

**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,)

MAR 08 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff)

v.)

Case No. 11-09-4422

RAVINDER KURELLA, M.D.,)
LICENSE NO. 22226,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Ravinder Kurella, M.D., Oklahoma license no. 22226, who appears in person and through counsel, Kyle Sweet, offer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on November 18, 2011, and further acknowledges that hearing before the Board would likely result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Ravinder Kurella, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

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.*

2. Defendant, Ravinder Kurella, M.D., holds Oklahoma license no. 22226 and at the time of the incidents in question, was in the Gastroenterology Fellowship Program at the University of Oklahoma Health Sciences Center in Oklahoma City, Oklahoma.

3. On or about September 12, 2011, Patient WWR was admitted to St. Anthony Hospital in Oklahoma City, Oklahoma after having an EGD for a lower esophageal impaction requiring removal. The treating physician, Misty Bogle, M.D., contacted Defendant late that evening and arranged for him to monitor the patient for possible complications and to meet with the patient to address any additional concerns.

4. The next morning, September 13, 2011, Dr. Bogle met with Patient WWR to examine him and follow-up on his treatment. At that time, Dr. Bogle reviewed the patient chart and read the examination record written by Defendant earlier that day, which included all normal components of a SOAP note including physical exam findings of the heart, lungs and abdomen. Dr. Bogle asked the patient if Defendant had answered all of his questions and the patient told her that he had not seen Defendant that day.

5. Dr. Bogle then left the patient's room, called Defendant and asked him if he had seen the patient. Defendant initially told Dr. Bogle that he had seen the patient. Upon further questioning by Dr. Bogle, Defendant admitted that he in fact had not examined the patient that day.

6. When questioned by Board investigators, Defendant admitted that with respect to this patient, he filled out the patient record in advance with "expected results" with the intent to go back later and examine the patient. However, in this case, he never went back to examine the patient.

7. Defendant further admitted to Board investigators that in other instances involving other patients, he has input patient information into the patient chart including vital signs, labs, x-rays and CT scan information prior to examining the patient.

8. As a result of his falsification of Patient WWR's patient record, The University of Oklahoma took administrative action against him for his unprofessional conduct whereby Defendant's fellowship training program was extended for an additional three (3) months, along

with additional monitoring and education on medical fraud and documentation. The Program Director then reported Defendant's unprofessional conduct to the Board.

9. Defendant is guilty of unprofessional conduct in that he:
 - A. Engaged in conduct which is likely to harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
 - B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).
 - C. Engaged in the use of any false ... or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
 - D. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18) and 435:10-7-4(41).

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. Based on the foregoing facts, Defendant, Ravinder Kurella, Oklahoma license 22226, is guilty of the unprofessional conduct set forth below:

- A. Engaged in conduct which is likely to harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).
- C. Engaged in the use of any false or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

D. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18) and 435:10-7-4(41).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Ravinder Kurella, M.D., holding Oklahoma license No.22226 is hereby **FORMALLY REPRIMANDED**.

3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 8 day of March, 2012.



J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:

[Handwritten signature of Ravinder Kurella]

Ravinder Kurella, M.D.
License No. 22226

[Handwritten signature of Gerald C. Zumwalt]

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

[Handwritten signature of Kyle Sweet]
for

Kyle Sweet
The Sweet Law Firm
435 N. Walker, Suite 105
Oklahoma City, OK 73102

Attorney for Defendant

[Handwritten signature of Elizabeth A. Scott]

Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73154
405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

Certificate of Service

I certify that on the 9 day of March, 2012, a true and correct copy of this order was mailed, postage prepaid, to Kyle Sweet, The Sweet Law Firm, 435 N. Walker, Suite 105, Oklahoma City, OK 73102 and to Ravinder Kurella, 3008 Sawgrass Road, Edmond, OK 73034.

[Handwritten signature of Janet Swindle]

Janet Swindle