

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
RAJESH MALHOTRA, M.D., : FINAL DECISION AND ORDER  
RESPONDENT. :  
 : **0004204**

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Division of Legal Services and Compliance Case No. 13 MED 355

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Rajesh Malhotra, M.D.  
17001 E. Larkspur Lane, Apt. 3  
Independence, MO 64055-2129

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Rajesh Malhotra, M.D., (dob December 6, 1967), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 41905-20, first issued on February 4, 2000, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 17001 E. Larkspur Lane, Apartment 3, Independence, Missouri 64055-2129.

2. At all times pertinent to this matter, Respondent practiced as a physician in the state of Missouri.

3. On May 16, 2013, Respondent was indicted by a grand jury in the Circuit Court of Scott County, Missouri, on sixteen felony counts and three misdemeanor counts cumulatively charging that between September 2012 and May 2013, Respondent engaged in deviate sexual assault, sexual assault, sexual misconduct, and abuse of female patients of his medical practice, all as defined under Missouri state law.

4. Respondent denied the charges against him, but on May 28, 2015, he pled guilty to and was convicted of 3<sup>rd</sup> degree assault, as defined by Missouri criminal statutes.

5. On July 15, 2015, the Board considered and authorized a complaint prepared by the Department's Division of Legal Services and Compliance (DLSC) charging Respondent with unprofessional conduct as defined by Wis. Admin. Code §§ Med 10.02(2)(z) and (zd) (Nov. 2002) and Wis. Admin. Code § Med 10.03(3)(j) (Oct. 2013).

6. On July 20, 2015, DLSC filed the complaint with the Division of Hearings and Appeals and served the complaint on Respondent via certified and regular mail, and via email.

7. Respondent acknowledged service of the complaint and filed an answer wherein he denied any sexual misconduct, but acknowledged the conviction and stated his intentions to never again practice medicine in the United States of America, and to immediately and permanently return to his home country of India.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

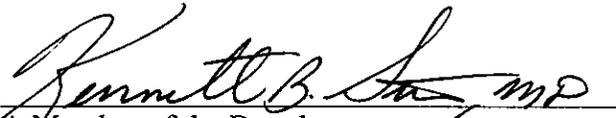
1. The attached Stipulation is accepted.
2. The Board accepts the PERMANENT SURRENDER by Rajesh Malhotra, M.D. of his Wisconsin license to practice medicine and surgery (license no. 41905-20) and any appurtenant registration or right to renew that license, effective the date of this Order.
3. Respondent shall never again practice medicine and surgery in Wisconsin and if he seeks any other license under Wis. Stat. chs. 440-480, he shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$1,325. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.
4. If applicable, payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Final Decision and Order  
In the matter of disciplinary proceedings against  
Rajesh Malhotra, M.D., Case No. 13 MED 355

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:   
A Member of the Board

August 19, 2015  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
RAJESH MALHOTRA, M.D., :  
RESPONDENT. :  
 : 0004204

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Division of Legal Services and Compliance Case No. 13 MED 355

Respondent Rajesh Malhotra, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation and subsequent formal complaint filed by the Division of Legal Services and Compliance. Respondent consents to the resolution of this matter by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

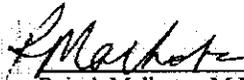
of Legal Services and Compliance and the Division of Hearings and Appeals for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

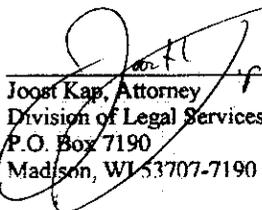
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Rajesh Malhotra, M.D., Respondent  
17001 E. Larkspur Lane, Apt 3  
Independence, MO 64055-2129  
License no. 41965-20

7/31/2015  
Date

  
\_\_\_\_\_  
Joost Kap, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

8/6/15  
Date