12, 2007,  
Mr. Rajagopal is requesting a hearing before the Board.

I look forward to receiving the date of the hearing from you in the near future.

Very truly yours,

  
Nancy R. Wynner

NRW:sks

cc: Mr. Subramanyam Rajagopal

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE  
DEPARTMENT OF FINANCE AND SUPPORT

Please reply to: Credentialing Division  
PO Box 4986, Lincoln, NE 68509-4986  
Phone (402) 471-2118  
FAX (402) 471-3577

STATE OF NEBRASKA  
DAVE HEINEMAN, GOVERNOR

June 13, 2007

Subramanyam Rajagopal, MBBS  
4001 Gertie Ave  
Lincoln, NE 68516

Dear Dr. Rajagopal:

Pursuant to the Order issued by the Director of the Department of Health and Human Services Regulation and Licensure on June 12, 2007, your license No. 19684, to practice medicine and surgery is reinstated.

Enclosed is a wall and wallet card which have been imprinted with the term Limitation to indicate the status of your license. This status became effective June 12, 2007 and will remain in effect until June 12, 2009, providing you comply with all the terms and conditions of the above-referenced Order. The Credentialing Division will monitor your compliance with these terms.

If you have any questions or concerns, please contact Becky Wisell, Section Administrator, at 402/471-4915.

Sincerely,

Helen L. Meeks, Administrator  
Credentialing Division

HLM/vb

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE  
STATE OF NEBRASKA

IN THE MATTER OF THE	)	
PETITION FOR REINSTATEMENT	)	
OF LICENSE TO PRACTICE	)	
MEDICINE AND SURGERY	)	FINDINGS OF FACT
FOLLOWING SUSPENSION	)	CONCLUSIONS OF LAW AND
PURSUANT TO <u>NEB. REV. STAT.</u>	)	ORDER REINSTATING
SECTION 71-161.14 OF	)	LICENSE WITH LIMITATIONS
SUBRAMANYAM RAJAGOPAL,	)	
MBBS	)	

This matter comes before the Chief Medical Officer for consideration of the Certification of the Board of Medicine and Surgery in the Matter of the Petition for Reinstatement Following Suspension Pursuant to Neb. Rev. Stat. Section 71-161.14 of Subramanyam Rajagopal, MBBS.

FINDINGS OF FACT

1. Dr. Rajagopal's license to practice medicine and surgery was suspended on November 24, 1998 pursuant to Neb. Rev. Stat. 71-161.12 and 71-161.13.
2. Dr. Rajagopal submitted a Petition for Reinstatement of license which was signed on September 3, 2004 which the Department received shortly after that date.
3. The Board reviewed Dr. Rajagopal's Petition for Reinstatement on October 8, 2004 and requested further documentation in order to verify that he is qualified to practice medicine and surgery.
4. Based on the Board's request for additional documentation Dr. Rajagopal completed the following:
  - A. An evaluation of his physical and mental condition by William Shiffermiller, MD, of Omaha, Nebraska, on December 28, 2006. The Department received a report of this evaluation on January 8, 2007.
  - B. An evaluation of his physical and mental condition by Clinical Psychologist and neuro-psychogist James K. Cole, PhD., of Lincoln, Nebraska, on November 7, 29 and 30, 2006. The Department received a report of this evaluation on December 12, 2006.
  - C. Achieved a passing score on the Special Purpose Examination (SPEX) of the Federation of State Medical Boards taken on December 15, 2005. The Department received a score report evidencing this on January 3, 2006.
5. In addition, Dr. Rajagopal submitted to the Department verification of approximately eight hundred (800) hours of Category I continuing medical education he completed since 2004.
6. On March 9, 2007, the Board reviewed the Petition for Reinstatement with all supporting information, the Investigative Report from the Division of Investigations, and the reports

regarding the additional documentation requested by the Board at the October 8, 2004 Board meeting.

7. The Board determined that Dr. Rajagopal is qualified to engage in the practice of medicine and surgery if certain limitations are in effect for a period of two (2) years to ensure that his mental and physical conditions are properly treated and maintained. The Board certified such to the Director of the Department of Health and Human Services Regulation and Licensure on June 12<sup>th</sup>, 2007. Such limitations are not disciplinary in nature.

8. Dr. Rajagopal's license to practice medicine and surgery should be reinstated with limitations for a period of two (2) years with the following conditions:

A. Dr. Rajagopal should remain in active treatment with a licensed psychiatrist, to include ongoing psychiatric assessment and medication management as he/she determines. Dr. Rajagopal should attend appointments with his treating psychiatrist as determined by the psychiatrist, except that he must attend at least one appointment for each month of the first three (3) months of licensure. After the first three months of licensure, the frequency of his appointments with the psychiatrist could be reduced to quarterly, if he has been in compliance with his limitation for the entire period, and if his treating psychiatrist determines that Dr. Rajagopal no longer needs to attend appointments on a monthly basis and verifies such to the Department in writing.

B. Dr. Rajagopal should ensure that his treating psychiatrist submits quarterly reports to the Department. These reports need to describe his diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and his/her assessment of Dr. Rajagopal's mental health status and ability to safely practice medicine and surgery. He/she should verify that Dr. Rajagopal is attending appointments with him as prescribed in the previously listed condition.

C. Dr. Rajagopal should remain in active treatment with a physician or physicians for any and all other diseases and physical conditions which he suffers from, including diabetes. Mental and emotional diseases and conditions should be treated by a physician specializing in psychiatry, as listed in a previous condition. Dr. Rajagopal should attend appointments with his treating physician(s) as determined by the physician(s).

D. Dr. Rajagopal should ensure that his treating physician(s) submits quarterly reports to the Department. These reports need to describe the diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and his/her assessment of Dr. Rajagopal's health status and ability to safely practice medicine and surgery.

E. Dr. Rajagopal should remain actively engaged in psychotherapy, and follow all treatment recommendations of a licensed psychiatrist, licensed clinical psychologist or licensed mental health practitioner. Dr. Rajagopal should attend appointments with his treating psychotherapist as determined by the psychotherapist.

F. Dr. Rajagopal should ensure that his treating psychotherapist submits quarterly reports to the Department. These reports need to describe the diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and his/her

assessment of Dr. Rajagopal's mental health status and ability to safely practice medicine and surgery.

G. Dr. Rajagopal should be restricted to working no more than forty (40) hours per week for the duration of his limitation. After the first six (6) months of limitation, the restriction on the number of hours of work per week could be raised or eliminated if Dr. Rajagopal is re-evaluated by his treating psychiatrist and he/she determines that the restriction on number of hours of work could be raised or eliminated without detriment to Dr. Rajagopal's health and ability to safely practice medicine and surgery.

#### CONCLUSIONS OF LAW

Pursuant to Neb. Rev. Stat. Section 71-161.14 Dr. Rajagopal's license to practice medicine and surgery may be reinstated when the cause of the suspension no longer exists and the appropriate professional Board finds, upon competent medical evaluation by a qualified physician or physicians, that the petitioner is qualified to engage in the practice of the profession and certifies that fact to the Director of Regulation and Licensure. Upon such finding the Director, notwithstanding the provision of any other statute, shall reinstate such license.

#### ORDER

It is hereby ordered that the license of Subramanyam Rajagopal, MBBS, license #19684, to practice medicine and surgery is reinstated with limitations as set out above for a period of two (2) years.

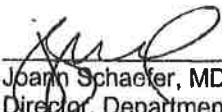
If Dr. Rajagopal disagrees with the above, he may request a hearing before the Department in writing within thirty (30) days from the date of this Order.

It is further ordered that:

1. Any time that the treating psychiatrist, physician(s) or psychotherapist has reason to believe that Dr. Rajagopal is not complying with his treatment recommendations, or that he is not fit to be practicing medicine and surgery, he/she is to notify the Department immediately. Dr. Rajagopal must provide written notification, within seven days of its occurrence, of any change in his residence, employment, address or phone number and its effective date.
2. Provide all reports, notices, and other documentation, as directed by the Department. If the Department provides any particular form of report, reports must be made on such form.
3. Provide written authorizations requested by the Department for all records, information and reports concerning any treatment or counseling, including such forms of authorization to permit the obtaining and use of records, information and reports by the Department and the Nebraska Attorney General in conformity with 42 CFR, Part 2.
4. Promptly respond to all requests and inquiries by the Department concerning compliance with the terms and conditions of the limitation.
5. Obey all state and federal laws and the rules and regulations regarding the practice of medicine and surgery.
6. Pay any and all costs associated with insuring compliance with the limitation.

7. Pay any and all costs associated with reinstating or obtaining a license in Nebraska, to include the costs of any evaluations, assessments, appointments, references, letters or any other actions or documentation that was requested or required by the Department in order to complete the application for reinstatement of license or meet conditions to obtain or reinstate a license.

DATED this 12 day of June, 2007

  
Joann Schaefer, MD, Chief Medical Officer  
Director, Department of Health & Human Services  
Regulation & Licensure

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 12<sup>th</sup> day of June, 2007, a copy of the foregoing Findings of Fact Conclusions of Law and Order Reinstating License With Limitations was sent by certified United States mail, postage prepaid, return receipt requested, to Subramanyam Rajagopal, MBBS, 4001 Gertie Ave, Lincoln, NE 68516, to Nancy Wynner, DeMars, Gordon, Olson & Zalewski, 134 South 13<sup>th</sup> Street, Ste 800, Lincoln, NE 68501, and by interoffice mail to Assistant Attorney General Susan, Ugal, 2115 State Capitol, Lincoln, NE.

  
Becky Wisell, Section Administrator  
Medical & Specialized Health Section

BEFORE THE BOARD OF MEDICINE AND SURGERY  
STATE OF NEBRASKA

IN THE MATTER OF THE )  
PETITION FOR REINSTATEMENT )  
OF LICENSE TO PRACTICE )  
MEDICINE AND SURGERY )  
FOLLOWING SUSPENSION )  
PURSUANT TO NEB. REV. STAT. )  
SECTION 71-161.14 of )  
SUBRAMANYAM RAJAGOPAL, )  
MBBS )

CERTIFICATION OF THE BOARD OF  
MEDICINE AND SURGERY TO THE  
DIRECTOR AND  
CHIEF MEDICAL OFFICER

On October 8, 2004, the Board of Medicine and Surgery (Board) reviewed the Petition for Reinstatement of the License of Subramanyam Rajagopal, MD, to Practice Medicine and Surgery. In order to make a determination on this matter, the Board required further documentation in order to verify that Dr. Rajagopal is qualified to practice medicine and surgery.

Based on the Board's request for additional documentation Dr. Rajagopal completed the following:

An evaluation of his physical and mental condition by William Shiffermiller, MD, of Omaha, Nebraska, on December 28, 2006. The Department received a report of this evaluation on January 8, 2007.

An evaluation of his physical and mental condition by Clinical Psychologist and neuro-psychologist James K. Cole, PhD., of Lincoln, Nebraska, on November 7, 29 and 30, 2006. The Department received a report of this evaluation on December 12, 2006

Achieved a passing score on the Special Purpose Examination (SPEX) of the Federation of State Medical Boards taken on December 15, 2005. The Department received a score report evidencing this on January 3, 2006.

On March 9, 2007, the Board reviewed the Petition for Reinstatement with all supporting information, the Investigative Report from the Division of Investigations, and the reports regarding the additional documentation requested by the Board at the October 6, 2004 Board meeting.

The Board determined that Subramanyam Rajagopal, MBBS is qualified to engage in the practice of medicine and surgery if certain conditions are in effect for a period of two (2) years to ensure that his mental and physical conditions are properly treated and maintained. The Board hereby certifies to the Director that Dr. Rajagopal's license to practice medicine and surgery should be reinstated with limitations for a period of two (2) years with the following conditions:

A. Dr. Rajagopal should remain in active treatment with a licensed psychiatrist, to include ongoing psychiatric assessment and medication management as he/she determines. Dr. Rajagopal should attend appointments with his treating psychiatrist as determined by the psychiatrist, except that he must attend at least one appointment for each month of the first three (3) months of licensure. After the first three months of licensure, the frequency of his appointments with the psychiatrist could be reduced to quarterly, if he has been in compliance with his limitation for the entire period, and if his treating



psychiatrist determines that he no longer needs to attend appointments on a monthly basis and verifies such to the Department in writing.

B. Dr. Rajagopal should ensure that his treating psychiatrist submits quarterly reports to the Department. These reports need to describe his diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and his/her assessment of Dr. Rajagopal's mental health status and ability to safely practice medicine and surgery. He/she should verify that Dr. Rajagopal is attending appointments with him as prescribed in the previously listed condition.

C. Dr. Rajagopal should remain in active treatment with a physician or physicians for any and all other diseases and physical conditions which he suffers from, including diabetes. Mental and emotional diseases and conditions should be treated by a physician specializing in psychiatry, as listed in a previous condition. Dr. Rajagopal should attend appointments with his treating physician(s) as determined by the physician(s).

D. Dr. Rajagopal should ensure that his treating physician(s) submits quarterly reports to the Department. These reports need to describe the diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and his/her assessment of Dr. Rajagopal's health status and ability to safely practice medicine and surgery.

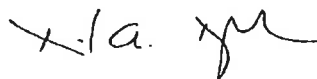
E. Dr. Rajagopal should remain actively engaged in psychotherapy, and follow all treatment recommendations of a licensed psychiatrist, licensed clinical psychologist or licensed mental health practitioner. Dr. Rajagopal should attend appointments with his treating psychotherapist as determined by the psychotherapist.

F. Dr. Rajagopal should ensure that his treating psychotherapist submits quarterly reports to the Department. These reports need to describe the diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and his/her assessment of Dr. Rajagopal's mental health status and ability to safely practice medicine and surgery.

G. Dr. Rajagopal should be restricted to working no more than forty (40) hours per week for the duration of his limitation. After the first six (6) months of licensure limitation, the restriction on the number of hours of work per week may be raised or eliminated if Dr. Rajagopal is re-evaluated by his treating psychiatrist and he/she determines that the restriction on number of hours of work could be raised or eliminated without detriment to Dr. Rajagopal's health and ability to safely practice medicine and surgery.

Dated this 12th day of June, 2007.

By:



David A. Dryburgh, Chairperson  
Board of Medicine and Surgery

RECEIVED  
Clerk of Court, District Court  
NOV 2 1998  
Dept. of Health & Human Services  
Regulation & Licensure

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE  
STATE OF NEBRASKA

In the Matter of:

SUBRAMANYAM RAJAGOPAL, M.D.,  
License # 19684.

)  
)  
) ORDER SUSPENDING LICENSE  
)

This matter comes before the Chief Medical Officer for consideration of the findings and conclusions of the Nebraska Board of Examiners in Medicine and Surgery ("Medical Board") pursuant to Neb. Rev. Stat. Sections 71-161.12 to 71-161.13 and the Department's procedural regulations, 184 NAC 1. The record of the proceedings before the Medical Board has been submitted as reflected by the Medical Board Certification of Record.

FINDINGS OF FACT

1. On October 4, 1998, the Medical Board adopted the findings, conclusions, and recommendation of the Physician Committee, as reflected by the Proposed Certification to Chief Medical Officer;
2. The Physician Committee recommended the suspension of Dr. Rajagopal's license to practice medicine and surgery after evaluation;
3. The Physician Committee recommendation, as adopted by the Medical Board, found that Dr. Rajagopal was mentally and physically impaired from practicing the profession of medicine and surgery for reasons of organic paranoia and failure to have proper medical control/management of his diabetes and blood pressure;
4. Dr. Rajagopal was afforded notice of the Proposed Medical Board

Certification to Chief Medical Officer as required by law and Department regulations;

5. Dr. Rajagopal did not make a request for a hearing before the Medical Board concerning the Proposed Medical Board Certification;
6. The Chief Medical Officer adopts the Proposed Medical Board Certification as well as the Physician Committee findings, conclusions, and recommendations which are stated in Finding of Facts #2 and 3.

#### CONCLUSION OF LAW

Pursuant to Neb. Rev. Stat. Section 71-161.12 to 71-161.14, Dr. Rajagopal's license to practice medicine and surgery may be suspended by the Chief Medical Officer, upon consideration of the Medical Board's report of its findings and conclusions, because Dr. Rajagopal is no longer qualified to continue to practice such profession because of physical or mental illness.

#### ORDER

The license of Dr. Rajagopal to practice medicine and surgery is hereby suspended, which suspension shall continue in effect until reinstated by the Chief Medical Officer pursuant to the provisions and procedure provided by Neb. Rev. Stat. Sections 71-161.14, 71-161.16, and 71-161.20.

Dated this 24<sup>th</sup> day of November, 1998.

BY:

Charles Andrews  
Charles Andrews, M.D.  
Chief Medical Officer  
HHS Regulation and Licensure

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE  
STATE OF NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

v.

SUBRAMANYAM RAJAGOPAL, M.D.,

Defendant.

PETITION FOR LICENSE  
SUSPENSION

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Credentialing Division

DEC 17 1997

Dept. Health & Human Services  
Regulation & Licensure

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 71-161.12 to 71-161.19.

2. At all times relevant herein, the Defendant Subramanyam Rajagopal has been the holder of a license which was issued by the Nebraska Department of Health, now the Department of Health and Human Services Regulation and Licensure, ("Department") to practice medicine and surgery. The Defendant's license number is # 19684.

3. The Department of Health and Human Services Regulation and Licensure ("Department") is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of medicine and surgery.

4. On July 11, 1997, the Department's Chief Medical Officer made a Determination of Reasonable Cause which invoked the provisions of Neb. Rev. Stat. §§ 71-161.12 to 71-161.19 and questioned the qualification of the Defendant to practice medicine and surgery because of mental illness or mental deterioration or disability. A copy of the Determination of Reasonable Cause is attached as Exhibit 1 and is incorporated by reference.

COPY  
FILED

12-9-97 JB

HEALTH &  
HUMAN SERVICES

5. Upon consideration of the Determination of Reasonable Cause, the Nebraska Board of Examiners in Medicine and Surgery ("Medical Board"), on September 12, 1997, appointed a Physician Committee of 3 physicians to examine the Defendant and report their findings and conclusion to the Medical Board. A copy of the Medical Board's order appointing the Physician Committee is attached as Exhibit 2 and is incorporated by reference.

6. The Department notified the Defendant in writing of the Medical Board's appointment of the Physician Committee. The Department's notification also notified the Defendant that the refusal to submit to the Physician Committee examination was just cause for suspension of the Defendant's license to practice medicine and surgery. A copy of the Department's written notification is attached as Exhibit 3 and is incorporated by reference.

7. Subsequent to the Department's written notification, the Defendant sent the Department a written response which stated, among other things, "I shall decide whom to meet or interact with and not be intimidated by invertebrates."

8. After receipt of the Defendant's written response, an investigator for the Department contacted the Defendant on October 30, 1997. The investigator told the Defendant that the Defendant's license could be suspended for not contacting the Physician Committee for evaluation. The Defendant's verbal response included the following statements:

I'm prepared to burn my license and get on with my life. I don't care. All the other psychiatrists are just nuts.

9. The investigator asked the Defendant if the Defendant had any intention of contacting the Physician Committee, to which the Defendant responded, "Oh, no." The Defendant advised that the Defendant wasn't going to follow through with their demands and that, "They can throw me out of the state any time they want."

10. Neb. Rev. Stat. § 71-161.15 provides that the refusal of a licensee to submit to a physical or mental examination requested by the Medical Board is just cause for license suspension.

11. The Defendant has refused to comply with the Medical Board's order of September 12, 1997 (Exhibit 2), after having had notice and reasonable opportunity to comply.

12. The Defendant's license to practice medicine and surgery should be suspended.

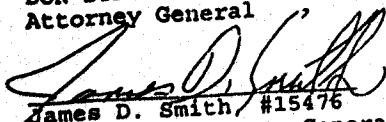
#### PRAYER

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for an expedited hearing and, after a hearing, order the suspension of the Defendant's medical license, which suspension shall continue in effect until the Defendant submits to examination by the Physician Committee as provided by the Medical Board's order of September 12, 1997. Costs of this action are to be assessed to the Defendant.

STATE OF NEBRASKA,  
Plaintiff,

BY DON STENBERG, #14023  
Attorney General

BY

  
James D. Smith, #15476  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509-8920  
Tel: (402) 471-2682

Attorneys for Plaintiff

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE  
STATE OF NEBRASKA

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Credentialing Division

FEB 10 1998

STATE OF NEBRASKA ex rel.,  
DON STENBERG, Attorney General,

Plaintiff,

v.

SUBRAMANYAM RAJAGOPAL, M.D.

Defendant.

Dept. Health & Human Services  
Regulation & Licensure

POLO2 - 71203

ORDER SUSPENDING LICENSE

On December 9, 1997, a Petition for License Suspension was filed. In that petition it was related that on July 11, 1997, the Chief Medical Officer made a determination of reasonable cause and questioned the qualifications of the defendant to practice medicine and surgery as a result of mental illness or mental deterioration or disability. Thereafter, the Board of Examiners in Medicine and Surgery appointed a physician committee of three physicians to examine the defendant and report their findings and conclusions to the board. Up until the time of the filing of the petition Dr. Rajagopal had refused to submit to such an examination.

A hearing on the State's petition was held before Hearing Officer Terry R. Schaaf on January 9, 1998. At that hearing the State was represented by Assistant Attorney General James Smith and Dr. Rajagopal appeared pro se.

SUMMARY OF THE EVIDENCE

At the hearing documentation was submitted supporting the facts set forth in the petition as to the determination of reasonable cause and the appointment by the board of a physicians' committee. Dr. Rajagopal admitted that he had not submitted to such an examination and challenged the credentials of those appointed to examine him. In addition to Dr. Rajagopal, seven patients testified on his behalf. After much discussion Dr. Rajagopal agreed to reconsider his decision not to submit to such an examination. As of the date of this order, however, he has not done so.

FINDINGS OF FACT

1. On July 11, 1997, the Chief Medical Officer made a determination of reasonable cause invoking the provisions of Neb. Rev. Stat. §71-161.122.19 and questioned the qualification of the defendant to practice medicine and surgery because of mental illness, mental deterioration or disability.
2. Upon consideration of the determination of reasonable cause the Board of Examiners in Medicine and Surgery, on September 12, 1997, appointed a



physician committee of three physicians to examine the defendant and report their findings and conclusions to the board.

3. The defendant was notified in writing of the board's appointment of the physicians' committee and was further informed that his failure or refusal to submit to such an examination would be cause for the suspension of his license to practice medicine and surgery in this State until he did submit.

4. As of the date of this order Dr. Rajagopal has refused to submit to such an examination.

#### CONCLUSION OF LAW

Neb. Rev. Stat. §71-161.15 provides that the refusal of a licensee to submit to such an examination after the determination of reasonable cause and after being directed to appear for examination before a panel appointed by the medical board is just cause for license suspension until such time as a licensee does so submit.

#### ORDER

Defendant's license to practice medicine and surgery in the State of Nebraska is hereby suspended until such time as he appears and submits to an examination by the committee of three physicians appointed by the Board of Examiners in Medicine and Surgery.

DATED this 6<sup>th</sup> day of February, 1998.



Charles Andrews  
Charles Andrews, M.D.  
Chief Medical Officer

#### CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 6 day of February, 1998, a copy of the foregoing ORDER SUSPENDING LICENSE was sent by certified United States mail, postage prepaid, return receipt requested, to Subramanyam Rajagopal, MD, Suite 110 N. 100, 56th Street, First Bank Building, Lincoln, NE 68508 and by interoffice mail to James D. Smith, Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Joan B. Strizek  
Joan B. Strizek