

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

MAY - 6 2005

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 04-11-2906

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

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 5, 2005, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Johnny J. Akins.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Krishnamurthy Ashok, M.D., holds Oklahoma license no. 24186.

4. On or about October 31, 2000, Defendant was convicted of Misdemeanor DUI (Alcohol) in the District Court of Montgomery County, State of Pennsylvania, Case No. 03252-00.

5. 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.

6. On or about November 16, 2002, Defendant was arrested for a Misdemeanor DUI.

7. As a result of the two (2) DUI convictions set forth in paragraph 5 above, 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.

8. 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 2000 DUI conviction in Pennsylvania or the November 16, 2002 arrest for a Misdemeanor DUI.

9. In or around October 2004, Defendant was cited in Edmond, Oklahoma for Public Intoxication.

10. 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.

11. 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.

12. 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 2000 DUI conviction in Pennsylvania, his 2002 Misdemeanor DUI arrest, his arrest fourteen (14) days earlier for Aggravated DUI in Oklahoma City, or his Public Intoxication citation in Edmond, Oklahoma. 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.

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

14. 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).

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. 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).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (4), (8), (13) and (15), and OAC Title 435:10-7-4(3), (8), (11), (19), (32), (39) and (40).

Order

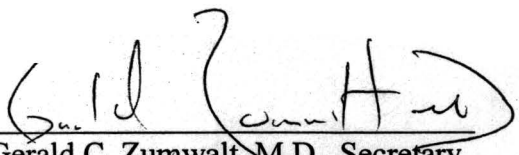
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Krishnamurthy Ashok, M.D., Oklahoma license no. 24186, is hereby **SUSPENDED** as of the date of this hearing, May 5, 2005 for a period of **SIX (6) MONTHS**, after which time Defendant shall appear before the Board so that terms of a five (5) year probation may be determined.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

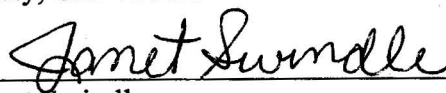
3. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 6 day of May, 2005.


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

CERTIFICATE OF SERVICE

I certify that on the 9 day of May, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Johnny J. Akins, 4101 Perimeter Center Drive, Suite 250, Oklahoma City, OK 73112.


Janet Swindle