

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

FILED

NOV 15 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

IN THE MATTER OF THE)
APPLICATION OF)

KENNETH JOHN KIRK, M.D.,)

) Case No. 04-05-2803

FOR MODIFICATION OF)
PROBATION TERMS FOR)
LICENSE NO. 15217)

ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 7, 2013, at the Board office, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Applicant, Kenneth John Kirk, M.D., holding Oklahoma medical license no. 15217, appeared with counsel, Stephen Modovosky. Scott Randall Sullivan, Special Prosecutor for the Board, represented the State.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials 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. Kirk currently holds medical license no. 15217 under an indefinite term of probation that commenced July 17, 2008.

3. On May 19, 2011, Dr. Kirk requested that the terms of his probation be modified to allow him to prescribe controlled dangerous drugs to hospital inpatients only. Dr. Kirk presented sufficient evidence to support the requested modification and it was granted.

3. On November 7, 2013, Dr. Kirk requested that the terms of his probation be modified to allow him to also prescribe controlled dangerous drugs to outpatients.

4. Dr. Kirk presented sufficient evidence to support the requested modification.

Conclusions of Law

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*
2. Dr. Kirk has presented satisfactory evidence to justify allowing him to also prescribe controlled dangerous drugs to outpatients.

Order


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

1. Dr. Kirk's application to modify the terms of his probation is **GRANTED CONTINGENT UPON CONTINUED CLOSE MONITORING OF DEFENDANT'S APPROPRIATE CONTROLLED DANGEROUS SUBSTANCE ("CDS") PRESCRIBING RECORD BY THE BOARD.**

2. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Dr. Kirk's medical license, after additional notice and hearing as required by law.

3. A copy of this written order should be sent to Dr. Kirk as soon as it is processed.


Dated this 15 day of November, 2013.



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

Certificate of Mailing

On the 15th day of November, 2013, a true and correct copy of this order was mailed, postage prepaid, to Mr. Stephen Modovsky, Modovsky Law Firm, 1204 South Cheyenne, Tulsa, OK 74119.



Barbara J. Smith, Legal Assistant