

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

**FILED**

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

Plaintiff, )

v. )

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

Defendant. )

JUL 22 2010

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 10-02-3932

**ORDER ACCEPTING  
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, Nilaksha Bhatt, M.D., Oklahoma license no. 18690, who appears in person and pro se, proffer 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 June 11, 2010, and 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, Nilaksha Bhatt, 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.

## ***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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

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).

### *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. Defendant, Nilaksha Bhatt, M.D., Oklahoma medical license no. 18690, is guilty of unprofessional conduct set forth below based on the foregoing facts:

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).

*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. The license of Defendant, Nilaksha Bhatt, M.D., Oklahoma medical license no. 18690, is hereby **SUSPENDED** for a period of **THIRTY (30) DAYS** beginning July 22, 2010 and continuing through August 21, 2010.
3. At the conclusion of the term of suspension, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:
  - A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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 interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.
  - B. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.
  - C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.
  - D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. 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 physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

G. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

H. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

J. Defendant will authorize in writing the release of any and all information regarding his treatment at Bradford and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the recommendations of Talbott and with all terms of his postcare contract with Talbott, including but not limited to return visits to Talbott after three (3) months, six (6) months, and then yearly thereafter.

L. Defendant will sign a contract with the Health Professionals Recovery Program and will abide by all terms of this contract.

M. Defendant shall obtain a sponsor.

N. Defendant shall obtain family therapy at a therapist approved in advance in writing by the Board Secretary. Defendant shall provide quarterly reports from his therapist to the Board Secretary for his review.

O. Defendant shall practice no more than forty (40) hours per week.

P. Defendant shall obtain a primary care physician to be approved in advance in writing by the Board Secretary. Defendant's primary care physician shall manage all of Defendant's medications and shall be made aware of any medications prescribed by any other physician to Defendant.

Q. Defendant shall attend a minimum of five (5) 12-Step meetings per week, one (1) of which shall be the Health Professionals Recovery Program meeting.

R. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

S. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

T. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

U. 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-fifty dollar (\$150.00) per month fee during the term of probation.

V. 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.

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

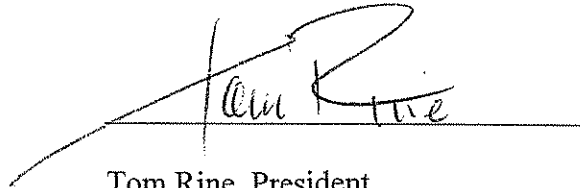
X. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

Y. 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.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

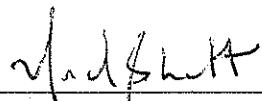
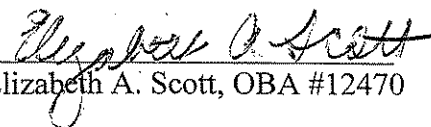
5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 22 day of July, 2010.




Tom Rine, President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED**


  
\_\_\_\_\_  
Nilaksha Bhatt  
License No. 18690  
\_\_\_\_\_  
Elizabeth A. Scott, OBA #12470

Assistant Attorney General  
State of Oklahoma  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, OK 73105

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

**CERTIFICATE OF MAILING**

I certify that on the 23 day of July, 2010, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Nilaksha Bhatt, 1111 N. Lee, #236, Oklahoma City, OK 73103.

  
Janet Swindle  
Janet Swindle