

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION,

Plaintiff,

RICHARD A. KIMMELL, M.D.
Medical License No. 14380,

CASE NO. 89-5-897

Defendant.)

ORDER DISMISSING COMPLAINT OF CONTEMPT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 2, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Richard A. Kimmell, M.D, Defendant, did not appear in person or by representative, or by announcement.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Richard A. Kimmell, M.D., holds Oklahoma Medical License No. 14380.

2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or around October 20, 1990, following notice and hearing, the Oklahoma Board of Medical Licensure and Supervision issued a Final Order to Defendant.

4. Said Final Order provided in pertinent part as follows, to-wit:

"(i) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the cost of investigation, prosecution and probation of this case, beginning within six months of completion of in-patient treatment."

5. That said portion of the aforesaid Final Order has remained in full force and effect and has not been modified or amended by the Oklahoma Board of Medical Licensure and Supervision until probation was terminated on March 16, 1991.

6. That since the date of the issuance of the aforesaid Final Order, Defendant has failed to promptly pay upon receipt of

invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case in the amount of \$245.14.

7. That a review of records indicates that the Finance Division of the Oklahoma Board of Medical Licensure and Supervision had an incorrect address on the Defendant, and bills and statements to the Defendant were therefore sent to an incorrect address and Defendant did not timely receive them. That subsequent to receiving service of process, the Defendant did pay the aforesaid amount and brought current any arrearage.

CONCLUSIONS OF LAW

1. That evidence concerning incorrect address to the business office of the Oklahoma Board of Medical Licensure and Supervision and Defendant's payment of the aforesaid arrearage forms a basis for concluding that there was no contempt of the Board order.


ORDER

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

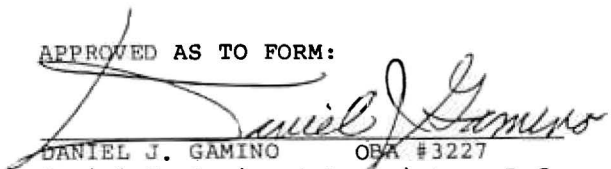
1. That the Complaint of Contempt filed herein should be and the same is hereby dismissed, set aside, and held for naught, and no additional sanction be imposed on the Defendant's license.

2. That Defendant receive a copy of this order as soon as possible.

DATED this 8 day of November, 1991.


GERALD C. ZUMWALT, M.D., Secretary
State Board of ~~Medical~~ Licensure
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 12 day of November, 1991, to:

RICHARD A. KIMMELL, M.D.

PO Box 107
Leavenworth KS 66048

