

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

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 AMAR NATH BHANDARY, M.D.,)
 LICENSE NO. MD 19783,)
)
 Defendant.)

FILED
 DEC 21 2017
 OKLAHOMA STATE BOARD OF
 MEDICAL LICENSURE & SUPERVISION

Case No. 12-03-4512

**REINSTATEMENT OF LICENSURE UNDER TERMS OF PROBATION
AND INDEFINITE LICENSE RESTRICTIONS**

This Reinstatement of Licensure Under Terms of Probation is entered into by and between Billy H. Stout, Secretary of the Oklahoma State Board of Medical Licensure and Supervision (“Board”), and Amar Nath Bhandary, M.D. (“Defendant”) (collectively, the Parties”). 59 O.S. 2011, § 506.

The Board has jurisdiction over the subject matter herein. 59 O.S. 2011, § 480, *et seq.* The Board has the authority to approve the terms of this probation entered into between the Board and the Defendant. 59 O.S. 2011, §§ 492.1, 493.3(D) and Okla. Admin. Code § 435:10-4-11. The Probation herein is considered by the Board as part of the terms of Reinstatement. Okla. Admin. Code § 435:10-4-11(b)(6); Okla. Admin. Code 435:5-1-6(c) Reinstatement.

Factual Stipulations and Acknowledgements

1. Defendant previously held Oklahoma Medical License no. 19783, issued on June 6, 1996. Defendant’s license was revoked November 15, 2013.
2. On February 26, 2016, Defendant filed an Application to Reinstate Oklahoma Medical License (“Application to Reinstate”).
3. At the May 12, 2016 meeting, the Board **DENIED** the Application to Reinstate based upon the standard of clear and convincing evidence.
4. 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. State’s Motion was set for hearing at the June 23, 2016 Board meeting.

5. 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. An Order Granting State's Motion to Reconsider and Setting of Oral Arguments was filed on June 30, 2016; hearing was set on July 14, 2016.
6. On July 5, 2016, Defendant filed an Addendum to Applicant's Response to State's Motion to Reconsider.
7. On July 28, 2016, an Order of Continuance on Reconsideration of Application to Reinstate was filed; hearing was rescheduled to September 22, 2016.
8. On August 8, 2016, Defendant's First Discovery requests were filed. The State responded by letter dated August 10, 2015.
9. On August 18, 2016, Defendant filed a Motion to Compel Responses to Discovery ("Motion to Compel"). State's Response to Motion to Compel was filed on August 25, 2016.
10. On September 13, 2016, Defendant filed an Emergency Motion to Bifurcate ("Motion to Bifurcate"). Plaintiff's Response Opposing the Motion to Bifurcate was filed on September 15, 2016.
11. At the September 22, 2016 Board meeting, Defendant's Motion to Compel, Defendant's Motion to Bifurcate and Defendant's Application to Reinstate were each **DENIED**. An Order Denying Application to Reinstate Oklahoma Medical License was filed November 17, 2016. Oklahoma Attorney General Opinion 2016-652a was issued in support thereof.
12. On December 2, 2016, an Entry of Appearance as counsel for Defendant was filed by Barry L. Smith, Craig Buchan, Julia Palmer, and Daniel Aizenman of McAfee Taft, P.C.
13. On December 2, 2016, Defendant filed an Application for Rehearing, Reopening or Reconsideration ("Application for Rehearing").
14. Orders of Continuance were filed on January 4, 2017, February 27, 2017, April 27, 2017, June 20, 2017, July 12, 2017, and August 8, 2017. Hearing was reset for November 2, 2017.
15. At the November 2, 2017 meeting of the Board, Defendant appeared in person, and through counsel, Craig Buchan of McAfee Taft, P.C., on the Application for Rehearing. The Parties jointly offered their Reinstatement of Licensure Under Terms of Probation.
16. The Board concluded that certain conditions were approved.
17. Defendant, by signing below, acknowledges and agrees that (i) Defendant is of sound mind and is not under the influence of, or impaired by, any medication or drug; (ii) Defendant has read and understands the terms of this Agreement; (iii) Defendant understands that by entering into this agreement, Defendant has waived certain rights such as the right to a full hearing on the merits of this application; (iv) Defendant has

agreed to and signed this agreement voluntarily; and (v) there are no verbal, written or other agreements or promises of any kind, including a guarantee licensure, between Defendant and the Board or its staff which are not set out in this agreement.

**Terms of Reinstatement Under Probation
and Indefinite License Restrictions**

1. From the effective date of an approved Attorney General Opinion, Defendant's license is subject to the following indefinite restrictions:
 - a. Defendant shall not practice pain management;
 - b. Defendant shall not prescribe or dispense opioid-based controlled dangerous substances;
 - c. Defendant shall limit his practice to psychiatry only.
2. In consideration of the mutual promises stated herein, the Board shall reinstate Defendant's Oklahoma Medical License under the following conditions: Defendant agrees that his license will be under terms and conditions of **PROBATION** for a period of **FIVE (5) YEARS**, the terms and conditions of which are listed below, from the effective date of an approved Attorney General Opinion.

Standard Terms:

- A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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 designee.
- B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- C. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.
- D. Defendant will keep the Board informed of his current address.
- E. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- F. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

- G. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- H. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of this probation unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- I. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify license after due notice and hearing. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.
- J. If Defendant moves his residence or practice location out of the state of Oklahoma during the probationary period, the probation will be tolled until such time as Defendant returns to the state of Oklahoma and begins practicing with the state. Defendant shall notify the Board prior to moving our-of-state.

Specific Terms:

- K. Defendant shall follow all guidelines and recommendations as set forth in the KStar report issued May 8, 2017 and particularly as follows:
 - a. 4.a) Complete 16 hours of additional CME in ethics/communication within one year, approved in advance by the Board Secretary.
 - b. 4.b) Complete an educational module in cultural psychiatry to be approved in advance by the Board Secretary.
- L. Defendant shall follow all guidelines and recommendations as set forth in the Psychiatric Mental Health Evaluation Report issued September 1, 2017, by The University of Oklahoma, and particularly as follows:
 - c. B.(B.3.) Continue to be treated by a board-certified psychiatrist or fully licensed psychologist, for at least one year, to be approved of in advance by the Board Secretary.
 - d. D.(D.1.) Obtain a board-certified psychiatrist practice mentor. Defendant must meet with this mentor for a minimum of one (1) hour weekly for at least one (1) year. This mentor shall be approved of in advance by the Board Secretary.
- M. Defendant shall make his medical records of patients available for review, inspection, and copying by Board staff at any time.

- N. Defendant shall make himself available to discuss his medical practice upon request with the Board Secretary.
- O. Defendant shall promptly notify the Board of any citation or arrest for traffic or criminal offenses.
- P. Defendant shall not practice pain management.
- Q. Defendant shall not prescribe or dispense opioid-based controlled dangerous substances.
- R. Defendant shall limit his practice to psychiatry only.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Executed and agreed to this 2nd day of November, 2017.

Amar Nath Bhandary, M.D.
License No. MD 19783

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OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-895A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 NE 51st Street
Oklahoma City, OK 73105

December 19, 2017

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take pursuant to a consent agreement with respect to medical doctor licensee 19783 in case 12-03-4512. The licensee pled guilty in district court to health care fraud, a felony. The Board proposes to grant licensee's application for reinstatement under terms of probation and indefinite license restrictions.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend or revoke a license and order other appropriate sanctions against a licensee for unprofessional conduct, which includes "[c]onviction of a felony" and "[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public." 59 O.S.Supp.2017, §§ 503, 509(5), (8). The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL

RECEIVED

DEC 21 2017
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION