

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

FILED

NOV 09 2007

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.
DAHYABHAI DHIMMAR, M.D.,

LICENSE NO. 11696

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 07-04-3271

ORDER OF EMERGENCY SUSPENSION

On the 9th day of November, 2007, the Plaintiff's application for emergency suspension of Defendant, Dahyabhai Dhimmar, M.D., Oklahoma Medical License No. 11696 came on for hearing before the Secretary of the Oklahoma State Board of Medical Licensure and Supervision (the "Board"). Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision. Defendant appeared in person and through counsel, G. Calvin Sharpe.

The Secretary, after hearing arguments of counsel, reviewing exhibits admitted and testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following findings of fact and conclusions of law and orders:

1. Defendant, Dahyabhai Dhimmar, M.D., is licensed as a physician and surgeon in the State of Oklahoma and holds Oklahoma Medical License No. 11696.
2. 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 O.S. §480 et seq. The Board has jurisdiction over these proceedings, and notice has been given in accordance with law.
3. The evidence reflects that Defendant cannot practice medicine with a reasonable degree of safety, competency and skill sufficient to protect the public health, safety and welfare based upon the following facts:

A. 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.

B. 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.

C. 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".

4. Defendant's medical license is hereby suspended pending a full hearing before the Board *en banc* at the next regularly scheduled meeting, currently scheduled for January 17, 2008.

5. All of the charges against Defendant be heard before the Board *en banc* at its next regularly scheduled meeting.

6. The emergency suspension shall be reported to the National Practitioner Data Bank and all other appropriate groups.

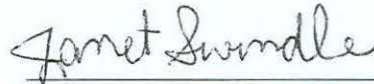
7. Defendant will surrender his Oklahoma wallet card and certificate of medical license to the Board on or before 4:30 p.m. on November 15, 2007.

A handwritten signature in dark ink, appearing to read "Gerald Zumwalt", is written over a horizontal line.

GERALD C. ZUMWALT, M.D.
Secretary/Medical Advisor
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 9 day of Nov, 2007, I mailed a true and correct copy of the Order of Emergency Suspension to G. Calvin Sharpe, Pierce, Couch, Hendrickson, Baysinger & Green, L.L.P., 1109 N. Francis, P.O. Box 26350, Oklahoma City, OK 73126.



Janet Swindle