

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against**

Anil Gupta, M.D.

**Physician's and Surgeon's
Certificate No. A46009**

Respondent.

Case No. 800-2018-040336

DECISION

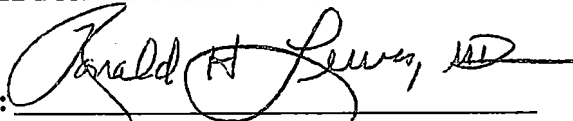
The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 13, 2020.

IT IS SO ORDERED July 14, 2020.

MEDICAL BOARD OF CALIFORNIA

By:



**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
Deputy Attorney General
4 State Bar No. 267098
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6688
Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **ANIL GUPTA, M.D.**
14 **417 East Merced Avenue**
West Covina, CA 91790

15 **Physician's and Surgeon's Certificate**
16 **No. A 46009,**

17 Respondent.

Case No. 800-2018-040336

OAH No. 2019120716

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPRIMAND**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical
23 Board of California (Board). She brought this action solely in her official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, via
25 Joshua M. Templet, Deputy Attorney General.

26 2. Respondent Anil Gupta, M.D. (Respondent) is represented in this proceeding by
27 attorneys Peter R. Osinoff and Carolyn Lindholm, Bonne Bridges Mueller O'Keefe & Nichols,
28 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071.

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
4 those charges.

5 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
6 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
7 Disciplinary Order below.

8 **CONTINGENCY**

9 12. This stipulation shall be subject to approval by the Board. Respondent understands
10 and agrees that counsel for Complainant and the staff of the Board may communicate directly
11 with the Board regarding this stipulation and settlement, without notice to or participation by
12 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
13 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
14 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
15 the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or
16 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
17 and the Board shall not be disqualified from further action by having considered this matter.

18 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including PDF
20 and facsimile signatures thereto, shall have the same force and effect as the originals.

21 14. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
23 enter the following Disciplinary Order:

24 ///
25 ///
26 ///
27 ///
28 ///

1 **DISCIPLINARY ORDER**

2 **Public Reprimand**

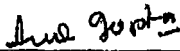
3 IT IS HEREBY ORDERED that Respondent Anil Gupta, M.D., as holder of Physician's
4 and Surgeon's Certificate No. A 46009, shall be and hereby is **publicly reprimanded** pursuant to
5 Business and Professions Code section 2227. This Public Reprimand is issued as a result of the
6 following conduct by Respondent as set forth in the Accusation:

7 Respondent did not test the level of cardiac troponin (the results of which are used to
8 diagnose myocardial infarction) for nearly 48 hours in a patient with coronary artery
9 disease, until a repeat electrocardiogram heightened concern for cardiac ischemia.

10 **ACCEPTANCE**

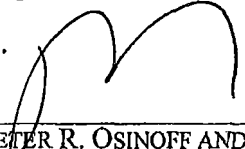
11 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
12 Reprimand and have fully discussed it with my attorneys, Peter R. Osinoff and Carolyn
13 Lindholm. I understand the stipulation and the effect it will have on my Physician's and
14 Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order for Public
15 Reprimand voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
16 Order of the Medical Board of California.

17
18 DATED: 05/26/2020


19 ANIL GUPTA, M.D.
Respondent

20 I have read and fully discussed with Respondent Anil Gupta, M.D. the terms and conditions
21 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
22 Reprimand. I approve its form and content.

23 DATED: 5/27/2020


24 PETER R. OSINOFF AND CAROLYN LINDHOLM
25 Bonne Bridges Mueller O'Keefe & Nichols
Attorneys for Respondent

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: May 26, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

Joshua M. Temple
JOSHUA M. TEMPLET
Deputy Attorney General
Attorneys for Complainant

LA2019501859
34093168

Exhibit A

Accusation No. 800-2018-040336

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO AUGUST 30 20 19
BY A. GERMANIA ANALYST

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRISTINA SEIN GOOT
Deputy Attorney General
4 State Bar No. 229094
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6481
Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-040336

13 ANIL GUPTA, M.D.

A C C U S A T I O N

14 417 East Merced Avenue
West Covina, California 91790

15 Physician's and Surgeon's Certificate A 46009,

16 Respondent.
17

18
19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California (Board).

22 2. On April 17, 1989, the Board issued Physician's and Surgeon's Certificate number A
23 46009 to Anil Gupta, M.D. (Respondent). That license was in full force and effect at all times
24 relevant to the charges brought herein and will expire on March 31, 2021, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 4. Section 2227 of the Code provides that a licensee who is found guilty under the
2 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
3 one year, placed on probation and required to pay the costs of probation monitoring, or such other
4 action taken in relation to discipline as the Board deems proper.

5 5. Section 2234 of the Code states:

6 “The board shall take action against any licensee who is charged with unprofessional
7 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
8 limited to, the following:

9 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
10 violation of, or conspiring to violate any provision of this chapter.

11 “(b) Gross negligence.

12 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
13 omissions. An initial negligent act or omission followed by a separate and distinct departure from
14 the applicable standard of care shall constitute repeated negligent acts.

15 “(1) An initial negligent diagnosis followed by an act or omission medically
16 appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

17 “(2) When the standard of care requires a change in the diagnosis, act, or omission
18 that constitutes the negligent act described in paragraph (1), including, but not limited to, a
19 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the
20 applicable standard of care, each departure constitutes a separate and distinct breach of the
21 standard of care.

22 “(d) Incompetence.

23 “(e) The commission of any act involving dishonesty or corruption which is substantially
24 related to the qualifications, functions, or duties of a physician and surgeon.

25 “(f) Any action or conduct which would have warranted the denial of a certificate.

26 “(g) The practice of medicine from this state into another state or country without meeting
27 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
28 apply to this subdivision. This subdivision shall become operative upon the implementation of the

1 proposed registration program described in Section 2052.5.

2 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
3 participate in an interview by the board. This subdivision shall only apply to a certificate holder
4 who is the subject of an investigation by the board.”

5 **CAUSE FOR DISCIPLINE**

6 (Gross Negligence)

7 6. Respondent’s license is subject to disciplinary action under section 2234, subdivision
8 (b), in that he committed gross negligence in his care and treatment of Patient 1. The
9 circumstances are as follows:

10 7. At all times relevant to the allegations herein, Respondent was a physician practicing
11 internal medicine.

12 8. On January 2, 2018, Patient 1, a 79-year-old male, presented to the emergency
13 department with rectal bleeding. Patient 1 had a history of diabetes mellitus, hypertension,
14 chronic obstructive pulmonary disease, and severe coronary artery disease. Respondent admitted
15 Patient 1 to the hospital and noted in his history and physical that Patient 1’s electrocardiogram
16 (EKG) showed “inferolateral ST and T-wave changes.” The formal read of the EKG, however,
17 noted “marked ST abnormality, possible anterior subendocardial injury” as well as new ST
18 segment depressions in the inferior and anterolateral leads and new T-wave inversions in the
19 inferior and lateral leads. The EKG performed on January 3, 2018, was even more abnormal with
20 “acute anterior ischemia.”

21 9. Respondent did not order troponin levels until January 4, 2018, with the first value
22 not resulting until January 5, 2018. The first values of CK and CK-MB also were not checked
23 until January 5, 2018.

24 10. The standard of care is to promptly measure levels of cardiac enzymes, such as
25 troponin, or CK and CK-MB, in the evaluation of a patient where there is concern for cardiac
26 ischemia.

27 ///

28 ///

1 11. Respondent's failure to check the levels of cardiac enzymes for nearly 48 hours, in a
2 patient with both severe coronary artery disease and an EKG concerning for ischemia, was an
3 extreme departure from the standard of care.

4 **PRAYER**

5 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Medical Board of California issue a decision:

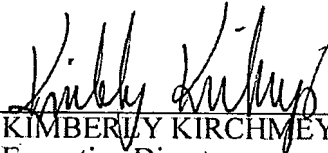
7 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 46009,
8 issued to Anil Gupta, M.D.;

9 2. Revoking, suspending or denying approval of Anil Gupta, M.D.'s authority to
10 supervise physician assistants and advanced practice nurses;

11 3. If placed on probation, ordering Anil Gupta, M.D. to pay the Board the costs of
12 probation monitoring; and

13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: August 30, 2019

16 
17 KIMBERLY KIRCHMEYER
18 Executive Director
19 Medical Board of California
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
LA2019501859
53653982.docx