

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.)	
)	
GARY PAUL KULA, M.D.)	CASE NO. 86-11-453
Medical License No. 12616,)	
)	
Defendant.)	

**ORDER DENYING
APPLICATION FOR EXTRAORDINARY RELIEF**

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 11, 1992, 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 Gary Paul Kula, M.D., Defendant, appeared in person and by counsel, George F. Short, of Short, Barnes, Wiggins, Margo & Adler, 14th Floor, Corporate Tower, 101 N. Robinson, Oklahoma City, Oklahoma.

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

FINDINGS OF FACT

1. That Defendant, Gary Paul Kula, M.D., holds Oklahoma Medical License No. 12616.

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 May 2, 1987, following notice and hearing where Defendant was present in person and represented by legal counsel, the Oklahoma Board of Medical Licensure and Supervision found that the Defendant did engage in unprofessional conduct contrary to 59 O.S. 1981, Sec. 509. Thereafter, the Board imposed a sanction on the Defendant of probation for a period of three years under certain terms and conditions enumerated in the Board Order.

4. That on or around January 22, 1988, following notice and hearing, the Board found that Defendant had fulfilled to date all terms and conditions of probation and the Board voted to terminate probation on May 2, 1988, on the condition that there was no evidence of the Defendant's violation of any of the terms and conditions of probation up to that date.

5. That condition was fulfilled and the Defendant's probation was terminated on May 2, 1988.

6. That presently the Defendant is not under any probation and has a full and unrestricted Oklahoma medical license.

7. That the Defendant did not provide sufficient evidence to support the request for extraordinary relief of expungement of the Defendant's previous record of disciplinary action before the Oklahoma Board of Medical Licensure and Supervision.

CONCLUSIONS OF LAW

1. That pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Sec. 481 et seq., the Board has inherent legal authority to expunge records of previous disciplinary actions upon such grounds as they find sufficient.

2. That the Defendant did not provide sufficient evidence in the case at bar to support his request for extraordinary relief of expungement of Defendant's record of previous disciplinary action.


ORDER

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

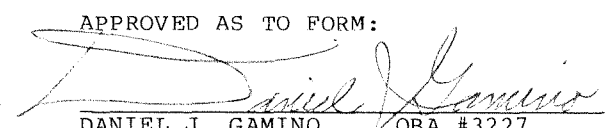
1. That the Application for Extraordinary Relief filed by Defendant in this cause should be and the same is hereby DENIED.

2. That the Defendant, by and through his counsel of record, should receive a copy of this Order as soon as it is signed by the Secretary and processed by the Board staff.

DATED this 16 day of January, 1992.


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 17th day of January, 1992, to:

GARY PAUL KULA, M.D.
c/o George F. Short
Short, Barnes, Wiggins,
Margo & Adler
14th Floor, Corporate Tower
101 N. Robinson
Oklahoma City, OK 73102

