

**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,)
)
v.)
)
DAVID G. CALENZANI, M.D.,)
LICENSE NO. MD 14817,)
)
Defendant.)

FILED

JUN 01 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 18-06-5633


**THIRD AGREED ORDER OF CONTINUANCE
WITH NOTICE OF HEARING**

The undersigned Secretary for the Oklahoma State Board of Medical Licensure and Supervision (“Board”), in consideration of an agreement of the parties, enters the following orders:

1. On December 12, 2019, a Verified Complaint (“2019 Complaint”) and Citation were each filed. Hearing was set for March 5, 2020. Defendant was served by Larry Carter, Investigator for the Board, on December 17 2019, and a Return of Service was filed on December 19, 2019.
2. January 9, 2020, an Entry of Appearance was filed by Gary A. Rife of Rife Law Office as counsel for Defendant.
3. An Answer to Complaint was filed January 9, 2020.
4. On February 11, 2020, an Agreed Order of Continuance with Notice of Hearing was filed, to complete an assessment. Hearing on the 2019 Complaint and all deadlines were reset to the May 7, 2020 Board meeting.
5. On April 7, 2020, a Second Agreed Order of Continuance with Notice of Hearing was filed, to due to the COVID-19 situation in Oklahoma. Hearing on the 2019 Complaint and all deadlines were reset to the June 25, 2020 Board meeting.
6. The parties have again conferred and hereby request a continuance of the 2019 Complaint to the July 30, 2020 Board meeting.

7. This third request is not being made for purposes of delay, but rather to allow time for Defendant's CPEP assessment to be completed and results received by the Board, making a continuance reasonable and in the interest of justice.
8. The Board finds that the ends of justice served by granting of such continuance outweigh the best interest of the public and the Defendant in a speedy hearing, and for good cause shown the requested continuance is **GRANTED**.
9. Premises considered and for good cause shown, the 2019 Complaint, filed December 12, 2019 is rescheduled for hearing at the meeting of the Board on July 30, 2020. All deadlines are reset to the Scheduling Order for the July 30, 2020 Board meeting, attached hereto as **Exhibit 1**.
10. Please take notice that the 2019 Complaint will be heard by the Board at the July 30, 2020 meeting of the Board, which will begin at 9:00 a.m. The meeting will take place at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105-1821.

Dated this 13th day of June, 2020.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 1st day of June, 2020, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and E-Mail

Gary A. Rife, OBA 07576
RIFE LAW OFFICE
301 East Eufaula Street
Norman, Oklahoma 73069
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**Attorney for Defendant,
David G. Calenzani, M.D.**

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joe.ashbaker@oag.ok.gov
**Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision**



Nancy Thiemann, Legal Assistant

EXHIBIT 1

**IN AND BEFORE THE OKLAHOMA STATE BOARD
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 OKLAHOMA STATE BOARD)
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 Plaintiff,)
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 v.)
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 DAVID G. CALENZANI, M.D.,)
 LICENSE NO. MD 14817,)
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MEDICAL LICENSURE & SUPERVISION

Case No. 18-06-5633

SCHEDULING ORDER – JULY 2020

This Scheduling Order is issued pursuant to Okla. Admin. Code § 435:3-3-7. Alteration of this Scheduling Order shall only be approved upon written motion for good cause shown, to the Board Secretary or Trial Examiner.

1.	File dispositive motions	June 18, 2020
2.	File and exchange final witness and exhibit lists	June 25, 2020
3.	Discovery completed/answered	July 9, 2020
4.	Pre-trial conference (as needed, to review contested items)	<u>earlier or by:</u> July 9, 2020
5.	File Motion for Continuance	July 23, 2020
6.	Board Hearing	July 30, 2020



 Billy H. Stout, M.D., Board Secretary
 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION

- **Answer** – Defendant shall file a written answer under oath, to the complaint, within 20 days after service of the citation. If the answer is not filed, the defendant shall be considered in default. 59 O.S. § 503; 12 O.S. § 2012, Okla. Admin. Code § 435:3-3-8 *et seq.* Failure to file an answer may subject defendant to default judgment.
- **Final Witness Lists** - Final Witness Lists shall include witness contact information, including address and telephone number, as well as a brief summary of anticipated testimony.
- **Discovery** - The failure of a party to have sufficient time to exercise any discovery mechanism on account of a lack of time shall not of itself constitute good cause for the granting of a continuance. Okla. Admin. Code § 435:3-3-9.
- **Settlement** – Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default. 75 O.S. § 309(E). The Board may accept a Voluntary Submittal to Jurisdiction (VSJ) entered into by staff and defendant; and, VSJ's shall be the responsibility of the Secretary of the Board or Executive Director in his/her absence. Okla. Admin. Code § 435:5-1-5-1. The Board may accept Surrender in Lieu of Prosecution (SILOP) in lieu of prosecuting a pending disciplinary action or filing formal disciplinary proceedings only as provided in this section. 59 O.S. § 509.1(E), *et seq.*
- **Continuance** – Continuance requests shall be filed at the offices of the Board. The Secretary of the Board, or the Trial Examiner at the pre-trial conference, may receive and rule on motions for continuance filed prior to seven (7) days before the hearing date. If the continuance is denied, the party may renew the request and move for a continuance at the hearing. Okla. Admin. Code § 435:3-3-7(c).