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

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff)

v.)

Case No. 01-09-2402

SUMON BHATTACHARJEE, M.D.)
MEDICAL LICENSE NO. 20853,)

Defendant.)

COMPLAINT

COMES NOW the 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, and for its Complaint against the Defendant, Sumon Bhattacharjee, M.D., Oklahoma medical license no. 20853, alleges and states as follows:

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.*

2. Defendant, Sumon Bhattacharjee, M.D., holds Oklahoma medical license no. 20853 and is currently a fourth year resident in the Neurosurgery Residency Program at the University of Oklahoma Health Science Center.

3. On or about January 24, 2000, Defendant was placed on probation in the Neurosurgery Residency Program at the University of Oklahoma Health Science Center. Defendant was observed to have failed to have met performance standards of the training program. Specifically, Defendant scored 27 out of a 348 minimum passing score on the American Board of Neurological Surgery 1999 Primary Examination, and his evaluations reflected average, below average and unsatisfactory ratings. Defendant's performance was to be re-evaluated in July 2000.

4. Between January 2000 and December 2000, the majority of Defendant's residency evaluations reflected average, below average and unsatisfactory ratings.

5. In 2001, Defendant again took the American Board of Neurological Surgery Primary Examination, at which time he scored a 234 out of a 368 minimum passing score.

6. On or about August 28, 2001, the Neurological Surgery Department continued his probation throughout his next period of evaluation based upon poor performance, his average to below average evaluations, his failure of the American Board of Neurological Surgery Primary Examination as a fourth year resident, and his failure to complete several remedial tasks assigned to him after failing the Board Primary Examination.

7. On or about July 12, 2000, Defendant submitted his Application for Renewal of Oklahoma License for the period of July 2, 2000 to July 1, 2001. In response to the question "Have you been denied privileges, lost privileges or received discipline by any hospital or other professional medical organization?" Defendant answered "NO". Defendant was on probation at the time he submitted this renewal application.

8. On or about July 2, 2001, Defendant submitted his Application for Renewal of Oklahoma License for the period July 2, 2001 to July 1, 2002. In response to the question "Have you been denied privileges, lost privileges or received discipline by any hospital or other professional medical organization?" Defendant answered "NO". Defendant was on probation at the time he submitted this renewal application.

9. Defendant is guilty of unprofessional conduct in that he:

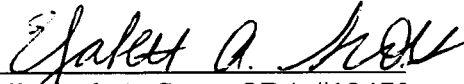
- A. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery pursuant to OAC 435:10-7-4(18).
- B. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- C. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of 435:10-7-4(19).

Conclusion

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's special training license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 16th day of November, 2001 at 10:45 p.m.

Respectfully submitted,



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Attorney for the State of Oklahoma ex rel.
Oklahoma State Board of Medical
Licensure and Supervision