

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

FILED

APR 01 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KENNETH M. DUFFY, M.D., )  
LICENSE NO. 12688 )  
 )  
Defendant. )

Case No. 06-12-3216

FINAL ORDER

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") en banc on the 27<sup>th</sup> day of March, 2009 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 J. Clay Christensen and L. Nazette Zuhdi.

The Boar en banc heard statements of counsel, briefly questioned Dr. Duffy, reviewed a copy of the Multi Disciplinary Assessment on Dr. Duffy prepared by the Professional Renewal Center, Lawrence, Kansas, 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 of the subject matter herein, and notice has been given in all respects as required by law and the Rules of the Board.

3. At the November 7, 2008, hearing on this matter the Board placed Dr. Duffy on 3-years probation and ordered that Defendant receive a comprehensive assessment at the Professional Renewal Center, Lawrence, Kansas and then that Defendant should reappear before the Board en banc so the Board may review the assessment from Professional Renewal Center and may set any additional specific terms and conditions of probation.

4. In January, 2009, Defendant presented himself at the Professional Renewal Center and was evaluated and assessed by its staff as ordered by the Board.

5. The Professional Renewal Center completed its Multi Disciplinary Assessment and provided a written report received by the Board.

6. Ultimately, the Professional Renewal Center recommended that Dr. Duffy engage in an intensive treatment experience to address interpersonal and communication difficulties and as part of the treatment process he should receive training in emotional awareness, empathy and how to be assertive in an appropriate manner and the Professional Renewal Center recommended that treatment would require a minimum initial commitment of four (4) weeks with his progress to be evaluated on an ongoing basis.

7. Pursuant to these findings, Defendant is deemed fit to practice medicine and does not pose a threat to patient care.

8. At the proceedings of March 27, 2009, Defendant announced he would not contest the findings of the Board and in effect pled nolo contendere to the findings of the Board heretofore entered.

### **CONCLUSIONS OF LAW**

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

10. That Defendant 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).

11. Any Finding of Fact which is properly Conclusion of Law is hereby incorporated by reference and vice versa.

12. Though Defendant remains to fit to practice, 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 that Defendant successfully complete treatment as recommended by the Professional Renewal Center.

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

### ORDER

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

1. The Defendant shall complete treatment recommended by the Professional Renewal Center for a minimum initial commitment of four (4) weeks at one of the following facilities: (1) the Professional Renewal Center in Lawrence, Kansas; (2) Elmhurst Hospital in the greater Chicago area; (3) the Professional Enhancement Program at Pine Grove; (4) the Menninger Clinic in Houston, Texas; or (5) any other program recommended by the Board and agreed upon by the Defendant.

2. That such treatment shall be completed prior to August 31, 2009.

3. That upon completion of the appropriate treatment program, Defendant will release the treatment report to the Board for its review of the aftercare recommendations in order to determine any further necessary terms of probation.

4. That in place of the original three (3) year probation imposed previously, the Defendant's Oklahoma medical license 12688 is hereby placed on probation to continue for a period of two (2) years from the end of inpatient treatment. If the Defendant successfully completes aftercare requirements, then the Defendant may apply for early termination of probation.

5. Failure of the Defendant to abide by any of the terms of this Order could result in further disciplinary action as allowed by statute or the Board Rules.

6. The Board retains jurisdiction over the instant case until all matters are finally resolved as set forth in this Order.

Dated this 1st day of April, 2009.

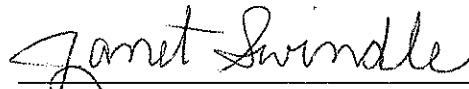


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GERALD C. ZUMWALT, M.D., SECRETARY  
Oklahoma State Board of Medical Licensure and  
Supervision

**CERTIFICATE OF MAILING**

I certify that on the 2 day of April, 2009 I mailed a true and correct copy of the Final Order to J. Clay Christensen at the address of Day, Edwards, Propester & Christensen, P.C., 210 Park Avenue, 2900 Oklahoma Tower, Oklahoma City, OK 73102 and to Kenneth M. Duffy, M.D., PO Box 845, Seiling, Oklahoma 73663.



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