

**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.

**KAILASH CHANDRA SAHOO, O.T.,
LICENSE NO. OT779**

Defendant.

AUG 07 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-11-2578

FINAL ORDER OF PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 17, 2003, 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 pro se.

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 occupational therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 888.1 *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, Kailash Chandra Sahoo, O.T., holds Oklahoma occupational therapy license no. OT779.

4. On or about June 21, 2002, Defendant engaged in conduct with a twelve (12) year old girl which was sexual in nature.

5. On or about June 24, 2002, Defendant was charged in the District Court of Carter County, State of Oklahoma, Case No. CF-2002-280 with **FELONY, SEXUAL BATTERY**.

6. On or about October 18, 2002, Defendant pled guilty to the charge of **ASSUALT WITH INTENT TO COMMIT A FELONY**. Defendant received a three (3) year deferred sentence, unsupervised probation and was ordered to pay court costs.

7 Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in unprofessional conduct as defined by the rules established by the Board, or violated the Code of Ethics adopted and published by the Board in violation of 59 O.S. §888.9(A)(2).
- B. Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of 59 O.S. §888.9(A)(4) and OAC 435:30-1-10(7).
- C. Conducted himself in a manner considered improper by recognized acceptable standards of moral and ethical conduct as determined by the Board in violation of OAC 435:30-1-10(6).

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 and the Occupational Therapy Practice Act and their applicable regulations. The Board is authorized to enforce the acts as necessary to protect the public health, safety and welfare.

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

- A. Engaged in unprofessional conduct as defined by the rules established by the Board, or violated the Code of Ethics adopted and published by the Board in violation of 59 O.S. §888.9(A)(2).

- B. Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of 59 O.S. §888.9(A)(4) and OAC 435:30-1-10(7).
- C. Conducted himself in a manner considered improper by recognized acceptable standards of moral and ethical conduct as determined by the Board in violation of OAC 435:30-1-10(6).

3. The Board further found that the Defendant's license should be placed on probation based upon the violation of any or all of the unprofessional conduct provisions set forth above.

Order

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

1. The license of Defendant, Kailash Chandra Sahoo, O.T., Oklahoma occupational therapy license no. OT779, is hereby placed on **PROBATION** for a period of two (2) years from the effective date of this Order under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Occupational Therapy Practice Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.

B. Defendant will notify the Board or its designee of any entry or re-entry into any rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

C. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case

with Defendant's treating physicians and/or any physicians holding Defendant's records.

D. Defendant shall have a female chaperone with him at any time that he is examining or performing services on female patients.

E. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

F. Upon request of the Board, Defendant will request all hospitals, clinics and other facilities in which he practices to furnish the Board a written statement monitoring his practice.

G. Defendant will enter and continue counseling for sexual awareness with a therapist approved in advance by the Board Secretary and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant will submit quarterly reports from his therapist to the Board Secretary for his review.

H. Defendant will keep the Board informed of his current address.

I. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

J. Defendant shall promptly notify the Board of any citation or arrest for any criminal offense.

K. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

L. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.


M. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

N. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

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.

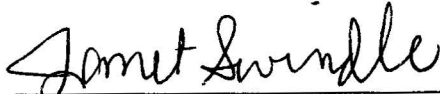
3 This Order of Probation shall be effective July 17, 2003

Dated this 7 day of August, 2003.


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

CERTIFICATE OF SERVICE

I certify that on the 7 day of August, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Probation to Kailash Chandra Sahoo, 1205 N. 19th Avenue, Durant, OK 74701.


Janet Swindle