



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Ansel R. Marks, M.D., J.D.
Executive Secretary

February 28, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Sushil K. Gupta, M.D.
11 Old Farm Road
Woodbridge, CT 06525

Re: License No. 196965

Dear Dr. Gupta:

Enclosed is a copy of Order #BPMC 06-37 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 7, 2006.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

**SUSHIL K. GUPTA, M.D.
CO-05-09-4675-A**

SURRENDER

ORDER

BPMC No. #06-37

SUSHIL K. GUPTA, M.D., says:

On or about August 23, 1994, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 196965 by the New York State Education Department. I currently reside at 11 Old Farm Road, Woodbridge, CT 06525.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with three (3) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the three (3) specifications set forth in the Statement of Charges (Exhibit A).


I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict

confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

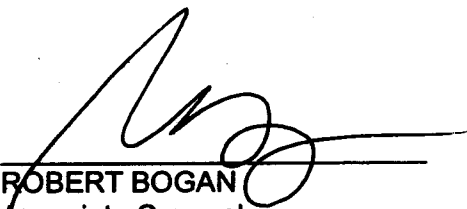
Date: 2/16, 2006



SUSHIL K. GUPTA, M.D.
Respondent

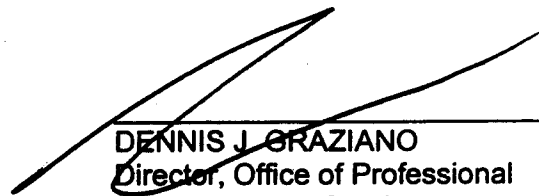
AGREED TO:

Date: 23 February, 2006



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 23 February, 2006



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

IN THE MATTER
OF
Sushil K. Gupta, M.D.

STATEMENT
OF
CHARGES

Sushil Gupta, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 23, 1994, by the issuance of license number 196965 by the New York State Education Department.

13 2/27/06
FACTUAL ALLEGATIONS

- A. On or about January 20, 2006, the State of Connecticut, Connecticut Medical Examining Board (hereinafter the "Connecticut Board"), by an Order (hereinafter the "Connecticut Order") revoked Respondent's license to practice medicine in the State of Connecticut based on unnecessary and inappropriate examinations of two female patients, finding such to constitute incompetent and negligent conduct.
- B. On or about July 29, 2005, Respondent was found guilty of two counts of sexual assault in the fourth degree in State of Connecticut v. Sushil Gupta, Docket No. CR 04-31078, G.A.23 (New Haven) for sexual contact with two patients by falsely representing that the sexual contact was for a bona fide medical purpose.
- C. The conduct resulting in the Connecticut Board disciplinary action would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law.
1. New York Education Law Section 6530 (2) (practicing the profession fraudulently or beyond its authorized scope); and/or

2. New York Education Law Section 6530 (3) (practicing the profession with negligence on more than one occasion); and/or
3. New York Education Law Section 6530 (5) (practicing the profession with incompetence on more than one occasion); and/or
4. New York Education Law Section 6530 (20) (moral unfitness).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the laws of another jurisdiction which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph B.

SECOND SPECIFICATION

Respondent is charged with committing professional misconduct as defined in N.Y. Education Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


2. The facts in Paragraphs A and/or C.

THIRD SPECIFICATION

Respondent violated New York Education Law Section 6530 (9)(d) by having his license to practice medicine revoked after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that
Petitioner charges:

3. The facts in Paragraphs A and/or C.

DATE: January 27, 2006
Albany, New York


Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

ORDER


Upon the proposed agreement of **SUSHIL K. GUPTA, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2-27, 2006


KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct