

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

FILED

MAR 27 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff)

v.)

Case No. 02-03-2473

SUKUMAR CHAPARALA, M.D.,)
LICENSE NO. 12629,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney; Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Sukumar Chaparala, M.D., Oklahoma license no. 12629, who appears in person and through his attorney, Kenneth Holmes, offer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on August 8, 2002 and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Sukumar Chaparala, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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.*
2. Defendant, Sukumar Chaparala, M.D., holds Oklahoma license no. 12629.
3. According to Stillwater Police records, on January 23, 2002, Defendant arrived at the home of his wife, from whom he was separated at the time. At this time, he assaulted her numerous times. When police arrived, he was passive and at times uncooperative and was subsequently arrested and taken to the Payne County Jail. Several hours later he complained of chest pain and was taken to the Stillwater Medical Center, at which time his blood alcohol level was found to be at 0.075.
4. On or about January 24, 2002, Defendant was charged with the crimes of DOMESTIC ABUSE, a misdemeanor, in violation of 21 O.S. §644(C) and TRESPASSING, a misdemeanor, in violation of 21 O.S. §1835, in the District Court of Payne County, State of Oklahoma.
5. On or about February 28, 2002, Defendant plead guilty to the charges of DOMESTIC ABUSE AND TRESPASSING, and received a one (1) year deferred sentence to end on February 28, 2003. Under the terms of the deferred sentence, Defendant is required to pay a fine, submit to an evaluation, attend Menders, and pay incarceration and court costs.
6. On or about March 20, 2002, Defendant submitted his Application for Renewal of Oklahoma License. On his application, Defendant was asked the following question:

"Since the last renewal or initial licensure (whichever is most recent), have you been arrested or charged or convicted of a felony or misdemeanor?"

In response to this question, Defendant answered "No."

7. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

8. Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- B. Failed to report to the Board any adverse action (plea of guilty to misdemeanor action in Payne County Oklahoma) taken against him by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).
- C. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(8).

- D. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Sukumar Chaparala, Oklahoma license 12629, is guilty of the unprofessional conduct set forth below:

- A. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- B. Failed to report to the Board any adverse action (plea of guilty to misdemeanor action in Payne County Oklahoma) taken against him by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).
- C. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(8).
- D. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

- 1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Sukumar Chaparala, M.D., holding Oklahoma license No. 12629, is hereby **FORMALLY REPRIMANDED**.

3. Defendant shall be placed on **PROBATION** for a period of two (2) years under the following terms and conditions:

A. Defendant will participate and complete the Stopping the Violence Program in Ponca City, Oklahoma and shall authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall submit reports every two (2) months of his progress in the program to the Board Secretary or his designee for his review. Defendant shall continue in said program until released by both the program director and the Board Secretary.

B. Defendant will notify the Board or its designee of any entry or re-entry into any rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

C. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

D. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.

E. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

F. Defendant will not supervise allied health professionals for whom ~~a formal supervisory arrangement~~ is required under Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

G. Defendant will keep the Board informed of his current address.

H. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

I. Defendant shall promptly notify the Board of any citation or arrest for any criminal offense.

J. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

K. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

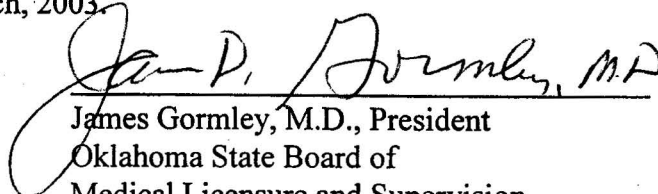
L. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

M. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

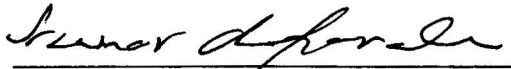
N. Upon successful completion of the Stopping the Violence Program in Ponca City, Oklahoma and if Defendant no longer manifests any anger management needs, Defendant may request that the Board terminate his probation prior to the expiration of two (2) years.


4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, ~~legal fees and investigation costs.~~


Dated this 27 day of March, 2003.

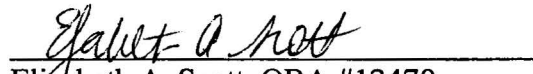

James Gormley, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:


Sukumar Chaparala, M.D.
License No. 12629


Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision


Kenneth Holmes, Esq.
Holmes & Yates
P.O. Box 750
Ponca City, OK 74602

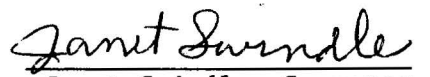

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Attorney for Defendant,
Sukumar Chaparala, M.D.
License No. 12629

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 28 day of March, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Kenneth Holmes, Esq., PO Box 750, Ponca City, Ok 74602.


Janet Swindle, Secretary