

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

**FILED**  
JUN 11 2010  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff, )

v. )

NILAKSHA BHATT, M.D., )  
LICENSE NO. 18690, )

Defendant. )

Case No. 10-02-3932

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, Nilaksha Bhatt, M.D., 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, Nilaksha Bhatt, M.D., holds Oklahoma license no. 18690 and practices as an anesthesiologist in Oklahoma City, Oklahoma.

3. On or about July 18, 2009, Defendant was arrested and charged with DUI (Alcohol) and Transporting an Open Container of Alcohol in the City of Oklahoma City.

4. On or about August 7, 2009, Defendant was scheduled to work at the Mercy Hospital Emergency Room. He failed to show up, so a co-worker went to his home to check on him. Defendant was found unconscious on the floor. An ambulance was called and Defendant was taken to the emergency room where he was found to have an elevated alcohol level.

5. Based upon this incident, Defendant entered treatment at Talbott Recovery Campus on August 17, 2009. While at treatment, Defendant admitted that his alcohol consumption had escalated to the point that he was drinking two (2) to two and one-half (2 ½) liters of vodka per week. Defendant admitted that his longest period of sobriety during the six (6) months prior to his treatment was thirty-six (36) hours on the days he was on call. He

completed treatment and was discharged on November 14, 2009. Upon discharge, Defendant executed a contract with the Oklahoma Health Professionals Recovery Program and agreed to abstain from the use of alcohol and to submit to drug testing.

6. On or about February 20, 2010, Defendant relapsed on alcohol when he had three (3) drinks at a bar. He was drug tested by the Oklahoma Physician's Recovery Program two (2) days later, which resulted in a positive result for alcohol. Defendant agreed to return to treatment. However, prior to treatment, he consumed alcohol on at least two (2) additional occasions.

7. Defendant entered treatment at Santé, then subsequently returned to Talbott for relapse treatment on March 8, 2010. He was discharged from treatment on April 20, 2010.

8. On or about April 29, 2010, Defendant plead no contest to the DUI and Transporting an Open Container of Alcohol.

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

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. 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).

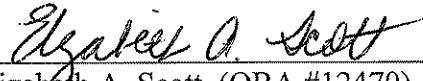
C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

### ***Conclusion***

WHEREFORE, the Plaintiff respectfully 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 suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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