IT IS HEREBY STIPULATED AND AGREED, by and between Rajesh Malhotra, M.B., B.S. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Respondent has elected not to be represented by counsel. The Committee was represented by Jason Pleggenkuhle, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

   a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on January 8, 2005.

   b. On May 16, 2013, a grand jury in Scott County, Missouri, issued a 19-count “Indictment for Felony” charging Respondent with the following crimes:
i. Seven counts of "abuse of a person receiving health care," a class C felony, for inappropriately touching three different patients, in a sexual manner.

ii. Three counts of "sexual misconduct in the first degree," a class A misdemeanor, for engaging in inappropriate sexual contact with two different patients, without their consent.

iii. Nine counts of "sexual assault," a class C felony, for engaging in sexual intercourse with two different patients, without their consent.

c. On September 30, 2013, a grand jury in Scott County, Missouri, issued a four-count "Indictment for Felony" charging that Respondent committed three class D felonies by distributing controlled substances in violation of Missouri's Controlled Substances Registration requirements and one class D felony by possessing drug paraphernalia (i.e., a prescription pad) with the intent to use it to distribute a controlled substance.

d. On or about May 28, 2015, Respondent entered into a plea agreement whereby he pled guilty to, and was convicted of, the following:

i. One count of distributing controlled substances in violation of Missouri's Controlled Substances Registration requirements, a class D felony, for which he received a suspended imposition of sentence and unsupervised probation for a term of five (5) years; and

ii. One amended count of assault in the third degree, a class A misdemeanor, for having "knowingly caused physical contact with [a patient], which contact a reasonable person would consider offensive and provocative." Respondent was sentenced to serve one (1) year in a county jail, but the execution of this sentence was suspended and Respondent was placed on unsupervised probation for a term of two (2) years.
The remaining charges pending against Respondent from the May 16, 2013 and September 30, 2013, indictments were dismissed by the State of Missouri.

**STATUTES**

4. The Committee views Respondent’s conduct as inappropriate in such a way as to require Board action under Minn. Stat. section 147.091, subd. 1(c) (conviction, during the previous five years, of a felony reasonably related to the practice of medicine); (f) (violated a state or federal law related to the practice of medicine or a state or federal narcotics or controlled substance law); (g) (unethical conduct); (k) (unprofessional conduct); (o) (improper management of medical records); (s) (prescribed a drug for other than medically accepted purposes); and (t) (engaged in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual) and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

**REMEDY**

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that the Board may make and enter an Order disciplining Respondent’s license to practice medicine and surgery in the State of Minnesota as follows:

   a. Respondent shall **VOLUNTARILY SURRENDER** his license to practice medicine and surgery in the State of Minnesota.

   b. Upon Respondent’s surrender of his license to practice medicine and surgery in Minnesota, the Board agrees to close its files in this matter.

   c. Should Respondent seek re-licensure in Minnesota, the Board may re-open its investigation.
6. Respondent is aware that this Stipulation and Order will be disseminated to all states. Upon request, the Board may share its investigative data with the requesting state.

7. Within ten days of signing this Stipulation and Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent’s residences and all work sites. The information shall be sent to Ruth Martinez, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

8. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

9. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.
10. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: ________________
Rajesh Malhotra, M.B., B.S.
Respondent

Dated: ________________
For the Committee

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this __________ day of __________, 2015.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: ______________________
AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: In the Matter of the Medical License of Rajesh Malhotra, M.B., B.S.
License No. 47,349

STATE OF MINNESOTA )
COUNTY OF RAMSEY ) ss.

SANDRA SYLVESTER, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on November 16, 2015, she caused to be served the attached STIPULATION AND ORDER FOR VOLUNTARY SURRENDER, by depositing the same in the United States mail at said city and state, a true and correct copy thereof, properly enveloped with prepaid first class postage, and addressed to:

PERSONAL AND CONFIDENTIAL

Rajesh Malhotra, M.B., B.S.
17001 East Larkspur Lane, Apt. #3
Independence, MO 64055

Subscribed and sworn to before me on November 16, 2015.

NOTARY PUBLIC