

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

FILED

**STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)**

JUN 13 2008

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 06-12-3216

**KENNETH M. DUFFY, M.D.,)
LICENSE NO. 12688)**

Defendant.)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through special counsel, Daniel J. Gamino, and for its Complaint against the Defendant, Kenneth M. Duffy, M.D., Oklahoma medical license no. 12688, alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and to oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 O.S. 2001, §480 et seq.
2. Defendant, Kenneth M. Duffy, M.D., holds Oklahoma license no. 12688.

**UNPROFESSIONAL ACTS AS
A DISRUPTIVE PHYSICIAN**

3. From approximately 1991 to date Dr. Duffy has engaged in a pattern and practice of acts and omissions that constitute an unnecessarily disruptive, hostile, argumentative behavior which caused unnecessary disruption, disharmony, and dissention and created adverse impact on patient care and medical care in the Seiling, Oklahoma area. Such acts and omissions by Dr. Duffy include, but are not limited to, the following, to-wit:

- (a) Dr. Duffy has exhibited a long history of disruptive and interpersonal difficulty that has caused numerous patient and staff complaints submitted to Seiling Hospital;
- (b) Similarly, Dr. Duffy's conduct has caused numerous patient and staff complaints submitted to the Oklahoma Medical Board staff;
- (c) Dr. Duffy's response to formal Board letter of concern and in generating additional correspondence with the Board staff;
- (d) Dr. Duffy's behavior in generating formal complaints to the Oklahoma Nursing Board on some nurses on the staff of Seiling Hospital;
- (e) Dr. Duffy's behavior in making complaints to the Seiling Hospital Board concerning hospital staff;
- (f) Dr. Duffy's acts and omissions in professional and personal interaction with Dr. David Zangmeister, M.D. and other Seiling Hospital staff;
- (g) Dr. Duffy's history of criminal and civil litigation;
- (h) Dr. Duffy's assault and battery of his spouse;
- (i) Dr. Duffy's treatment of and prescribing controlled dangerous substances to patients SS, OW, and MH;

- (j) Dr. Duffy's interview that occurred on or around March 9, 2007 with Board staff;
- (k) Dr. Duffy's acts and omissions ^{as (6-15-08 6:30 AM)} reflected in excerpts from Seiling Hospital staff meeting minutes and Seiling Hospital Board meeting minutes;
- (l) Dr. Duffy is not fit to practice presently and should undergo a comprehensive evaluation to determine if a diagnosable mental or physical condition exists and if such condition exists, whether there are available treatments that could allow him to improve to the point at which he could return to practice.

**UNPROFESSIONAL PRESCRIBING
AND ADMINISTRATION OF CDS**

4. That on patients SS, OW, and MH, Dr. Duffy prescribed and administered controlled dangerous substances without medical need in accordance with public standards and failed to prescribe or administer CDS according to intensity and duration of pain and such prescriptions and orders for CDS were not based on clear documentation of unrelieved pain.

**UNPROFESSIONAL CDS PRESCRIBING
TO FAMILY MEMBERS**

5. That for a period from October, 2006, to December, 2007, Dr. Duffy prescribed and administered controlled dangerous substances to family members, to include his father John Duffy and his brother Roger Duffy.

- 6. Defendant is guilty of unprofessional conduct in that he:
 - (a) Engaged in disruptive conduct which was dishonorable or immoral which was likely to deceive, defraud or harm the public in violation of 59 O.S. 2001, §509 (8) and (15) and OAC 435:10-7-4 (11), (18) and (40).
 - (b) Engaged in unprofessional prescribing and administration of CDS in violation of 59 O.S. 2001, §509 (16) and OAC 435:10-7-4 (1), (2), and (6) and Board Policy, Section XIII.

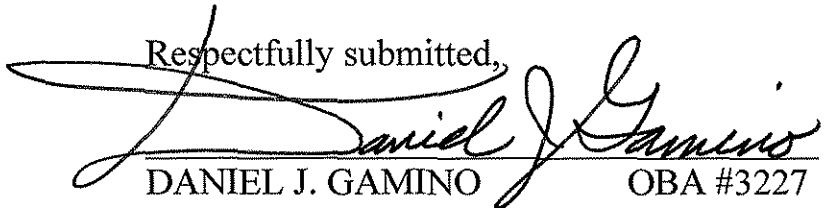
- (c) Engaged in unprofessional CDS prescribing to family members in violation of 59 O.S. 2001, §509 (16) and OAC 435:10-7-4 (26).

CONCLUSION

WHEREFORE, Plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 12 day of June, 2008 at 9:00 a .m.

Respectfully submitted,



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