

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

FILED

AUG 12 2004

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

Plaintiff

v.

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

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-03-2473

COMPLAINT

COMES NOW the 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, and for its Complaint against the Defendant, Sukumar Chaparala, M.D., Oklahoma license no. 12629, alleges and states as follows:

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. Defendant is also licensed in the states of Texas, New York and Massachusetts.

3. On or about August 8, 2002, a Complaint was filed against Defendant based upon an incident which occurred on January 23, 2002 wherein Defendant assaulted his wife numerous times. As a result of that incident, Defendant was charged with the crimes of DOMESTIC ABUSE AND TRESPASSING. Defendant subsequently plead guilty to the charges and received a one (1) year deferred sentence. When Defendant submitted his application for renewal of his Oklahoma medical license on March 20, 2002, he lied about his arrest.

4. On or about March 27, 2003, the Board approved a Voluntary Submittal to Jurisdiction whereby Defendant was placed on a two (2) year term of probation.

5. On or about August 27, 2003, the New York State Department of Health, State Board for Professional Medical Conduct filed a Notice of Referral Proceedings and a Statement of Charges against Defendant in a case styled In the Matter of Sukumar Chaparala, M.D., Case No. BPMC 03-260. The New York action was based upon the discipline imposed by the Oklahoma State Board of Medical Licensure and Supervision.

6. On or about September 25, 2003, a hearing was conducted before the New York State Department of Health, State Board for Professional Medical Conduct. Defendant had been previously served with the Notice of Referral Proceedings and a Statement of Charges for the hearing, but chose not to attend the hearing. He had informed counsel for the New York Board on two (2) occasions that he would not attend the hearing because of "the very long distance and my tight schedule". Upon a review of the evidence submitted by Defendant and the State of New York, the Board entered a Determination and Order and ordered that Defendant's license should be **SUSPENDED** until he completed his Oklahoma probation and submitted a psychiatric evaluation stating that he has the mental capacity and emotional stability to practice medicine safely. The New York Board also imposed a \$10,000.00 civil penalty to be paid within 120 days.

7. Records obtained from the New York Board reflect that Defendant was served with a copy of the Determination and Order suspending his New York license on October 7, 2003. The Oklahoma Board received notice of the New York action in January 2004. However, when subsequently questioned in February 2004 by Tom Sosbee, Compliance and Education Coordinator for the Board, as to why Defendant had not reported his New York discipline to the Oklahoma Board, Defendant stated that he had never received an Order from New York and was unaware that any action had been taken against him in New York.

8. On or about October 14, 2003, Defendant submitted his Monthly Supervision Self-Report to the Board as part of his probation. In response to the question "**Since your last report:** List any hospitals, licensing authorities, governmental agencies, or other entities that have taken action to limit, suspend, revoke or modify your privileges", Defendant answered "**NO**".

9. On or about October 14, 2003, the Texas State Board of Medical Examiners learned that Defendant had falsely completed his Texas Physician Annual Reregistration by answering "no" to all questions, including the questions concerning his arrest history.

10. On or about January 21, 2004, Defendant appeared in person at an Informal Show Compliance Proceeding and Settlement Conference at the request of the staff of the Texas Board. At that time, he admitted that had pled guilty to the charges brought against him in Oklahoma, that he received a deferred sentence, and that he had not reported the incident to the Oklahoma Board or to the Texas Board.

11. Based upon Defendant's admissions, on or about March 18, 2004, Defendant entered into an Agreed Order with the Texas Board in the case styled "In the Matter of the Complaint Against Sukumar Chaparala, M.D., License No. J-3446", whereby he was issued a **PUBLIC REPRIMAND**, he was assessed an **ADMINISTRATIVE PENALTY** in the amount of \$3,000.00, and his license was **RESTRICTED**. The discipline was based upon the Oklahoma action as well as his submission of false information to the Texas Board on his renewal form.

12. On or about April 5, 2004, Defendant submitted his Monthly Supervision Self-Report to the Board as part of his probation. In response to the question "**Since your last report:** List any hospitals, licensing authorities, governmental agencies, or other entities that have taken action to limit, suspend, revoke or modify your privileges", Defendant answered "**NONE**".

13. On or about April 29, 2004, Defendant submitted his Application for Renewal of Oklahoma License. On his application, Defendant was asked the following questions:

Since the last renewal or initial licensure (whichever is most recent):

- C. Has any disciplinary action been taken on any license?
- D. Have you been requested to appear before a licensing or disciplinary agency?
- S. Have you been reported to the National Practitioner Data Bank (NPDB) or to the Healthcare Integrity and Protection Data Bank (HIPDB)?

In response to each of these questions, Defendant answered "No."

14. 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."

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

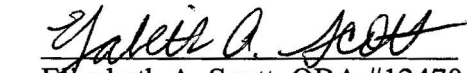
- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).
- B. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- C. Failed to report to the Board any adverse action 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).
- D. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39) and 59 O.S. §509(13).
- E. 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).
- F. Was subject to disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(31).
- G. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Conclusion

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 12th day of August, 2004 at 8:55 a.m.

Respectfully submitted,


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Oklahoma State Board of Medical
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