COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs.

File No.:

20-49-007717

Ashok J. Bharucha, M.D., Respondent

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 2 day of ______, 2020, upon review of the Petition for Temporary Suspension of the license to practice as a medical physician and surgeon held by Ashok J. Bharucha, M.D. (hereinafter "Respondent"), license number MD070573L, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (hereinafter "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that the Respondent's continued practice as a physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board, makes Respondent an immediate and clear danger to the public health and safety. Therefore in accordance with Section 40(a) of the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a), the Board ORDERS that the license to practice as a physician and surgeon issued to the Respondent, license number MD070573L, along with any other

Prothonotary Filed On: Jul 02 2020 09:10 AM Department of State authorizations to practice the profession issued by the Board to Respondent, are TEMPORARILY SUSPENDED upon the service of this Order. Respondent shall surrender his wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) to representatives of the Bureau of Enforcement and Investigation or the Bureau of Professional and Occupational Affairs, immediately upon service of this Order in accordance with Section 44 of the Act, 63 P.S. § 422.44.

PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a *prima facie* case to support the temporary suspension of the Respondent's license and other authorizations to practice the profession issued by the Board. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a *prima facie* case is <u>not</u> established, Respondent's license and other authorizations to practice the profession issued by the Board will be immediately restored. If a *prima facie* case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

ADDITIONAL FORMAL ACTION

In addition to this temporary suspension proceeding, the prosecuting attorney will commence a separate action to suspend, revoke or otherwise restrict Respondent's license and other authorizations to practice the profession issued by the Board through the filing of a charging document, an Order to Show Cause. The Order to Show Cause may include, but not be limited to, the facts which were alleged in the Petition for Immediate Temporary Suspension. Any Order to Show Cause filed by the prosecuting attorney will be served upon the Respondent and the Order will direct Respondent to reply to the charges in a written answer within twenty (20) days of the issuance of the Order to Show Cause. A formal hearing on that Order to Show Cause will then be scheduled and conducted by the Board or the Hearing Examiner for the Board.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary, in writing, at least one (1) week prior to the date of the hearing. The requirement of the one (1) week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. A request by the Respondent for an extension of time or a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue, but not begin tolling, during whatever additional time is necessary to conclude the proceedings.

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704; 63 P.S. §§ 2201-2207; the act of July 2, 1993, P.L. 345, No. 48, as

amended, 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:

By Mail:
Prothonotary
Pennsylvania Department
of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105-2649

Also, you must send a separate copy of any documents submitted in this matter to the prosecuting attorney named below at:

By Mail:
Jonelle H. Eshbach, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

By E-mail: joeshbach@pa.gov BY ORDER: BEFORE THE STATE BOARD OF MEDICINE PROBABLE CAUSE SCREENING PANEL

John M. Mitchell Committee Member	APPROVE	DENY	RECUSE
Committee Member	APPROVE	DENY	RECUSE
Board Counsel:		Shana Walter	
For the Commonwe	ealth:	Jonelle H. Eshbach, Prosecutir Pennsylvania Department of S P.O. Box 69521 Harrisburg, PA 17106-9521	-
Respondent:		Ashok J. Bharucha, M.D. 603 Kreamer Avenue Lewisburg, PA 17837-6858	
File No.:		20-49-007717	
Date:		July 2 2020	

BY ORDER: BEFORE THE STATE BOARD OF MEDICINE PROBABLE CAUSE SCREENING PANEL

Committee Member APPROVE	DENY RECUSE	
Joseph J. Valigorsky II, M.D. Committee Member APPROVE	DENY	
Board Counsel:	Shana Walter	
For the Commonwealth:	Jonelle H. Eshbach, Prosecuting Attorney Pennsylvania Department of State P.O. Box 69521 Harrisburg, PA 17106-9521	, н
Respondent:	Ashok J. Bharucha, M.D. 603 Kreamer Avenue Lewisburg, PA 17837-6858	
File No.:	20-49-007717	
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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs

File No.:

20-49-007717

Ashok J. Bharucha, M.D., Respondent

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Jonelle H. Eshbach, petitions the State Board of Medicine (hereinafter "Board") for the immediate temporary suspension of the license to practice as a medical physician and surgeon issued to Ashok J. Bharucha, M.D. (hereinafter "Respondent"), along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Petition is Granted, pursuant to Section 40(a) of the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act") as amended, (hereinafter "Act"), 63 P.S. § 422.40(a), and in support thereof alleges as follows:

- 1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
- 2. Respondent holds the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD070573L.

- 3. Respondent's license was originally issued on March 7, 2000, is current through December 31, 2020 and, absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of appropriate documentation and payment of the necessary fees.
- 4. At all times pertinent to the Factual Allegations, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania.
- 5. Respondent's last known address on file with the Board is: 603 Kreamer Avenue, Lewisburg, PA 17837-6858.

COUNT ONE

- 6. Paragraphs 1 through 5 are incorporated by reference.
- 7. On June 25, 2020, Respondent was arrested and charged with one (1) criminal count of Sexual Assault, a felony of the second degree, in violation of 18 Pa. C.S.A. §3124(1), and two (2) criminal counts of Indecent Assault, each a misdemeanor of the second degree, in violation of 18 Pa. C.S.A. §3126(a)(1), in Centre County, Pennsylvania, docketed to MJ-49101-CR-0000091-2020.
- 8. A true and correct copy of the Police Criminal Complaint and Affidavit of Probable Cause referenced in paragraph 7 are attached and incorporated as **Exhibit A**.
- 9. Pursuant to the Affidavit of Probable Cause, the alleged conduct which forms the basis of the criminal charges referenced in paragraph 7 occurred when Respondent was treating the alleged victim/complainant in a psychiatric session. The Respondent placed his mouth around the penis of the complainant without the complainant's consent, which is Sexual Assault under 18 Pa. C.S. §3124.1. Additionally, pursuant to the Affidavit of Probable Cause, the Respondent touched the complainant's penis with Respondent's hand for the purpose of arousing sexual desire in either Respondent or complainant, all without complainant's consent, which is Indecent Assault under

18 PA.C.S. §3126 (A)(1). Additionally, pursuant to the Affidavit of Probable Cause, the Respondent placed the complainant's hand on the Respondent's penis, for the purpose of arousing sexual desire in either Respondent or complainant, all without complainant's consent, which is Indecent Assault under 18 Pa.C.S. §3126 (A)(1).

10. Additionally, pursuant to the Affidavit of Probable Cause, Respondent invited complainant to Respondent's hotel room the evening following the therapy session where this conduct occurred, texting complainant the room number and stating that Respondent wished complainant to be naked when complainant arrived at Respondent's hotel room. Pursuant to the Affidavit of Probable Cause, Respondent also called the complainant several times the evening after the therapy session at which this conduct occurred. These communications were shown to law enforcement investigating these offenses. Pursuant to the Affidavit of Probable Cause, the complainant stated that he did not consent to any physical contact by Respondent and that their relationship was "patient / doctor and not romantic or intimate."

11. Based upon the foregoing factual allegations, the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other authorizations to practice the profession issued by the Board, makes Respondent an immediate and clear danger to the public health and safety.

WHEREFORE, the Petitioner respectfully requests that the Board issue an Order immediately suspending all of Respondent's authorizations to practice the profession issued by the Board, and in particular, the license to practice as a medical physician and surgeon, license number MD070573L, pursuant to the authority granted to it pursuant to Section 40(a) of the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, 63 P.S. § 422.40(a).

Respectfully submitted,

_/s/ Jonelle Harter Eshbach___ Jonelle Harter Eshbach Prosecuting Attorney Commonwealth of Pennsylvania Department of State P.O. Box 69521 Harrisburg, PA 17106-9521 (717) 783-7200

DATE: 6/29/2020

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Exhibit A

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AOPC'412A - Rev. 07/18

penis while in a therapy session,

Docket Number:	Date Filed; 6/22/2020	OTN/LiveScan Number		POLICE CRIMINAL COMPLAIN Complaint/Incident Number 20SC07797	<u>1T</u>
Defendant Name	First: ASHOK	Middle: JAY		Last: BHARUCHA	
2. I ask that a warra made.	ant of arrest or a s	summons be issued and that the	defend	ant be required to answer the charges I have	

- 3. I verify that the facts set forth in this comptaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- 4. This complaint consists of the preceding page(s) numbered 1 through 3.
- I certify that this filing compiles with the provisions of the Case Records Public Access Policy of the Unified Judicial System
 of Pennsylvania that require filing confidential information and documents differently than non-confidential information and
 documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

	,	
JUNE 22 (Date)	2020 (Year)	(Signature of Afflant)
AND NOW, on this date	1. ~ 22. ZOZ»	I certify that the complaint has been properly completed and verified
An affidavit of probable cau	se must be completed before a wa	rrant can be issued.
V 9 − ∫ − 0 / (Magisterial District Court N	umber) (Issui	DAM (M. OF PENNS) OF PENNS (OF PENNS) OF PENNS (OF PENNS
		AAGEST AONNE 9-1-01

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		# 47.50 1 19.60	POLICE CRIMINAL COMPLAINT
Docket Number:	Date Filed: 6/22/2020	OTN/LiveScan Number	Complaint/incident Number 20SC07797
Defendant Name	First: ASHOK	Middle: JAY	Last: BHARUCHA

AFFIDAVIT of PROBABLE CAUSE

On Tuesday, June 16, 2020, the State College Police Department was dispatched to a reported sexual assault. Officers Graves and Rusnak responded to the lobby of the police department and met with the victim and began their investigation.

The victim reported to Ofc Graves he was at a psychiatrist appointment, that same date, with the defendant; Dr. Ashok Bharucha in his office locate at 119 South Burrowes St, State College Pa, 16801. While discussing personal issues, the victim stated the defendant moved closer to him on the couch and placed his hand around his shoulder. Still expressing his thoughts to the defendant, his therapist, the victim stated that the defendant began touching the small of his back. The victim then reported the defendant moved his hand under the victim's clothing and down the victim's pants, touching his penis. The victim stated he froze when the defendant unbuckled his pants and slid them down to his thighs. The defendant then placed his lips around the victim's penis. The victim then moved the defendant away and sat up on the couch. The defendant then took the victims' hand in a comforting manner and placed it on the defendant's penis. The victim stated he did not consent to any of the physical contact between him and the defendant. He then agreed to go the hospital for a sexual assault examination.

On 6/17/20, your affiant met with the victim and confirmed his initial statement he gave to Officer Graves. Additionally, the victim provided text messages to your affiant from the defendant which read "430". When asked about the text, the victim told your affiant the defendant invited him to his hotel room as he was leaving his appointment and that was the room, he was staying in. The victim also stated the defendant wished for him to be naked when he arrived at his hotel room. The victim also provided missed calls from the following morning from the defendant. During the interview, your affiant confirmed with the victim he did not consent to any physical contact between him and the defendant and stated his relationship with the defendant is patient / doctor and not romantic or intimate.

I, C.L. RIPKA #3270, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL TOPORMATION AND DOCUMENTS.

Sworn to me and subscribed before me this ZZ day of Jule 2020

(Signature of Affiant)

Agisterial District Judge

My commission expires first Monday of January, 2026

COUNTY DISTRICT PAGE 1 of 1

AOPC 411C - Rev. 07/18

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs.

File No.:

20-49-007717

Ashok J. Bharucha, M.D., Respondent

CERTIFICATE OF SERVICE

I, Jonelle H. Eshbach, hereby certify that I have this Z^{NO} day of Joly, 2020, caused a true and correct copy of the foregoing Petition and Order of Immediate Temporary

Suspension to be served upon all parties of record in this proceeding in accordance with the requirements of Section 33.31 of the General Rules of Administrative Practice and Procedure, 1

Pa. Code § 33.31 (relating to service by the agency).

PERSONAL SERVICE AND CERTIFIED MAIL, ELECTRONIC RETURN RECEIPT:

Ashok J. Bharucha, M.D. 603 Kreamer Avenue Lewisburg, PA 17837-6858

9171 9690 0935 0226 5942 81

Ashok J. Bharucha, M.D. Centre County Correctional Facility 700 Rishel Hill Rd. Bellefonte, PA 16823

9171 9690 0935 0226 5942 98

/s/Jonelle Harter Eshbach

Jonelle H. Eshbach Prosecuting Attorney Commonwealth of Pennsylvania Department of State P. O. Box 69521 Harrisburg, PA 17106-9521 (717) 783-7200