



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2023-33A

Billy H. Stout, M.D., Board Secretary  
State Board of Medical Licensure and Supervision  
101 N.E. 51st Street  
Oklahoma City, OK 73105-1821

August 28, 2023

Re: Oswari (“Defendant”); Case No. 20-01-5859

Dear Dr. Stout:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take in case 20-01-5859.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”) authorizes the Board to revoke or order other appropriate sanctions against the license of a physician for unprofessional conduct.<sup>1</sup> 59 O.S.2021, § 503.

According to a Board complaint, in December 2019, Defendant pled guilty to two felony counts related to conspiracy to commit health care fraud and wire fraud and conspiracy to violate the Anti-Kickback Statute and Travel Act in the United States District Court for the District of New Jersey. The court ordered Defendant to serve fifteen months in prison on each count, running concurrently. The court also ordered supervised release for three years following his prison sentence for each count, running concurrently. Finally, the court also ordered Defendant to pay restitution in the amount of \$1,905,812.06. Finding clear and convincing evidence, the Board proposes to revoke Defendant’s license without the right to reapply until he fulfills all terms and conditions of his federal sentence and to require Defendant to pay costs related to the disciplinary action. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

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<sup>1</sup>Oklahoma statutes and the Board rules define “unprofessional conduct” to include: (1) “conviction of a felony or of any offense involving moral turpitude;” (2) “[p]rocur[ing], aiding or abetting a criminal operation;” (3) “[c]onduct likely to deceive, defraud, or harm the public;” (4) “commission of any act” connected with the physician’s practice of medicine, in violation of any state’s criminal laws; (5) violation, or attempted violation, direct or indirect, of any of the provisions of the Act, either as principal, accessory, or accomplice; (6) “[o]btain[ing] any fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance;” (7) “[d]irectly or indirectly giving or receiving any fee, commission, rebate, or other compensation for services not actually and personally rendered;” (8) “[a]buse of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship;” (9) “[f]ailure to establish a physician/patient relationship” prior to providing medical services, care or treatment;” and (10) violations of the Act or Board rules or “any action, stipulation, or agreement of the Board . . . .” 59 O.S.2021, § 509(1, 5, 7–9, 12–13); OAC 435:10-7-4(8, 10–11, 30, 39, 44, 49).

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this board action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.



ROB JOHNSON  
*General Counsel*