

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

STATE OF OKLAHOMA, *ex rel.*)
THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

BERNARD FIORAVANTI, M.D.)
LICENSE NO. MD 11797)

Defendant.)

FILED

NOV 10 2014

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 13-04-4718

**ORDER DENYING PLAINTIFF'S EMERGENCY MOTION
FOR BOARD TO HEAR APPLICATION FOR REINSTATEMENT
ON NOVEMBER 6, 2014**

This matter came on for hearing before the Oklahoma State Medical Board of Licensure and Supervision ("Board") on November 6, 2014, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Bernard Fioravanti, M.D., appeared with counsel, Mr. Daniel J. Gamino.

Jason T. Seay, Assistant Attorney General, appeared on behalf of the State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard legal arguments of counsel, reviewed the emergency motion and being fully apprised of the premises, entered the following Findings of Fact, conclusions of Law, and Orders:

Findings of Fact

1. Applicant previously held Oklahoma medical license no. 11797.
2. Applicant voluntarily surrendered his medical license in lieu of prosecution on November 4, 2013.

3. The Board accepted Applicant's surrender of his medical license in lieu of prosecution on November 7, 2013.
4. Applicant has applied for reinstatement of his Oklahoma medical license no. 11797 and, on October 24, 2014, filed an Emergency Motion for Board to Hear his Application for Reinstatement on November 6, 2014.

Conclusions of Law


1. The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, in pertinent part, states that "[t]he licensee whose surrender in lieu of prosecution is accepted by the Board shall be ineligible to reapply for reinstatement of his or her license for at least one (1) year from the date of the accepted surrender." 59 O.S. 2011, § 509.1(E)(4).
2. Applicant has failed to establish a legally cognizable basis for why the Application for Reinstatement may be heard on November 6, 2014.

Order

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

1. Applicant's Emergency Motion to Hear Application for Reinstatement on November 6, 2014 is **DENIED**.
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 shall be provided a copy of this Order as soon as it is processed.

Dated this 10th day of November, 2014.



Billy H. Stout, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 10th day of November, 2014, a true and correct copy of this document was mailed, postage prepaid, to Mr. Dan J. Gamino, DANIEL J. GAMINO & ASSOCIATES, 3035 NW 63rd Street, Suite 214, Oklahoma City, OK, 73116.

