

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

**FILED**

MAR 17 2015

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KENNETH JOHN KIRK, M.D., )  
LICENSE NO. 15217 )  
 )  
Defendant. )

Case No. 04-05-2803

**ORDER MODIFYING PROBATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on March 12, 2015, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Applicant, Kenneth John Kirk, M.D., holding Oklahoma medical license no. 15217, appeared in person. Dr. Merlin Kilbury appeared in support of Applicant. Gary Ricks, Compliance Coordinator, appeared on behalf of the State.

The Board *en banc* after hearing arguments of counsel, reviewing the request and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

**Findings of Fact**

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to Title 59 Okla. Stat. § 480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
2. Defendant, Kenneth John Kirk, M.D. 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.
4. 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. Dr. Kirk presented sufficient evidence to support the requested modification and it was granted.
5. On March 12, 2015, Dr. Kirk requested that the terms of his probation be modified to allow him to increase his work hours to a maximum of 55 hours per week. Dr. Kirk presented sufficient evidence to support the requested modification of hours increasing his work hours to a maximum of 55 hours per week.

#### Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare. Tit. 59 O.S. § 480 *et seq.*
2. Dr. Kirk presented sufficient evidence to support the requested modification of hours increasing his work hours to a maximum of 55 hours per week.

#### 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, INCREASING HIS WORK HOURS TO A MAXIMUM OF 55 HOURS PER WEEK.**
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. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law.
4. A copy of this written order should be sent to Dr. Kirk as soon as it is processed.

Dated this 17<sup>th</sup> day of March, 2015.



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Billy H. Stout, M.D., Board Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

**Certificate of Mailing**

On the 17<sup>th</sup> day of March, 2015, a true and correct copy of this order was sent by first-class mail, postage prepaid, to:

Dr. Kenneth John Kirk, M.D.  
6506 East 89<sup>th</sup> Place  
Tulsa, Oklahoma 74133-5009



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Nancy Thiemann, Legal Secretary