

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
DAHYABHAI B. DHIMMAR, M.D.,)
)
LICENSE NO. 11696)
)
Defendant.)

NOV 05 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 07-04-3271

APPLICATION TO DETERMINE EMERGENCY

Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("State"), seeks to have an emergency declared to enable the Secretary of the Board to conduct an emergency suspension hearing against Defendant, Dahyabhai B. Dhimmar, M.D., Oklahoma medical license number 11696, as authorized under 59 Okla. Stat. §503.1 and 75 Okla. Stat. §314. In support of this application, the State submits the following:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* (the "Act"). Under Section 503.1 of the Act, the Secretary of the Board may determine that "an emergency exists for which the immediate suspension of a license is imperative for the public health, safety and welfare."
2. Defendant, Dahyabhai B. Dhimmar, M.D., holds Oklahoma license no. 11696, and is authorized to practice as a physician and surgeon in the State of Oklahoma.
3. On or about April 18, 2007, Oklahoma Bureau of Narcotics Agents Dennis Garza and Paul Hawk conducted an undercover office visit to Defendant's Cushing, Oklahoma office. Agent Garza posed as a Hispanic patient named "Juan Perez". Agent Hawk accompanied Agent Garza into Defendant's office, posing as his interpreter. Agent Hawk additionally recorded the office visit with Defendant via hidden video camera.

4. When Defendant entered the examination room with Agents Garza and Hawk, Agent Garza immediately informed Defendant that he could actually speak English. Agent Garza then told Defendant that he had no medical problems, but that he needed a prescription of Lortab for his wife. Defendant told Agent Garza that he would need to put "back pain" on the medical record in order to prescribe the Lortab. Agent Garza informed Defendant that he could put "back pain" down, but that he had no back pain, nor did his wife. Defendant then wrote a prescription to Agent Garza in the name of "Juan Perez" for thirty (30) Lortab.

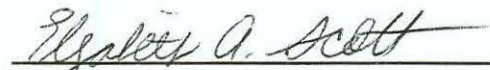
5. Medical Board investigators subsequently subpoenaed the patient chart for "Juan Perez". These records reflect that Defendant noted that the patient "C/O lower back pain" and that he has "spasm & tenderness lower back, muscles".

6. The State is basing its application for emergency upon the indisputable video evidence that the Defendant knowingly and intentionally prescribed a controlled dangerous substance without a sufficient examination and without any medical need, and that he knowingly and intentionally falsified a medical record.

7. Defendant's actions of knowingly and intentionally prescribing a controlled dangerous substance without a sufficient examination and without any medical need, and his intentional falsification of a medical record justify an emergency suspension hearing to protect the public health, safety and welfare.

WHEREFORE, the State respectfully requests that an emergency be declared, that an emergency suspension hearing be conducted by the Secretary and that the Secretary suspend Defendant's license until a hearing before the Board *en banc*.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General, State of Oklahoma
5014 N. Francis
P.O. Box 18256
Oklahoma City, OK 73154

ATTORNEY FOR THE STATE

OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION