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

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

Plaintiff,

JUL 2 8 2016 OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

v.

AMAR NATH BHANDARY, M.D., LICENSE NO. M.D. 19783,

Defendant.

Case No. 12-03-4512

ORDER OF CONTINUANCE ON RECONSIDERATION OF APPLICATION TO REINSTATE

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This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board"), on July 14, 2016, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Amar Nath Bhandary, M.D. ("Defendant"), holding Oklahoma medical license no. 19783, appeared not. Defendant's counsel, Daniel J. Gamino of Gamino and Associates, P.C, appeared not.

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of the State of Oklahoma ("State"), and presented Defendant's Motion to Continue to the Board.

The Board *en banc* heard the presentation of the State, reviewed the exhibits presented, being fully apprised of the premises, and for good cause shown, enter the following findings of fact, conclusions of law and orders:

- 1. On March 12, 2012, Dr. Bhandary voluntarily executed an Agreement Not to Practice ("ANTP") with the Board. The ANTP was to remain in effect until the investigation by the Board was completed, any other proceedings resolved, or he was released by the Board Secretary.
- Defendant pled guilty on May 28, 2013 to health care fraud, a felony under 18 USC § 1347, in Case No. CR-2012-77-HE, U.S. District Court, W.D. Oklahoma. Defendant was sentenced on October 25, 2013 and was released from prison on November 21, 2015.

- 3. A Complaint and Citation were filed on July 14, 2013 and a hearing was set on the Board's September 12, 2013 docket.
- 4. On August 30, 2013, an Order of Continuance was filed setting the hearing on the Complaint for the November 7, 2013 Board meeting.
- 5. On November 7, 2013, the Board **REVOKED** the Oklahoma professional medical license of Defendant. A Final Order of Revocation was filed on November 15, 2013.
- 6. On February 26, 2016, Defendant filed an Application to Reinstate Oklahoma Medical License ("Application to Reinstate").
- 7. At the May 12, 2016 meeting, the Board **DENIED** the Application to Reinstate based upon the standard of clear and convincing evidence.
- 8. On May 18, 2016, the State filed a Motion to Reconsider for the Board to rule on the Application to Reinstate based upon the standard of preponderance of the evidence. The hearing on State's Motion was scheduled for the June 23, 2016 Board meeting.
- 9. Defendant filed a Response to State's Motion to Reconsider on June 10, 2016 and requested that the Board grant oral argument by legal counsel.
- 10. At the June 23, 2016 meeting, the Board **GRANTED** State's Motion to Reconsider and set the hearing on the July 14, 2016 docket. The Order Granting State's Motion to Reconsider and Setting Hearing of Oral Arguments was filed on June 30, 2016.
- 11. On July 5, 2016, an Addendum to Defendant's Response to State's Motion to Reconsider was filed.
- 12. On July 11, 2016, Defendant's Motion to Continue Hearing of July 14, 2016 was filed.
- 13. At the July 14, 2016 Board meeting, the State presented Defendant's Motion to Continue, and recommended that it be granted because the revocation remains in effect and there is no prejudice to the State.

Premises considered and for good cause shown, Defendant's Motion to Continue Hearing of July 14, 2016, is hereby **GRANTED**, and the matter is set to be heard before the Board on September 22, 2016.

Dated this ______ day of July, 2016.

Billy H. Stout, M.D., Board Secretary Oklahoma State Board of Medical Licensure and Supervision

Certificate of Service

This is to certify that on the <u></u>*day* of July, 2016, a true and correct copy of this Order was transmitted via facsimile and U.S. first-class mail, postage prepaid, to the following:

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Nancy Thiemann, Legal Secretary