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

In the Matter of the Accusation Against:	)	
SAWTANTRA CHOPRA, M.D.	)	File No. 08-2002-132366
Physician's and Surgeon's Certificate No. A29771	)	
Respondent.	)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Division of Medical Quality 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 25, 2003.

IT IS SO ORDERED July 24, 2003.

MEDICAL BOARD OF CALIFORNIA

By: Lorie Rice

Lorie G. Rice, Chair
Panel A
Division of Medical Quality

BILL LOCKYER, Attorney General
of the State of California
ISA R. RODRIGUEZ, State Bar No. 104838
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Attorneys for Complainant

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

In the Matter of the Accusation Against: SAWTANTRA CHOPRA, M.D. 1401 Spanos Court #128 Modesto, CA 95355 Physician and Surgeon Certificate No. A29771 Respondent.	Case No. 08-2002-132366 OAH No. N-2002-110323 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Division for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Ron Joseph (Complainant) is the Executive Director of the Medical Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Isa R. Rodriguez, Deputy Attorney General.

2. Respondent SAWTANTRA CHOPRA, M.D. (Respondent) is represented in this proceeding by attorney Timothy J. Aspinwall, Esq., whose address is Nossaman, Guthner,

Knox &Elliott, LLP, 915 L Street, Ste. 1000, Sacramento, CA 95814-3701.

3. On or about December 8, 1975, the Medical Board of California issued Physician and Surgeon Certificate No. A29771 to SAWTANTRA CHOPRA, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 08-2002-132366 and will expire on February 28, 2003, unless renewed.

JURISDICTION

4. Accusation No. 08-2002-132366 was filed before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 12, 2002. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 08-2002-132366 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 08-2002-132366. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. 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 be represented by counsel at his own expense; 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.

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

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CULPABILITY

8. Respondent admits to the First Cause For Discipline in that he was convicted as set forth in Accusation No. 08-2002-132366; admits to the Third Cause For Discipline in that accepting consideration for the referral of patients constitutes a violation of Business and Professions Code section 2234(e) as set forth in Accusation No. 08-2002-132366; but does not admit to the Second Cause For Discipline in that he disagrees with the facts as set forth in paragraph 14 of Accusation No. 08-2002-132366.

9. The Board has determined that there exist compelling circumstances which warrant continued Medi-Cal reimbursement in that respondent's office is located in a rural area with a large population of Medi-Cal patients.

10. Respondent agrees that his Physician and Surgeon is subject to discipline and he agrees to be bound by the Division of Medical Quality (Division) 's imposition of discipline as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

11. Respondent SAWTANTRA CHOPRA, M.D. has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

RESERVATION

12. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Division of Medical Quality, Medical Board of California, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

13. This stipulation shall be subject to approval by the Division of Medical Quality. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Division 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 Division considers and acts upon

it. If the Division 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 Division shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including 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 Division may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician and Surgeon No. A29771 issued to Respondent SAWTANTRA CHOPRA, 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.

Within 15 days after the effective date of this decision the respondent shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or at any other facility where respondent engages in the practice of medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to respondent.

1. ACTUAL SUSPENSION As part of probation, respondent is suspended from the practice of medicine for 30 days from September 16, 2003 to October 15, 2003.

2. ETHICS COURSE Within sixty (60) days of the effective date of this decision, respondent shall enroll in a course in Ethics approved in advance by the Division or its designee, and shall successfully complete the course during the first year of probation.

3. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, respondent is prohibited from supervising physician assistants except as required in in-patient settings..

4. 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.

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

6. PROBATION SURVEILLANCE PROGRAM COMPLIANCE Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his business and residence addresses which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. 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).

Respondent shall, at all times, maintain a current and renewed physician's and surgeon's license.

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

7. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS DESIGNATED PHYSICIAN(S) Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

8. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-PRACTICE In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing medicine in California, respondent shall notify the Division or its designee in writing within ten (10) days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time

spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary order.

9. COMPLETION OF PROBATION Upon successful completion of probation, respondent's certificate shall be fully restored.

10. VIOLATION OF PROBATION If respondent violates probation in any respect, the Division, 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 is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. COST RECOVERY The respondent is hereby ordered to reimburse the Division the amount of $2,000.00 within ninety (90) days of the effective date of this decision for its investigative and prosecution costs. Failure to reimburse the Division's cost of investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.

12. PROBATION COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Division, which are currently set at $2,874.00, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor no later than January 31 of each calendar year. Failure to pay costs within 30 days of the due date shall constitute a violation of probation.

13. LICENSE SURRENDER Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy

the terms and conditions of probation, respondent may voluntarily tender his certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will not longer be subject to the terms and conditions of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Timothy J. Aspinwall, Esq.. I understand the stipulation and the effect it will have on my Physician and Surgeon. 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 Division of Medical Quality, Medical Board of California.

DATED: 5/31/03.

S. Chopra

SAWTANTRA CHOPRA, M.D.
Respondent

I have read and fully discussed with Respondent SAWTANTRA CHOPRA, 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: 6/2/03.

TIMOTHY J. ASPINWALL, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs.

DATED: June 5, 2003.

BILL LOCKYER, Attorney General
of the State of California

ISA R. RODRIGUEZ
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03573160-SA2002AD1082

Exhibit A

Accusation No. 08-2002-132366

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 12, 2002
BY Allison Mode ANALYST

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

In the Matter of the Accusation Against: SAWTANTRA CHOPRA, M.D. 1401 Spanos Court #128 Modesto, CA 95355 Physician's and Surgeon's Certificate No. A29771 Respondent.	Case No. 08-2002-132366 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about December 8, 1975, the Medical Board of California issued Physician's and Surgeon's Certificate No. A29771 to SAWTANTRA CHOPRA, 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 February 28, 2003, unless renewed.

JURISDICTION

3. This Accusation is brought before the Division of Medical Quality, Medical Board of California (Division), under the authority of the following sections of the

Business and Professions Code (Code).

4. Section 2004 of the Code states:

"The Division of Medical Quality shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a medical quality review committee, the division, or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board."

5. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the division.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the division.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the division.

"(4) Be publicly reprimanded by the division.

"(5) Have any other action taken in relation to discipline as the division or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the

board."

6. Section 2234 of the Code states:

"The Division of Medical Quality 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, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts.

"(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."

7. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"(b) The district attorney, city attorney, or other prosecuting agency shall notify the Division of Medical Quality of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and described the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

"(c) The clerk of the court in which a licensee is convicted of a crime shall,

within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

8. Section 650 of the Code provides, in pertinent part, that the offer, delivery, receipt, or acceptance by a physician and surgeon of any rebate, refund, commission, preference, patronage dividend, discount, or any other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person is unlawful.

9. Section 14124.12 of the Welfare and Institutions Code states, in pertinent part:

"(a) Upon receipt of written notice from the Medical Board of California, the Osteopathic Medical Board of California, or the Board of Dental Examiners of California, that a licensee's license has been placed on probation as a result of a disciplinary action, the department may not reimburse any Medi-Cal claim for the type of surgical service or invasive procedure that gave rise to the probation, including any dental surgery or invasive procedure, that was performed by the licensee on or after the effective date of probation and until the termination of all probationary terms and conditions or until the probationary period has ended, whichever occurs first. This section shall apply except in any case in which the relevant licensing board determines that compelling circumstances warrant the continued reimbursement during the probationary period of any Medi-Cal claim, including any claim for dental services, as so described. In such a case, the department shall continue to reimburse the licensee for all procedures, except for those

invasive or surgical procedures for which the licensee was placed on probation."

10. Section 125.3 of the Code provides, in pertinent part, that the Division may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction Of A Crime - Bus. & Prof. Code, § 2236)

11. Respondent is subject to disciplinary action under Code section 2236 in that he was convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon. The circumstances are as follows:

12. On or about February 22, 2002, the United States Attorney Office in Sacramento, California, charged respondent with violating Title 42, United States Code, section 1320a - 7(b)(1)(A), a felony, in that respondent received illegal kickbacks for referring some of his patients to Family Home Medical. The charge was filed by way of Information in the United States District Court For The Eastern District Of California in a case titled *United States Of America v. Sawtantra Chopra*, Case No. CRS-02-0080 FCD. On or about May 28, 2002, respondent pled guilty to the one count information filed against him. Sentencing in the matter is scheduled for August 5, 2002.

SECOND CAUSE FOR DISCIPLINE

(Consideration For Patient Referrals - Bus. & Prof. Code, § 650)

13. The facts alleged in paragraph 11, above, are realleged and incorporated by reference as if fully set forth here.

14. The facts underlying the conviction are that from on or about August 2001 until on or about February 2002, respondent knowingly and willfully solicited and received kickbacks for referring some of his patients to Family Home Medical. In return, respondent agreed to, and did accept $2,500 per month plus a percentage of Family Home Medical's profits. As a result, respondent received at least $10,500 in illegal kickbacks. Additionally, in exchange for the referrals of patients, respondent also accepted basketball tickets to the Sacramento Kings

worth approximately $500.

15. Respondent's conduct as set forth in paragraph 14, above, has subjected his certificate to discipline pursuant to Code section 650 in that he accepted consideration for the referral of patients.

THIRD CAUSE FOR DISCIPLINE

(Dishonest/Corrupt Acts - Bus. & Prof. Code, § 2234(e))

16. The facts alleged in paragraph 14, above, are realleged and incorporated by reference as if fully set forth here.

17. Respondent's conduct as set forth in paragraph 14, above, has subjected his certificate to discipline pursuant to Code section 2234(e) in that accepting consideration for the referral of patients constitutes dishonest or corrupt acts substantially related to the qualifications, functions, or duties of a physician and surgeon.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A29771, issued to SAWTANTRA CHOPRA, M.D.;

2. Revoking, suspending or denying approval of SAWTANTRA CHOPRA, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

3. Ordering SAWTANTRA CHOPRA, M.D. to pay the Division of Medical Quality the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;

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

DATED: July 12, 2002.

RON JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant