

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
v.)
)
PHILLIP JOSEPH KNIGHT, M.D.) CASE NO. 90-04-1039
Medical License No. 12150,)
)
Defendant.)

SECOND
ORDER MODIFYING
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on ~~November 17, 1995~~, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Phillip Joseph Knight, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel, and agreed to proceed without counsel.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed exhibits, heard testimony and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Phillip Joseph Knight, M.D., holds Oklahoma Medical License No. 12150.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That on or around March 16, 1991, following notice and hearing, the Oklahoma Board of Medical Licensure and Supervision issued an Order Ratifying Secretary's Reinstatement of License to the Defendant. As a part of that order, the Defendant was placed on probation for a period of five years beginning on March 6, 1991, under certain enumerated terms and conditions.
4. That following notice and hearing on November 2, 1991, Defendant was formally reprimanded for nonpayment of costs of investigation, prosecution and probation, and the period of five year probation beginning on March 6, 1991, was extended for an additional six-month period and therefore was set to remain in force and effect until September 6, 1996, under certain enumerated terms and conditions.
5. That the Defendant since that date has functioned in compliance with the terms and conditions of probation.
6. That by letter of September 29, 1995, Defendant made application for further modification of his probation to allow

him to write Schedule II controlled dangerous substances for in-patients in an institutional setting by way of a specific written order.

7. That evidence indicated said request could be granted without any danger to public health, safety and welfare.

CONCLUSIONS OF LAW

1. That the Defendant remains under the jurisdiction of the Oklahoma Board of Medical Licensure and Supervision and it is within the judgment and discretion of the Board to modify terms and conditions of probation as reflected by evidence received in the record.

ORDER

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

1. That the Defendant should be and is hereby ordered to remain on probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years to continue until September 6, 1996, under the following terms and conditions as amended and republished herein, to-wit:

- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Defendant will not prescribe, administer or dispense any controlled dangerous substances or narcotic drugs to any patient for any condition, except that the Defendant may prescribe, administer or dispense Schedule II, III, IV, or V controlled dangerous substances to in-patients in an institutional setting by way of a specific written order.
- (c) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need, and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous substance abuse.
- (d) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (e) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (f) During the period of probation Defendant will continue regular participation in the Oklahoma State Medical Association Physician Recovery Committee and AA or NA and shall


provide evidence of attendance when requested by the Board or any representative thereof.

- (g) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (h) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (i) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (j) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (k) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Order and supply a copy thereof.
- (l) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

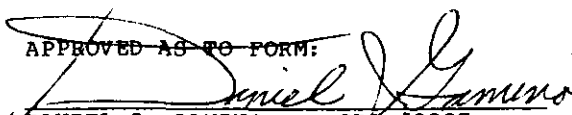
2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 7 day of December, 1995.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

~~APPROVED AS TO FORM:~~


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 8 day of December, 1995, to:

PHILLIP J. KNIGHT, M.D.
400 Fairview
Ponca City, OK 74601

Janet L Ombus