

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

FILED

AUG 13 2010

IN THE MATTER OF THE)
APPLICATION OF)

DAVID EARL LINDEN, M.D.)

FOR TERMINATION OF PROBATION)
FOR OKLAHOMA MEDICAL LICENSE)
NO. 14324)

Case No. 06-05-3103

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

ORDER DENYING TERMINATION OF PROBATION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on July 22, 2010, at the Board's office, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

David Earl Linden, M.D., appeared in person and through counsel, Andrew T. Harrison.

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

Findings of Fact

1. 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.
2. Dr. Linden currently holds medical license no. 14324.
3. On July 22, 2010, Dr. Linden requested that his probation be terminated so that he could attempt to rebuild his practice and professional reputation while not under probation.
4. The evidence reflects the following:
 - a. On November 3, 2006, Dr. Linden's license was suspended by the Board for forty-five (45) days, to be followed by a three (3) year term of probation.
 - b. On January 19, 2007, Dr. Linden's three (3) year term of probation began.

c. On September 25, 2008, the State filed a new Complaint against Dr. Linden based upon violation of his probation.

d. On November 6, 2008, the Board entered a Final Order of Probation and Administrative Fine whereby it ordered a new three (3) year term of probation to run January 19, 2010 through January 19, 2013.

f. At the time of his request for termination of probation, Dr. Linden had served only six (6) months of his second three (3) year term of probation.

5. The proposed early termination of Dr. Linden's probation does not afford sufficient practice limitations or controls to assure that Dr. Linden can practice medicine with reasonable skill and safety.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear requests for termination of probations under 59 Okla. Stat. §480 *et seq.*

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 Okla. Stat. §480 *et seq.*


ORDER

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

1. Dr. Linden's request for termination of his probation is **DENIED**.

2. A copy of this written order shall be sent to Dr. Linden as soon as it is processed.

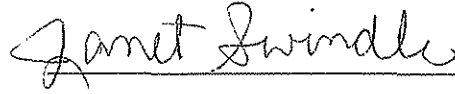
Dated this 13 ^{Aug} day of ~~July~~, 2010.



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

Certificate of Service

On the 13 day of ^{Aug} ~~July~~, 2010, a true and correct copy of this order was mailed, postage prepaid, to Andrew T. Harrison, Sneed Lang Herrold PC, 1700 Williams Center Tower I, One West Third Street, Tulsa, OK 74103-3522, and to David Linden, 1608 N.W. Expressway, Suite 101, Oklahoma City, OK 73118-1441.

A handwritten signature in cursive script that reads "Janet Swindle". The signature is written above a horizontal line.

Janet Swindle