

**IN THE MATTER OF**  
**RENUKA GUPTA, M.D.**

**Respondent**

**License Number: D20727**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 2220-0272A**

\* \* \* \* \*

**CONSENT ORDER**

On September 18, 2020, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **RENUKA GUPTA, M.D.** (the "Respondent"), License Number D20727, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp).

The relevant provisions of the Act under Health Occ. § 14-404 provide the following:

**Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.**

(a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or relegation adopted by the Board, or any State or federal law pertaining to the practice of medicine;

On December 2, 2020, Panel A was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

## **FINDINGS OF FACT**

Panel A finds the following:

### **BACKGROUND**

1. At all times relevant to these charges, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on July 21, 1977, under License Number D20727. The Respondent's Maryland medical license is active through September 30, 2022.

2. The Respondent is board-certified in internal medicine and at all times relevant to the charges, practiced at a health care facility (the "Facility")<sup>1</sup> located in Montgomery County, Maryland.

### **I. PRIOR DISCIPLINARY HISTORY**

3. On November 2, 2012, the Board charged the Respondent with violating the Act after its investigation determined that she engaged in unprofessional conduct in the practice of medicine and failed to comply with dispensing requirements when providing bariatric care to patients. The Respondent resolved the Board's charges by entering into a Consent Order in which the Board found as a matter of law that the Respondent was guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and failed to comply with the provisions of § 12-102 of

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<sup>1</sup> To maintain confidentiality, the names of health care facilities and any facility staff person will not be identified in this Consent Order.

the Health Occupations Article, in violation of Health Occ. § 14-404(a)(28). The Board reprimanded the Respondent and imposed a fine in the amount of \$5,000.

### **III. CURRENT INVESTIGATIVE FINDINGS**

4. The Board initiated an investigation of the Respondent after receiving information that she supervised a physician assistant without a valid, Board-approved Delegation Agreement. The Board's investigative findings are set forth *infra*.

5. On or about September 25, 2018, the Board received a Delegation Agreement (the "Delegation Agreement") from the Respondent to supervise a specific physician assistant (the "PA") at the Facility, along with the processing fee in the form of a check for \$200.00. The Delegation Agreement form required the Respondent and the PA to provide a specific email address for all contact information. The Delegation Agreement form states: "Unless otherwise specified, your notification letter will be sent to your email address. Please be sure the email address you provide is valid." The Respondent and the PA provided a specific email address (the "Email Address") on the form for contact purposes.

6. The Board subsequently deposited the check, which was returned for insufficient funds.

7. By email to the Email Address dated November 29, 2018, the Board notified the Respondent and the PA that the Delegation Agreement could not be processed due to insufficient funds. The email stated that if the Board did not receive a valid check or money order by December 6, 2018, the Delegation Agreement would be closed. The email further stated that if the Board closed the Delegation Agreement, the

PA would not be authorized to practice as a physician assistant under the Respondent's supervision.

8. Neither the Respondent nor the PA responded to the Board's November 29, 2018, email.

9. By email to the Email Address dated December 26, 2018, the Board again notified the Respondent and the PA that the Delegation Agreement was not processed due to insufficient funds and that the Delegation Agreement was closed. The email further stated that because the Delegation Agreement was closed, the PA was not authorized to practice as a physician assistant under the Respondent's supervision.

10. Neither the Respondent nor the PA responded to the Board's December 26, 2018, email.

11. On or about April 30, 2020, a Facility staff person telephoned the Board, requesting information on whether the Board had ever approved the Delegation Agreement between the Respondent and the PA. The Board informed the Facility staff person that it closed the Delegation Agreement due to insufficient funds. The Facility staff person then requested information on how to complete a new Delegation Agreement for the Respondent and the PA.

12. By letter dated May 21, 2020, the Board informed the Respondent that it had opened an investigation of her based on allegations that she and the PA were operating in the absence of a Board-approved Delegation Agreement since September 2018. The Board requested that the Respondent provide a written response within ten business days.

13. By letter dated May 21, 2020, the Board informed the PA that it had opened an investigation of her based on allegations that she had been operating with the Respondent in the absence of a Board-approved Delegation Agreement since September 2018. The Board requested that the PA provide a written response within ten business days.

14. On or about May 27, 2020, the PA provided a written response to the Board in which she acknowledged practicing as a physician assistant under the Respondent's supervision in the absence of a Board-approved Delegation Agreement since September 2018.

15. On or about May 30, 2020, the Respondent provided a written response to the Board in which she apologized for not addressing the Delegation Agreement after it was not approved in 2018.

16. The Board's investigation determined that the Respondent was the supervising physician for the PA since September 2018 and allowed the PA to practice as a physician assistant under her supervision during this time period in the absence of a valid, Board-approved Delegation Agreement.

### **CONCLUSION OF LAW**

Based on the Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Respondent: is guilty of violating a provision of this title, rule or relegation adopted by the Board, or any State or federal law pertaining to the practice of medicine, in violation of Health Occ. § 14-404(a)(43). The Panel dismisses the charge pertaining to Health Occ. § 14-404(a)(3)(ii).

**ORDER**

It is thus by an affirmative vote of a majority of a quorum of Disciplinary Panel A of the Board, hereby:

**ORDERED** that the Respondent is **REPRIMANDED**; and it is further

**ORDERED** that within **SIX MONTHS**, the Respondent shall pay a civil fine of **FIVE THOUSAND DOLLARS**. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board;

**ORDERED** that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

01/06/2021

Date

***Signature on File***

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Christine A. Farrelly, Executive Director

## CONSENT

I, Renuka Gupta, M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

*Signature on File*

12/13/20  
Date

Renuka Gupta, M.D.

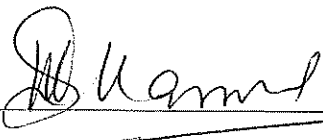
**NOTARY**

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 13th day of December 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Renuka Gupta, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission expires: July 1st, 2021