

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,

Plaintiff,

v.

KRISHNAMURTHY ASHOK, M.D.,  
LICENSE NO. 24186,

Defendant.

DEC 16 2004

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 04-11-2906

**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, Krishnamurthy Ashok, M.D., 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, Krishnamurthy Ashok, M.D., holds Oklahoma license no. 24186.
3. On or about October 31, 2000, Defendant was convicted of Felony DUI (Alcohol) in the District Court of Montgomery County, State of Pennsylvania, Case No. 03252-00.
3. On or about July 19, 2003, Defendant plead guilty and was convicted on two (2) separate alcohol related charges in the Philadelphia Municipal Court: Case No. MC #0203-3172, Misdemeanor DUI and Case No. MC #0108-0113, Misdemeanor DUI.
4. As a result of the DUI convictions, on or about February 24, 2004, Defendant entered into a Consent Agreement and Order with the Pennsylvania State Board of Medicine whereby disciplinary action was deferred and Defendant agreed to monitoring by the Pennsylvania Board.
5. On or about July 16, 2004, Defendant submitted his Application for Oklahoma Medical License. On his Application, Defendant was asked the following question: "Have you

ever been arrested, charged with or convicted of a felony or misdemeanor?" In response to this question, the Defendant answered "YES" and attached an explanation whereby he disclosed the two (2) Misdemeanor DUI convictions in Pennsylvania in 2001 and 2002, but did not disclose the Felony DUI conviction in Pennsylvania in 2000.

6. On or about October 21, 2004, Defendant was arrested for Driving Under the Influence of Alcohol. At that time, he was involved in a one-car accident in Oklahoma City, Oklahoma. A Breathalyzer test was performed and Defendant tested at a .28 level. Defendant was then jailed at the Oklahoma County Jail.

7. On or about October 25, 2004, Defendant appeared at a Probable Cause Hearing in the District Court of Oklahoma County. The Court found that probable cause existed to hold the Defendant on the charge of Aggravated DUI and set an arraignment date of November 1, 2004.

8. On or about November 4, 2004, Defendant appeared before the Board. Defendant disclosed his two (2) prior Misdemeanor DUI convictions in Pennsylvania, but did not disclose his prior Felony DUI conviction in Pennsylvania or his arrest fourteen (14) days earlier for Aggravated DUI in Oklahoma City. At the Board meeting, Defendant represented to the Board as follows:

ASHOK: Can I make a statement now?

GASBARRA: Please, sir.

ASHOK: I did speak to Dr. Anderson and I am going to sign a contract with Dr. Anderson for the Physician's Recovery Program. **I have been sober for the last, more than two years and I continue to maintain sobriety.**

After reviewing the documentation submitted by the Defendant and the statement made by the Defendant, the Board granted him a license under terms of an Agreement for Licensure, which was executed by the Defendant and the Board Secretary on or about November 12, 2004.

9. On or about December 1, 2004, Defendant was charged in the District Court of Oklahoma County with Felony DUI after a previous felony conviction.

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

A. Habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. 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).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

E. Failed to report to the Board any adverse action taken against him by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).

F. 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).

G. 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 OAC 435:10-7-4(19).

*Conclusion*

WHEREFORE, the Plaintiff respectfully 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 suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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