

4. On July 16, 2018, Defendant submitted a motion to modify terms 'Q' and 'R' of his terms of probation ("Motion to Modify").
5. At the July 26, 2018 Board meeting, Defendant appeared *pro se* and explained that to be able to manage patients he needs the authority to prescribe Suboxone. Mr. Ricks advised the Board that staff does not oppose the changes if the Board approves. The Board decided to table the Motion to Modify pending staff modifications and presentation for decision.
6. On August 1, 2018, an Order Tabling Motion to Modify Probation Pending Board Staff Modification and Appearance was filed ("Order Tabling Motion").
7. On September 6, 2018 at the Board office, notice for hearing for the September 2018 Board meeting, regarding the Motion to Modify was hand-delivered to Defendant by the Board Secretary.
8. At the September 13, 2018 Board meeting, AAG Cody briefly reviewed Defendant's history and the Board staff proposed modifications to Defendant's probation.
9. Mr. Ricks stated that once employed, Defendant's PMP will be reviewed regularly and his patient records reviewed periodically, by him. Dr. Stout stated Defendant's requirement for a practice mentor will be reviewed six months after employment is acquired.
10. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Conclusions of Law

11. The Board has jurisdiction over the subject matter and 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. 59 O.S. § 480 *et seq.*, Okla. Admin. Code § 435:5-1-1 *et seq.*
12. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S § 504; Okla. Admin. Code §§ 435:3-3-5, 3-3-6.
13. The Board is authorized to suspend, revoke with or without the right to reapply, or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). This Board's action is authorized by 59 O.S. §§ 509.1 (A)(3), (4); Okla. Admin. Code § 435:5-1-3.
14. The Board reviewed the proposed modifications as presented by Board staff to Defendant's probation terms, set forth in the Reinstatement Under Probation and Restrictions. The Board decided the proposed modifications are accepted.

Orders

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

1. **AMAR NATH BHANDARY, M.D.**'s motion to modify term 'Q' of the Reinstatement of Licensure Under Terms of Probation and Indefinite License Restrictions, filed December 21, 2017 ("Reinstatement Under Probation and Restrictions"), received by the Board on July 16, 2018, is **GRANTED with additional terms**, effective from the date of an approved Attorney General Opinion. Modification to term 'R' of the Reinstatement Under Probation and Restrictions is **DENIED**.
2. Specific Term Paragraph "Q" of the Reinstatement of Licensure Under Term of Probation and Indefinite License Restrictions, filed December 21, 2017, states:

Q. Defendant shall not prescribe or dispense opioid-based controlled dangerous substances.

Effective from the date of an approved Attorney General Opinion, Specific Term Paragraph "Q" is modified as follows:

Q. Defendant shall not prescribe or dispense opioid-based controlled dangerous substances, except Suboxone for opiate addiction patients only.

Specific Terms Added

(Reinstatement Under Probation and Restrictions, Paragraph #2. (S, T, U):

3. (2.(S.)) Defendant shall not prescribe Suboxone for pain or pain management.
4. (2.(T.)) Defendant shall not prescribe Benzodiazepines or other sedative hypnotic medications with Suboxone.
5. (2.(U.)) Any change by Defendant in his Suboxone prescribing practice setting, including employer, if any, and location, shall be approved of in advance by the Board Secretary.
6. Specific Term Paragraph "R" of the Reinstatement of Licensure Under Term of Probation and Indefinite License Restrictions, filed December 21, 2017, states:

R. Defendant shall limit his practice to psychiatry only.

No change will be made to Specific Term Paragraph "R." In the practice of psychiatry, Defendant may select and accept patients, including those with a diagnosis of addiction disorders requiring the services of a psychiatrist. Defendant may not advertise as 'Board Certified' in the added qualifications of addiction medicine or psychiatry until such time as certification is acquired.

7. Specific Term Paragraph 'L(d)' of the Reinstatement of Licensure Under Terms of Probation and Indefinite License Restrictions, filed December 21, 2017, states:

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:

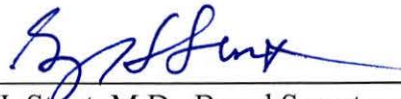
d. D.(D.1.) Obtain a board-certified psychiatrist practice mentor. Defendant must meet with this mentor for a minimum of one (1) hour weekly for at least one (1) year. This mentor shall be approved of in advance by the Board Secretary.

On and effective June 19, 2018, Specific Term 'L(d)' requiring Defendant to meet with a practice mentor, was suspended by agreement between Board Secretary, Dr. Stout and Defendant, because Defendant was not practicing.

8. Effective six (6) months from the date that Defendant becomes employed or is able to resume the practice of psychiatry, Defendant's Specific Term 'L(d)' shall be reviewed by the Board Secretary for consideration of re-instatement.
9. All other terms of **AMAR NATH BHANDARY, M.D.'s PROBATION** shall remain unchanged and in full force and effect.
10. A copy of this order shall be sent to Defendant as soon as it is processed.

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.

Dated this 17th day of OCTOBER, 2018.



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 18th day of October, 2018, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Amar Nath Bhandary, M.D.
6303 N.W. 31st Street
Bethany, Oklahoma 73008-4109
Defendant, pro se



Nancy Thiemann, Legal Assistant



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-412A

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

October 16, 2018

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 with respect to medical doctor licensee 19783 in case 12-03-4512. The licensee is on a five year probation with permanent license restrictions due to previous disciplinary action. *See* A.G. Opin. 2017-895A. Licensee has requested to modify the terms of the previous order. The Board proposes to grant the request, in part, to allow licensee to prescribe opioid-based controlled substances only to treat opiate addiction. In addition, several new specific terms will be added to the Board's 2017 order that relate directly to this modification.

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 believe that the proposed action is reasonable in light of licensee's circumstances and behavior.

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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL

RECEIVED

OCT 17 2018

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION