

**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.)
)
 GARY R. KINDELL, M.D.,)
 LICENSE NO. MD 15655,)
)
 Defendant.)

FILED

MAY 09 2019

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 14-08-5027

ORDER OF CLARIFICATION

This matter came before the Oklahoma State Board of Medical Licensure and Supervision (“Oklahoma Medical Board”) on May 9, 2019, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Marc Pate, Assistant Attorney General, appeared on behalf of the State. Gary R. Kindell, M.D. (herein, “Defendant”), holding Oklahoma medical license no. 15655, appeared not.

The Board considered oral testimony from counsel, exhibits presented, and and being fully apprised of the premises, found that there is clear and convincing evidence to support the following:

Findings of Fact

The State, the Defendant and the Oklahoma Medical Board staff stipulate and agree as follows:

1. Defendant, Gary R. Kindell, M.D., holds and has maintained Oklahoma medical license number 15655 since 1986.
2. On May 9, 2016, the Board placed Defendant on an Order Granting Restricted License Under Terms Of Probation.
3. In September, 2016, the Board executed an Order Granting Restricted License with Defendant, with no further mention of Probation.
4. The May 9, 2016 Order Granting Restricted License Under Terms of Probation, should be **revoked** to properly reflect the intent of all parties to place Defendant on an Order Granting Restricted License with **NO** Probation.

5. The inclusion of Probation in the May 9, 2016 Order amounts to a scrivener's error and requires correction and clarification with respect to Defendant's file with the National Practitioner Data Bank (the "NPDB").

Conclusions of Law

1. The Board has jurisdiction over the subject matter and 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. 59 O.S. § 480 *et seq.*; Okla. Admin. Code §§ 435:5-1-1 *et seq.*
2. Notice was provided as required by law and the rules of the Board. 75 O.S. §§ 309, 311; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435-3-3-6.

Orders

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

1. The May 9, 2016 Order Granting Restricted License Under Terms of Probation for **GARY R. KINDELL, M.D.** is hereby expressly **REVOKED**.
2. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 9th day of may, 2019.



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 10th day of May, 2019, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Gary R. Kindell, M.D.
1115 Cedar Canyon Drive
Chandler, Oklahoma 74834-9005

Defendant

U.S. First Class Mail

Douglas A. Rice
DERRYBERRY & NAIFEH, LLP
4800 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105
Telephone: (405) 528-6569
Facsimile: (405) 528-6462
drice@derryberrylaw.com

***Counsel for Defendant,
Gary R. Kindell, M.D.***



Nancy Thiemann, Legal Assistant