

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

FILED

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

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Plaintiff

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.

**JOHN H. MIGLIACCIO, M.D.
LICENSE NO. 12763**

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Case No. 05-05-2956

ORDER OF DISMISSAL

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on November 3, 2005, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

John H. Migliaccio, M.D., Defendant, appeared in person and through counsel, Gary Rife.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

FINDINGS OF FACT

Applicant holds Oklahoma Medical License No. 12763.

2. On August 4, 2005, a Complaint was filed against Defendant.

3. 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.

CONCLUSIONS OF LAW

The Board has jurisdiction over the subject matter herein pursuant to 59 O.S. §480 et seq.

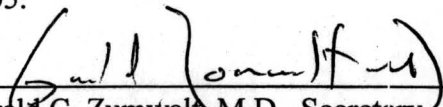
2. The State has failed to sustain its burden of proof by clear and convincing evidence that Defendant is guilty of unprofessional conduct.

ORDER

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

1. The Complaint filed against Defendant on August 4, 2005 is hereby Dismissed.

Dated this 10 day of November, 2005.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 10 day of November, 2005, a true and correct copy of this order was mailed, postage prepaid, to Gary Rife, Rife & Walters, Bank One Center, Suite 2730, 100 N. Broadway Avenue, Oklahoma City, OK 73102.



Janet Swindle