

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

**FILED**

SEP 19 2024

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLABOMA, *ex rel.* )  
OKLAHOMA STATE BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AJAY BHARGAVA, M.D., )  
LICENSE NO. MD 15053, )  
 )  
Defendant. )

Case No. 22-06-6139

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Interim Executive Director of the Board, Sandra Harrison, along with Ajay Bhargava, M.D. ("Defendant"), medical doctor license no. 15053 (collectively, the "Parties"), hereby offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant acknowledges the Board's allegations and that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, *et seq.*

Defendant, Ajay Bhargava, 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 an 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 may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate

that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

#### Findings of Fact

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

1. In Oklahoma, Defendant holds medical license no. 15053, originally issued January 18, 1985.
2. The Board received a complaint alleging inappropriate behavior with a patient by Defendant, a physician specializing in gastroenterology. In investigating the accusation, Board staff became concerned regarding the appropriateness of Defendant's controlled dangerous substance prescriptions and record keeping of medical documentation related thereto, as well as other treatment.
3. Board staff subpoenaed medical records for five (5) of Defendant's patients, which were provided to an expert for review. The expert determined that Defendant had consistently practiced outside the scope of his specialization and had prescribed narcotics together with other medications such as antipsychotics in a manner inconsistent with or in violation of the appropriate standard(s) of care. A subsequent physician competency assessment determined that Defendant was competent in chronic pain treatment and opioid prescription.

#### Conclusions of Law

4. The Board has jurisdiction over the subject matter and is the duly authorized agency of the State of Oklahoma, empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
5. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
6. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any allopathic physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.
7. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.

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8. Based on the foregoing, the Plaintiff has alleged that Defendant is guilty of unprofessional conduct as follows:
- a. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient, in violation of 59 O.S. § 509(18).
  - b. Improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36).
  - c. Failure to maintain adequate medical records to support diagnosis, procedure, treatment or prescribed medications, in violation of 59 O.S. § 509(21) and Okla. Admin. Code § 435:10-7-4(41).

Orders

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

- 1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
- 2. **AJAY BHARGAVA, M.D.**, shall comply with all of the following terms and conditions:

Specific Terms:

- a) Defendant shall not practice chronic pain medicine.
- b) Defendant shall not prescribe CDS (controlled dangerous substances) except for Acute Care Diagnosis Patients and/or in association with gastroenterology procedures. CDS prescribing shall not exceed thirty (30) days for each new diagnosis.
- c) Defendant shall implement improvements in practice documentation and record keeping including:
  - a. Within six (6) months conversion of patient records to EHR (electronic health records);
  - b. Documentation of more detailed patient history and physical examination;
  - c. Documentation of detailed patient assessment and treatment plan;
  - d. Maintain updated and current patient medication list;
  - e. Document attempts to taper patients down/off CDS;

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Ajay Bhargava, MD 15053

- f. Document if a scribe is used.
- d) Defendant shall establish an instructional and educational relationship with a practice mentor.
  - a. The practice mentor shall be pre-approved by the Board Secretary;
  - b. The practice mentor shall review and discuss with Defendant a minimum of fifteen (15) patient charts, including all new patients, per month;
  - c. Defendant shall insure that quarterly reports will be submitted to the Board Compliance Coordinator and/or the Board Secretary;
  - d. If the Parties are unable to agree to a practice mentor within thirty (30) days from the effective date of this Order, then the Board may be petitioned for approval of a practice mentor;
  - e. THE DEFENDANT SHALL BE RESPONSIBLE FOR ANY COSTS OF THE PRACTICE MENTOR;
  - f. The relationship between Defendant and the practice mentor, including recommendations, may be reviewed by the Board Secretary after one year from the effective date of this order for possible modification of the terms.
- e) Defendant shall participate in comprehensive Ophthalmologic examinations semi-annually, or more frequent if indicated, and shall ensure results are submitted to the Board Secretary after each examination.
- f) Within one (1) year of this Order, Defendant shall complete a minimum eight (8) hour CME course on Medical Record Keeping approved of in advance by the Board Secretary. Proof of completion shall be provided by Defendant to the Board within (3) months of completion. This course is in addition to Defendant's regularly required CME courses.

Standard Terms:

- a) Defendant shall conduct his practice in compliance with these Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("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 authorized designee, 59 O.S. 5 480, et seq.
- b) Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by Board to each and every state in which he holds a license or applies for a license, and to

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*[Handwritten signature]*


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*[Handwritten initials]*

hospitals, clinics, or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

- c) Defendant shall keep the Board informed of his current address.
  - d) Until such time as all indebtedness to the Board has been satisfied, Defendant shall reaffirm said indebtedness in any bankruptcy proceeding.
  - e) Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
  - f) Defendant shall submit any required reports and forms in a timely and prompt basis to the Board Compliance Coordinator or authorized designee.
  - g) If Defendant moves his residence or practice location out of the state of Oklahoma during the Order, this Order will be tolled until such time as Defendant returns the state of Oklahoma and begins practicing within the State. Defendant will notify the Board of Secretary and Compliance Coordinator prior to moving out-of-state.
  - h) Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
  4. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 19<sup>th</sup> day of September, 2024.

  
Trevor Nutt, President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

  
Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

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*ABhargava*

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Ajay Bhargava, M.D.  
License No. 15053  
*Defendant*

*Elizabeth A. Scott*

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