

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,

Plaintiff,

CASE NO. 91-09-1221  
and

MANEK E. ANKLESARIA, M.D.  
Medical License No. 13574,

CASE NO. 93-01-1471

Defendant.

ORDER MODIFYING  
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on March 18, 1994, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Manek E. Anklesaria, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel and agreed to proceed without counsel.

That the Oklahoma Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Manek E. Anklesaria, M.D., holds Oklahoma Medical License No. 13574.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That following notice and hearing in October, 1993, the Defendant did execute a Voluntary Submittal to Jurisdiction and that was considered by the Oklahoma Board of Medical Licensure and Supervision, and the Defendant's Oklahoma Medical License No. 13574, previously suspended by the Board following notice and hearing on November 21, 1992, was reinstated under a five-year period of probation under certain enumerated terms and conditions.
4. That one of the terms and conditions required Defendant to provide biological fluid specimens, upon request of any investigator or other agent representing the Board and to pay for cost of testing and analysis of those specimens. Evidence indicated that provision of the probation could be modified without threat to public health, safety or welfare.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec.

481 et seq., and by the Voluntary Submittal to Jurisdiction agreed to by the Defendant, and by the Final Order issued following hearing on October 1, 1993. It is within the Board's exercise of judgment and discretion to modify terms and conditions of probation.

ORDER

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

1. That the Defendant, Manek E. Anklesaria, M.D., holding Oklahoma Medical License No. 13574, should be and is hereby retained on a term of probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years beginning on October 1, 1993, under the following modified terms and conditions:

- (a) During the period of probation Defendant will fulfill the terms and conditions of all conclusions and recommendations made by Daniel W. Hardy, M.D., and/or the staff of the Issac Ray Center, and said conclusions and recommendations are incorporated by reference as if fully set out herein.
- (b) During the period of probation Defendant will allow his staff to speak with properly identified compliance coordinators or other agents representing the Oklahoma State Board of Medical Licensure and Supervision in order to help monitor the Defendant's professional activities.
- (c) During the period of probation when the Defendant examines any female patient in any practice setting, in the office or outside the office, Defendant shall have a female licensed or certified medical professional who remains personally present during the entirety of the examination and remains in a position to observe all physician-patient contact.
- (d) During the period of probation Defendant shall continue under psychiatric care by a physician chosen by the Board Secretary and shall require the aforesaid physician to provide regular written reports to the Oklahoma State Board of Medical Licensure and Supervision. The Board Secretary shall choose a physician whose professional qualifications are appropriate to the assignment at hand. Defendant shall pay for all professional services incurred. The examining physician shall forward progress reports on the Defendant on at least a quarterly basis to Dr. Hardy for Dr. Hardy's review and comment to the Board.
- (e) During the period of probation Defendant shall notify any hospital where he holds staff privileges or where he applies for staff privileges, or clinic or group where he practices of the terms and conditions of the Board Order issued herein and shall supply a copy thereof. Further, Defendant shall authorize hospital officials to meet with properly identified compliance coordinators or other agents representing the Oklahoma State Board of Medical Licensure and

Supervision in order to monitor the professional activities of the Defendant.

- (f) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (g) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (h) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

During the period of probation the Defendant will conduct his practice in compliance with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 the interpretation is received by Defendant from the Board.

- (j) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (k) During the period of probation Defendant will keep current payment of all assessment by the Board for investigation, prosecution and probation monitoring of his case.
- (l) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That jurisdiction in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

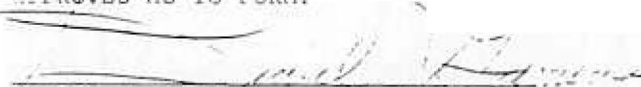
3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this            day of            , 1994.

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

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 31 day of March, 1994, to:

MANEK E. ANKLESARIA, M.D.  
2325 South Harvard #206  
 Tulsa OK 73114

Janet L Owens