

**These charges are only allegations  
which may be contested by the licensee  
in an administrative hearing.**

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

IN THE MATTER

OF

BHAGWAN D. GUPTA M.D.

STATEMENT

OF

CHARGES

Bhagwan D. Gupta, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 20, 1976, by the issuance of license number 128147 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about April 8, 2021, the Commonwealth of Massachusetts, Board of Registration in Medicine (hereinafter, "Massachusetts Board"), by a Consent Order (hereinafter, "Massachusetts Order"), reprimanded Respondent's license to practice medicine in the Commonwealth of Massachusetts for engaging in conduct that undermines the public confidence in the integrity of the medical profession and ordered Respondent to complete five Continuing Professional Development (CPD) credits in the maintenance of boundaries in addition to the CPD credits required as part of the license renewal process. The disciplinary action taken by the Massachusetts Board was based upon Respondent hugging a female nuclear medicine technologist from behind and during the hug, touching her in a manner that made her feel uncomfortable.
- B. The conduct resulting in the Massachusetts Board disciplinary action against Respondent 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 §6530(20) (Conduct in the practice of medicine which evidences moral unfitness to practice medicine).

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

##### **HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. 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 as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B1.

#### **SECOND SPECIFICATION**

##### **HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's license after a disciplinary action was instituted by a duly

authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York State as alleged in the facts of the following:

2. The facts in Paragraphs A and B and B1.

DATE: December 7, 2021  
Albany, New York

  
JEFFREY J. CONKLIN  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct