

STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
FAX (402) 471-3297 or (402) 471-4725

LICENSURE UNIT

APR 15 2011

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JON BRUNING
ATTORNEY GENERAL

SUSAN M. UGAI
ASSISTANT ATTORNEY GENERAL

April 14, 2011

VIA INTERAGENCY MAIL

Helen L. Meeks, Licensure Unit Administrator
NDHHS Division of Public Health
301 Centennial Mall North, 3rd Floor
Lincoln, NE 68509

RE: Rajeev Chaturvedi, M.B.B.S.
Assurance of Compliance

Dear Ms. Meeks:

Enclosed are the following:

1. Original Assurance of Compliance;
2. Copy of transmittal letter dated April 14, 2011.

The enclosed may be filed with Dr. Chaturvedi's medical license public record.

Sincerely,

JON BRUNING
Attorney General


Susan M. Ugai
Assistant Attorney General

Enclosure

cc: Ruth Schuldt

34-2089-3

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

LICENSURE UNIT

APR 15 2011

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IN THE MATTER OF)
)
THE LICENSE OF) ASSURANCE OF COMPLIANCE
)
RAJEEV CHATURVEDI, M.B.B.S.)

Rajeev Chaturvedi, M.B.B.S. ("Dr. Chaturvedi") and the Attorney General's Office for the State of Nebraska enter into this Assurance of Compliance by agreeing as follows:

1. Dr. Chaturvedi is the holder of a license to practice medicine (# 24205) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").

2. It is alleged that Dr. Chaturvedi failed to cooperate with Department investigators by responding to correspondence from the Department.

3. Dr. Chaturvedi agrees to cooperate with Department investigators in any future license investigations.

4. Neb. Rev. Stat. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined for unprofessional conduct. Neb. Rev. Stat. § 38-179(15) (Reissue 2008) provides that unprofessional conduct includes acts as defined in the rules and regulations.

5. Title 172 Chapter 88-013.7 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as the refusal to cooperate or the failure to furnish requested information during a discipline investigation by the Department.

6. Under the provisions of NEB. REV. STAT. § 38-178(21) (Reissue 2008), any violation of this Assurance of Compliance is grounds for discipline.

7. This Assurance of Compliance is not a disciplinary action against Dr. Chaturvedi's license to practice medicine.

8. This Assurance of Compliance is entered into pursuant to NEB. REV. STAT. § 38-1,108 (Reissue 2008) and shall become effective ten (10) days from the date it is signed by the Attorney General's Office.

Dated this eleventh day of April, 2011.

Chaturvedi
Rajeev Chaturvedi, M.B.B.S.

State of Nebraska)
County of Lancaster) ss.

The above Assurance of Compliance was acknowledged before me by Rajeev Chaturvedi, M.B.B.S., on this 11 day of April, 2011.



Christy L. Rupe
Notary Public
My Commission Expires:

Dated this 14th day of April, 2011.

BY: JON BRUNING, #20351
Attorney General

BY: Susan M. Ugai
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
(402) 471-9658



STATE OF NEBRASKA
Office of the Attorney General **COPY**

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JON BRUNING
ATTORNEY GENERAL

SUSAN M. UGAI
ASSISTANT ATTORNEY GENERAL

April 14, 2011

Rajeev Chaturvedi, M.B.B.S.
1527 North 113th Ct., #5715
Omaha, NE 68154

RE: Assurance of Compliance

Dear Dr. Chaturvedi:

Enclosed is a signed copy of the Assurance of Compliance for your records. You are encouraged to maintain conformity with the Assurance of Compliance as a violation can be the basis to take action which would adversely affect your ability to practice medicine and surgery in the State of Nebraska.

Sincerely,

JON BRUNING
Attorney General


Susan M. Ugai
Assistant Attorney General

Enclosure

pc: Helen Meeks
Ruth Schuldt

34-2090-3

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

LICENSURE UNIT

DEC 23 2009

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STATE OF NEBRASKA ex rel.,)
JON BRUNING, Attorney General,)
)
Plaintiff,)
)
vs.)
)
RAJEEV CHATURVEDI, M.D.,)
)
Defendant.)

H09-2159

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

On June 8, 2009, the State of Nebraska (State) through the Attorney General filed a Petition for Disciplinary Action with the Department of Health and Human Services Division of Public Health (Department). On June 17, 2009, the Department sent a Notice of Hearing to Defendant. The Notice of Hearing set forth the appropriate statutes and regulations related to the hearing.

SUMMARY OF THE HEARING

The first hearing was held on October 1, 2009. Appearing on behalf of the State was Lisa K. Anderson, Assistant Attorney General. Defendant failed to appear. In addition to the testimony of one witness, twelve (12) exhibits were offered and received into evidence. On October 8, 2009, Defendant submitted a request that the hearing be reopened. The State did not object and the hearing was reopened on November 17, 2009. At this session, Defendant appeared pro se and testified. One additional exhibit was admitted.

FINDINGS OF FACT

1. At all times relevant, Defendant has held Nebraska License #24205 to practice medicine and surgery in the State of Nebraska. Jurisdiction is based on Neb. Rev. Stat. § 71-150 (Reissue 2003) transferred to §§ 38-176 and 38-186 (Reissue 2008). The Department is the agency in Nebraska authorized to enforce the provisions of the Uniform Licensing Law and the Uniform Credentialing Act regulating the practice of medicine and surgery. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered.

2. On March 10, 2008, at the Park Plaza Clinic in Omaha, Defendant instructed and allowed a male research fellow, who Defendant knew was not licensed as a physician in the State of Nebraska or enrolled as a medical student, to perform a breast and pelvic exam on a female patient while Defendant watched. Defendant instructed the unlicensed male to perform the exam because Defendant had seen the patient for psychiatric problems and Defendant felt it was necessary that Defendant maintain professional boundaries. Defendant admitted that he signed the Park Plaza Clinic record for the patient as her treating physician. Defendant also confirmed that the patient record incorrectly shows the visit date as "3/10/2007" when the visit was actually on March 10, 2008. (Exhibit 6).

3. Defendant testified at his second hearing and said that the reason he instructed the unlicensed male to perform the breast and pelvic exam on the female patient was because Defendant was her psychiatrist and he did not want to be the examining physician. He thought that by having the unlicensed person do the exam the patient would get some type of care and not be humiliated by being dismissed from the clinic. He said that he was in the room during the examination. Defendant stated that he knew the person he told to do the examination was not licensed in Nebraska and that the person was not a medical student. Defendant's written explanation was also admitted as an exhibit at the second hearing. (Second Hearing, Exhibit 1).

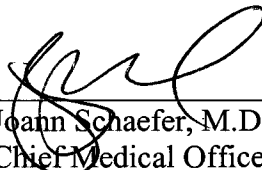
CONCLUSIONS OF LAW

A professional license may be disciplined for "permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license...by a person not licensed ...to do so. Neb. Rev. Stat. § 71-147(8) (2006 Cum. Supp.). Defendant's act of instructing and allowing the unlicensed person to perform the breast and pelvic exam on the female patient is grounds for discipline.

ORDER

Defendant is ordered to pay a civil penalty of \$5,000 payable in full within 180 days of the date of this Order. Mail payment to DHHS Division of Public Health, Licensure Unit, c/o Carmen Bachle, 301 Centennial Mall South, P.O. Box 94986, Lincoln NE 68509.

DATED this 21 day of December, 2009.



Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

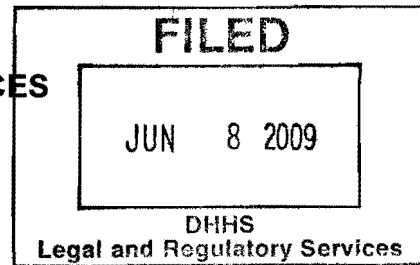
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 22 day of December 2009, a copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** was sent by certified United States mail, postage prepaid, return receipt requested, to, **Rajeev Chaturvedi, 1527 North 113th Court #5715, Omaha, NE 68154** and by interagency mail to **Lisa K. Anderson, Assistant Attorney General, 2115 State Capitol Building, Lincoln, Nebraska.**



Ashlea Cedrone
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
v.)
)
RAJEEV CHATURVEDI, M.D.,)
)
Defendant.)

PETITION FOR DISCIPLINARY
ACTION

LICENSURE UNIT

JUN 18 2009

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The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. § 71-150 (2007 Supp.) transferred to § 38-176 and § 38-186 (Reissue 2008).

2. At all times relevant herein, the Defendant, Rajeev Chaturvedi, M.D., has been the holder of a license (#24205) issued by the Department of Health and Human Services Division of Public Health ("Department") to practice medicine and surgery in the State of Nebraska.

3. The Department is the agency in the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law and the Uniform Credentialing Act regulating the practice of medicine and surgery.

4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. § 71-168.01 (Reissue 2003) transferred to § 38-1,105 (Reissue 2008).

5. On March 10, 2008, the Defendant allowed S.J., M.B.B.S., to examine inguinal lymph nodes and perform breast and pelvic examinations on a patient while the Defendant observed. The Defendant told a Department investigator that he did not

want to perform the examinations because he was seeing the patient as a psychiatrist at the time.

6. S.J., M.B.B.S., was not a student at the time he examined the patient on March 10, 2008, and he did not receive a temporary educational permit to practice medicine in Nebraska until July 18, 2008.

7. Neb. Rev. Stat. § 71-147(8) provides that a professional license may be disciplined for "permitting, aiding, or abetting the practice of a profession or the performance of duties requiring a license... by a person not licensed...to do so."


8. The Defendant's conduct set forth above in paragraph 5 is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 71-155 (2007 Supp.) transferred to § 38-196 (Reissue 2008) and tax the costs of this action to the Defendant.

STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Lisa K. Anderson, #21845
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-4593

Attorneys for Plaintiff.