

**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.** )  
 )  
**AMAR NATH BHANDARY, M.D.** )  
**LICENSE NO. 19783** )  
**Defendant.** )  
 )

NOV 15 2013

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

) **Case No: 12-02-4502**

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 7, 2013, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Scott Randall Sullivan, Special Prosecutor for the Board, appeared for the plaintiff and counsel for defendant, Daniel Gamino, appeared on his behalf.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

**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, Amar Nath Bhandary, M.D., holds Oklahoma license no. 19783.

### **Prior Disciplinary Actions**

1. On 07-28-2005 a **Letter of Concern** was issued for a potential violation of the Oklahoma Medical Practice Act relating to record keeping and following chronic pain management guidelines after a father reported the deaths of his daughter-in-law and then his son due to overdose from medications prescribed by Defendant.
2. On September 25, 2000, Defendant was convicted of Domestic Abuse Assault and Battery. He was arrested and charged with that crime in Oklahoma County on August 25, 1999. Defendant failed to report the arrest and conviction on his application for renewal dated and signed April 19, 2000.
3. On March 20, 2001 the National Practitioner Data Bank reported loss of hospital privileges due to failure to timely complete charts.

### **Current Unprofessional Conduct Allegations**

1. On May 28, 2013 Defendant pled guilty to health care fraud which is a felony. (18 USC § 1347.) The guilty plea constitutes a final felony conviction.
2. Defendant is guilty of unprofessional conduct in that he:
  - a) On May 28, 2013 pled guilty to health care fraud which is a felony mandating revocation of his medical license pursuant to Title 59 O.S. § 513 3.
  - b) Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of Title 59 O.S. § 509 (8);
  - c) Engaged in the commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of Title 59 O.S. § 509 (9); and
  - d) Engaged in conduct likely to deceive, defraud or harm the public in violation of Oklahoma Administrative Code Rule 435:10-7-4 (11)

### **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 is guilty of unprofessional conduct in that he:


- a) On May 28, 2013 pled guilty to health care fraud which is a felony mandating revocation of his medical license pursuant to Title 59 O.S. § 513 3;
  - b) Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of Title 59 O.S. § 509 (8);
  - c) Engaged in the commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of Title 59 O.S. § 509 (9); and
  - d) Engaged in conduct likely to deceive, defraud or harm the public in violation of Oklahoma Administrative Code Rule 435:10-7-4 (11)
3. The Board further found that the Defendant's license should be **REVOKED**.

**Order**

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

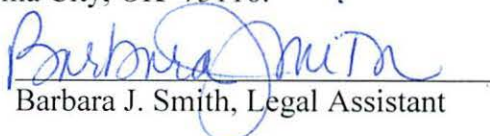
1. The license of Defendant, Amar Nath Bhandary, M.D., Oklahoma medical license no. 19783, is hereby **REVOKED** as of the date of this hearing, November 7, 2013.
2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 15 day of November, 2013.

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

**Certificate of Mailing**

I certify that on the 15<sup>th</sup> day of November, 2013, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Daniel Gamino, Jamestown Office Park, North Building, 3035 N.W. 63<sup>rd</sup> Street, Suite 214, Oklahoma City, OK 73116.

  
Barbara J. Smith, Legal Assistant