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

In the Matter of the Accusation Against:	)	
Rajiv Kumra, M.D.	)	**Case No. 800-2019-055458**
Physician's and Surgeon's Certificate No. C50114	)	
Respondent	)	

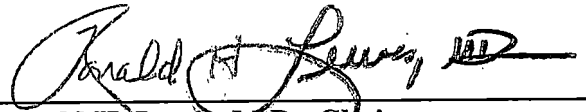
DECISION

The attached Stipulated Settlement and Disciplinary Order 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 April 3, 2020.

IT IS SO ORDERED: March 4, 2020.

MEDICAL BOARD OF CALIFORNIA



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

XAVIER BECERRA
Attorney General of California
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Supervising Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **RAJIV KUMRA, M.D.** 340 S. Lemon Ave. #1198 Walnut, CA 91789-2706 **Physician's and Surgeon's Certificate No. C 50114** Respondent.	Case No. 800-2019-055458 OAH No. 2019110036 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman, Deputy Attorney General.

2. Respondent Rajiv Kumra, M.D. (Respondent) is represented in this proceeding by attorney Fredrick M. Ray, whose address is: The Law Offices of Ray & Bishop, 5000 Birch Street, Suite 7000, Newport Beach, CA 92660.

3. On or about May 1, 1998, the Board issued Physician's and Surgeon's Certificate No. C 50114 to Rajiv Kumra, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-055458, and will expire on April 30, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-055458 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 17, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-055458 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-055458. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2019-055458, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

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

11. Respondent agrees that if he ever petitions for early termination or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Accusation No. 800-2019-055458 shall be deemed true, correct and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving respondent in the State of California.

12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 50114 issued to Respondent Rajiv Kumra, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

2. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological

testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.

3. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice and billing monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, Respondent's practice and billing shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the

premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of Respondent's performance, indicating whether Respondent's practices are within the standards of practice of medicine and billing and whether Respondent is practicing medicine safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, Respondent may participate in a professional enhancement program approved in advance by the Board or its designee that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at Respondent's expense during the term of probation.

4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the

Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES. During probation, Respondent is prohibited from supervising physician assistants and advanced practice nurses.

6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

8. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be

considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Boards's Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing..

11. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license.

The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Fredrick M. Ray. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: January 30/20

RAJIV KUMRA, M.D.
Respondent

I have read and fully discussed with Respondent Rajiv Kumra, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/30/2020

FREDRICK M. RAY
Attorney for Respondent

ENDORSEMENT

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

DATED: 1/30/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

EMILY L. BRINKMAN
Deputy Attorney General
Attorneys for Complainant

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Attorney General of California
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 17, 2019
BY ANALYST

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

In the Matter of the Accusation Against:	Case No. 800-2019-055458
Rajiv Kumra, M.D. 340 S. Lemon Ave. #1198 Walnut, CA 91789-2706 **Physician's and Surgeon's Certificate No. C 50114,** Respondent.	**ACCUSATION**

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about May 1, 1998, the Medical Board issued Physician's and Surgeon's Certificate Number C 50114 to Rajiv Kumra, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2020, unless renewed.

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JURISDICTION

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

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

5. Section 141 of the Code states:

> (a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.
>
> (b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

6. Section 2234 of the Code, states:

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
>
> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
>
> (b) Gross negligence.
>
> (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
>
> (1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
>
> (2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the

licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

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

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

(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

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

CAUSE FOR DISCIPLINE

(Discipline, Restriction, Limitation, Imposed by Another Jurisdiction)

7. On or about May 23, 2019, the College of Physicians and Surgeons of Ontario (College) issued an Undertaking, Acknowledgment, and Consent agreement (Undertaking) regarding Respondent's license to practice medicine. Respondent agreed to resign from the College and not to re-apply for registration with the College or any other jurisdiction in Canada after the effective date of the Undertaking. The Undertaking was issued after an investigation began into his standard of practice and conduct and a referral was made to the Discipline Committee.

8. Specifically, the investigation involved allegations that Respondent "engaged in disgraceful, dishonourable or unprofessional conduct and/or conduct unbecoming, including but not limited to: (a) Improper billing, including but not limited to submitting claims to OHIP for services not rendered; (b) Submitting and endorsing applications for the Special Diet Allowance (SDA) program for individuals he had either not assessed or not properly assessed; (c) Accepting cash payments from individuals seeking execution of SDA forms; (d) Directing SDA applicants to undergo diagnostic imaging in the absence of medical indications; (e) Directing SDA applicants to undergo diagnostic imaging at facilities where he held a financial interest; (f) Failing

to co-operate in a College investigation, including by repeatedly claiming that electronic data and equipment was lost, stolen or damaged and refusing to provide access to electronic data requested by the College; (g) Failing to maintain records; and (h) Behaving in an unprofessional manner towards and in respect of a colleague, whose identity has been disclosed under separate cover." Copies of the Undertaking, Notice of Hearing, and Schedule "A" issued by the College are attached as Exhibit A.

9. Respondent's conduct and the actions of the College as set forth in paragraph 7 and 8, above, constitute unprofessional conduct within the meaning of section 2234 and conduct subject to discipline within the meaning of section 141 of the Code.

DISCIPLINARY CONSIDERATIONS

10. To determine the degree of discipline, if any, to be imposed on Respondent Rajiv Kumra, M.D., Complainant alleges that on or about November 18, 2011, in a prior disciplinary action entitled *In the Matter of the Accusation Against Rajiv Kumra, M.D.* before the Medical Board of California, in Case Number 20-2008-193036, Respondent's license was issued a Public Reprimand, with the completion of an ethics course based on allegations that Respondent made false representations regarding his capacity to function as a physician, in order to collect disability insurance, while working as a physician. Respondent made additional false statements and left his residency program twice due to a drug addiction and subsequent relapse. This conduct constituted disciplinary action by a foreign jurisdiction within the meaning of Business and Professions Code section 141. That decision is now final and is incorporated by reference as if fully set forth herein.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 50114, issued to Rajiv Kumra, M.D.;

2. Revoking, suspending or denying approval of Rajiv Kumra, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Rajiv Kumra, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: September 17, 2019

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

College of Physicians and Surgeons of Ontario Undertaking, Notice of Hearing, and Schedule "A"

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
("Undertaking")

of

DR. RAJIV KUMRA
("Dr. Kumra")

to

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")

CERTIFIED TRUE COPY
Staff: Rose Ferrelly
Date: May 23/19
College of Physicians and Surgeons of Ontario

A. PREAMBLE

(1) In this Undertaking:

"Discipline Committee" means the Discipline Committee of the College;

"OHIP" means the Ontario Health Insurance Plan;

"Public Register" means the College's register that is available to the public.

(2) I, **Dr. Kumra**, certificate of registration number **59902**, am a member of the College.

(3) I, **Dr. Kumra**, acknowledge that the College referred allegations of professional misconduct and incompetence to the Discipline Committee in a Notice of Hearing dated June 20, 2018 (the "Notice of Hearing"). The hearing is scheduled to proceed. Once these allegations have been determined by the Discipline Committee, the decision will be available to the public on the Public Register.

(4) I, **Dr. Kumra**, acknowledge that the College also conducted investigations (the "Investigations") into whether I engaged in professional misconduct and/or am incompetent in my family practice.

(5) I, **Dr. Kumra**, acknowledge that there has been no referral to the Discipline Committee in respect of the Investigations and that, after the College receives an original copy of this Undertaking as signed by me, no further action will be taken on the Investigations.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(6) I, **Dr. Kumra**, acknowledge that, other than in Ontario, I am not currently registered to practice medicine in any other jurisdiction in Canada, and I further acknowledge that I currently do not have any outstanding applications for registration to practice medicine in any jurisdiction in Canada.

(7) I, **Dr. Kumra**, hereby resign from the College effective immediately (the "Effective Date").

(8) I, **Dr. Kumra**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction in Canada after the Effective Date.

(9) I, **Dr. Kumra**, acknowledge that in the event that the College should become aware that I am in breach of this Undertaking including, but not limited to, becoming aware that I have either applied, re-applied or attempted to apply or re-apply for registration as a physician or for a certificate of registration, or equivalent, to practise medicine in any jurisdiction in Canada after the Effective Date, the College shall, in its sole discretion, have the right to proceed with a disciplinary proceeding on the basis of a breach of this Undertaking and/or pursue any of the Investigations in which no further action was taken as a result of this Undertaking.

(10) I, **Dr. Kumra**, hereby agree to bear the risk of any prejudice that the passage of time might cause to my ability to make full answer and defence, and waive the right to seek any remedy on the basis of the passage of time, should the College proceed with any allegations that may arise as a result of a breach of this Undertaking.

(11) I, **Dr. Kumra**, undertake to abide by the College's Policy on Practice Management Considerations for Physicians Who Cease to Practise, Take an Extended Leave of Absence or Close Their Practice Due to Relocation, a copy of which is attached hereto as Appendix "A".

(12) I, **Dr. Kumra**, undertake that upon signing this Undertaking, I shall forward a request to the General Manager of the OHIP that my billing number be deactivated for services rendered after the Effective Date.

(13) I, **Dr. Kumra**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.

(14) I, **Dr. Kumra**, acknowledge and undertake that I shall be solely responsible for payment of all fees, costs, charges, expenses, etc., if any, arising from the implementation of any of the provisions of this Undertaking.

(15) I, **Dr. Kumra**, acknowledge and confirm that I have read and understand the provisions of this Undertaking and that I have obtained independent legal

counsel in reviewing and executing this Undertaking, or have waived my right to do so.

(16) I, **Dr. Kumra**, give my irrevocable consent to the College to make appropriate enquiries of OHIP and/or any person or institution in Canada that may have relevant information, in order for the College to monitor my compliance with the provisions of this Undertaking.

(17) I, **Dr. Kumra**, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix "B" and that the consent forms part of this Undertaking.

(18) *Public Register*

(a) I, **Dr. Kumra**, consent to this Undertaking being posted on the Public Register.

(b) I, **Dr. Kumra**, acknowledge that, in addition to this Undertaking being posted in accordance with section (18)(a) above, the following summary shall be posted on the Public Register:

> On June 20, 2018, Dr. Kumra was referred to the Discipline Committee on allegations of professional misconduct and incompetence.
>
> In the face of these allegations, Dr. Kumra resigned from the College and has agreed never to apply or reapply for registration as a physician in Ontario or any other jurisdiction in Canada. Once these allegations have been determined by the Discipline Committee, the decision will be available to the public on the Public Register.
>
> Dr. Kumra was also the subject of open investigations regarding his standard of practice and conduct. In exchange for this undertaking, the College is taking no further action on these investigations.

Dated at Toronto, this 26th day of April, 2019

Rajiv Kumra

DR. KUMRA

DISCIPLINE COMMITTEE OF
THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

BETWEEN:

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

RAJIV KUMRA

CERTIFIED TRUE COPY
Staff: Joe Farally
Date: May 23, 19
College of Physicians and Surgeons of Ontario

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO has referred to the Discipline Committee of the College the allegation that Dr. Rajiv Kumra ("Dr. Kumra"), a member of the College, has committed an act of professional misconduct:

1. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*("O. Reg. 856/93"), in that he has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;

2. under paragraph 1(1)2 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93), in that he has failed to maintain the standard of practice of the profession; and

3. under paragraph 1(1)34 of O. Reg. 856/93 in that he engaged in conduct unbecoming a physician.

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO has also referred to the Discipline Committee of the College the allegation that Dr. Kumra is incompetent as defined by subsection 52(1) of the Code.

Further information about the allegations is contained in Schedule "A" to this notice of hearing.

A PANEL OF THE DISCIPLINE COMMITTEE WILL HOLD A HEARING under the authority of sections 38 to 56 of the Health Professions Procedural Code for the purposes of deciding whether Dr. Kumra has committed an act or acts of professional misconduct or is incompetent. The hearing will be held at the College of Physicians and Surgeons of Ontario, 80 College Street, Toronto, Ontario or such other venue as the College may advise, on a date to be determined after consultation between College counsel and Dr. Kumra or his counsel, and fixed by the Hearings Office.

IF DR. KUMRA DOES NOT ATTEND AT THE HEARING, the discipline panel may proceed in his absence and he will not be entitled to any further notice in the proceeding.

IF THE PANEL FINDS that Dr. Kumra has committed an act or acts of professional misconduct or is incompetent, the panel may make one or more of the following orders authorized under subsections: 51(2), (4.1), (4.2), (5.2) and 52(2) of the Code:

Orders

51(2) If a panel finds a member has committed an act of professional misconduct, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Requiring the member to appear before the panel to be reprimanded.
5. Requiring the member to pay a fine of not more than $35,000 to the Minister of Finance.

5.1 If the act of professional misconduct was the sexual abuse of a patient, requiring the member to reimburse the College for funding provided for that patient under the program required under section 85.7.

5.2 If the panel makes an order under paragraph 5.1, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 5.1.

No gender-based terms, conditions, limitations

(4.1) In making an order under paragraph 3 of subsection (2), a panel shall not make any order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration.

Interim suspension of certificate

(4.2) The panel shall immediately make an interim order suspending a member's certificate of registration until such time as the panel makes an order under subsection (5) or (5.2) if the panel finds that the member has committed an act of professional misconduct,

(a) under clause (1)(a) and the offence is prescribed for the purposes of clause (5.2)(a) in a regulation made under clause 43(1)(v) of the Regulated Health Professions Act, 1991;

(b) under clause (1)(b) and the misconduct includes or consists of any of the conduct listed in paragraph 3 of subsection (5); or

(c) by sexually abusing a patient and the sexual abuse involves conduct listed under subparagraphs 3 i to vii of subsection (5).

Mandatory revocation

(5.2) The panel shall, in addition to anything else the panel may do under subsection (2), reprimand the member and revoke the member's certificate of registration if,

(a) the member has been found guilty of professional misconduct under clause (1) (a) and the offence is prescribed in a regulation made under clause 43(1)(v) of the Regulated Health Professions Act, 1991; or

(b) the member has been found guilty of professional misconduct under clause (1)(b) and the misconduct includes or consists of any of the conduct listed in paragraph 3 of subsection (5).

Order

52(2) If a panel finds a member is incompetent, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified period of time or indefinite period of time.

THE DISCIPLINE PANEL MAY, under subsection 53.1 of the Code, make an order requiring Dr. Kumra to pay all or part of the College's costs and expenses.

THE COLLEGE INTENDS TO INTRODUCE as business records, under section 35 of the *Evidence Act,* any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, the College intends to introduce as business records the medical and hospital charts related to the patient care that is the subject of the allegations.

Dr. Kumra is entitled to disclosure of the evidence against him and of other information in the College's knowledge or possession. To obtain disclosure, Dr. Kumra or his counsel or agent should contact the Legal Office of the College of Physicians and Surgeons, 80 College Street, Toronto, Ontario, M5G 2E2, telephone (416) 967-2600 or 1-800-268-7096.

Dr. Kumra must also make disclosure in accordance with Rule 7.02 of the Rules of the Discipline Committee of the College of Physicians and Surgeons of Ontario, which states as follows:

7.02(1) Each party to a hearing shall disclose to the other party the existence of every document and thing that the party, or a witness called by or on behalf of the party, may seek to adduce in evidence or put to any witness at a hearing.

7.02(2) Disclosure by the member shall be made in advance of the pre-hearing conference, not later than sixty (60) days following disclosure by the College or such other time as a case management chair or the pre-hearing conference chair orders, and in any case, for materials other than expert reports, at least thirty (30) days before the commencement of the hearing.

7.02(3) Where a party, after making disclosure, comes into possession or control of or obtains power over another document or thing that the party may seek to adduce in evidence or put to any witness at a hearing, the party shall forthwith disclose to the party opposite the existence of the document or thing, and shall produce a copy of it, if requested, under rule 7.03 below.

7.02(4) If a party fails to comply with the provisions of Rule 7.02(1), (2) or (3), the party may not seek to adduce the document or thing in evidence, or put the document or thing to any witness, without the consent of the other party or leave of the Discipline Committee, which may be given on such terms and conditions as the Discipline Committee considers just.

Date: June 20, 2018

Chair,
Inquiries, Complaints and Reports Committee Panel

TO: **Dr. Rajiv Kumra**
Practice Address Not Available

C/o David Humphrey
Greenspan Humphrey Weinstein
15 Bedford Road
Toronto, Ontario
M5R 2J7

SCHEDULE "A"

1. Dr. Kumra is incompetent and/or failed to maintain the standard of practice of the profession in his care of patients, whose identities have been disclosed under separate cover.

2. Dr. Kumra engaged in disgraceful, dishonourable or unprofessional conduct and/or conduct unbecoming, including but not limited to:
   (a) Improper billing, including but not limited to submitting claims to OHIP for services not rendered;
   (b) Submitting and endorsing applications for the Special Diet Allowance (SDA) program for individuals he had either not assessed or not properly assessed;
   (c) Accepting cash payments from individuals seeking execution of SDA forms;
   (d) Directing SDA applicants to undergo diagnostic imaging in the absence of medical indications;
   (e) Directing SDA applicants to undergo diagnostic imaging at facilities where he held a financial interest;
   (f) Failing to co-operate in a College investigation, including by repeatedly claiming that electronic data and equipment was lost, stolen or damaged and refusing to provide access to electronic data requested by the College;
   (g) Failing to maintain records; and
   (h) Behaving in an unprofessional manner towards and in respect of a colleague, whose identity has been disclosed under separate cover.

ADDITIONAL INFORMATION ABOUT THE ALLEGATIONS AGAINST DR. KUMRA WILL BE PROVIDED IN ADVANCE OF THE HEARING.

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO -and- RAJIV KUMRA

DISCIPLINE COMMITTEE OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

NOTICE OF HEARING

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
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80 College Street
Toronto, Ontario M5G 2E2

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Counsel for the College of Physicians and Surgeons of Ontario