

**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,)**

NOV 19 2008

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 06-12-3216

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

Defendant.)

**INTERIM ORDER OF PROBATION
AND ASSESSMENT**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") en banc on the 7th day of November, 2008 at the Board office, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and Rules of the Board.

Daniel J. Gamino appeared on behalf of the State of Oklahoma, ex rel. Oklahoma State Board of Medical Licensure and Supervision. Defendant appeared in person and by legal counsel Clay Christensen and Nazette Zukdi.

The Board en banc heard opening statements, testimony, reviewed the exhibits presented, and being fully advised in the premises **FINDS** and **ORDERS** as follows:

FINDINGS OF FACT

1. Kenneth M. Duffy, M.D. possesses Oklahoma license no. 12688.
2. The Board en banc has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the Rules of the Board.

3. That 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 cause unnecessary disruption, disharmony, and dissention and created adverse impact on patient care and medical care in the Seiling, Oklahoma area.

4. That Defendant should complete a comprehensive assessment at the Professional Renewal Center, Lawrence, Kansas and that the Professional Renewal Center should receive all evidence submitted to the Board at its hearing of November 7, 2008 for its use in conducting the assessment and evaluation of the Defendant.

CONCLUSIONS OF LAW

5. The Board has jurisdiction over the Defendant and subject matter herein pursuant to 59 O.S. 2001, §480 et seq.

6. That Defendant has engaged in unprofessional conduct in that he 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).

7. Pursuant to legal authority of 59 O.S. Supp. 2007, §509.1 the Board is authorized to place Defendant's license under probation and to require appropriate examination/evaluation of the Defendant.

8. That clear and convincing evidence exists to support the actions ordered herein.

ORDER

9. The Board en banc enters the following Order in regard to Defendant:

1. That the Defendant's Oklahoma medical license no. 12688 is hereby placed on probation for a period of three (3) years.

2. That the Defendant shall complete comprehensive assessment as disruptive physician at the Professional Renewal Center, Lawrence, Kansas and authorize release of the Professional Renewal Center's findings and report to the Oklahoma Board of Medical Licensure and Supervision for its use at its meeting of January 29, 2009 and thereafter.

3. That Professional Renewal Center shall receive all evidence and exhibits submitted to the Board for use in its assessment and evaluation of the Defendant, to include a transcript of the proceedings before the Board held in this cause on November 7, 2008.
4. That the Defendant shall appear before the Board en banc at the meeting of January 29, 2009 so the Board may review assessment from the Professional Renewal Center and may set any additional specific terms and conditions of probation.

DATED this 19 day of November, 2008.



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

CERTIFICATE OF MAILING

I certify that on the 19 day of November, 2008 I mailed a true and correct copy of the Interim Order of Probation and Assessment to Clay Christensen at the address of Day, Edwards, Propester & Christensen, P.C., 210 Park Avenue, 2900 Oklahoma Tower, Oklahoma City, OK 73102.



JANET SWINDLE, SECRETARY
Oklahoma State Board of Medical Licensure and
Supervision