

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

FILED

MAY 17 2006

IN THE MATTER OF THE
APPLICATION OF

KENNETH JOHN KIRK, M.D.,

FOR REINSTATEMENT OF
MEDICAL LICENSE NO. 15217

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 04-05-2803

**ORDER DENYING REINSTATEMENT OF
MEDICAL LICENSE**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on May 11, 2006, 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.

Kenneth John Kirk, Applicant, appeared in person and through counsel, Stephen J. Modovsky.

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

1. Applicant previously held Oklahoma Medical License No. 15217.
2. On May 5, 2005, the Board revoked Applicant's medical license.
3. Applicant has applied for reinstatement of his license.
4. 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


1. The Board has jurisdiction over the subject matter herein pursuant to 59 O.S. §480 et seq.
2. The Applicant has failed to sustain his burden of proof that he has met all requirements for reinstatement of his medical license, including the requirement that he be of good moral character and competent to practice safely as required by 59 O.S. §495h.

ORDER

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

1. Applicant's request for reinstatement of his medical license shall be **DENIED**.
2. Applicant shall not be considered again for reinstatement of his medical license until he obtains an objective psychiatric evaluation, including personality testing, with a psychiatrist not known by Applicant and approved in advance in writing by the Board Secretary, and submits the results of the evaluation to the Board for its consideration.
3. A copy of this written order shall be sent to Applicant as soon as it is processed.


Dated this 17 day of May, 2006.



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

Certificate of Service

On the 18 day of May, 2006, a true and correct copy of this order was mailed, postage prepaid, to the Applicant, Stephen J. Modovsky, 1204 South Cheyenne, Tulsa, OK 74119.



Janet Swindle