

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,)
)
vs.) Case No. 89-01-773
)
JOHN DAVID JENNINGS, M.D.,)
Medical License No. 15971,)
)
Defendant.)

AGREED FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on October 21, 1989, at the Oklahoma State Medical Association, 601 NW Expressway, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and John David Jennings, M.D., Defendant, appeared in person along with counsel, J. Douglas Mann and Jerry A. Richardson, of Rosenstein, Fist & Ringold, Attorneys at Law.

The Board of Medical Licensure and Supervision en banc reviewed the pleadings and in lieu of a full evidentiary hearing considered announcements of counsel and therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, John David Jennings, M.D., holds Oklahoma Medical License No. 15971

2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or around March 28, 1986, Defendant made application for Oklahoma licensure as a physician and surgeon. In response to item No. 3 on his Application, Defendant made the following responses to the following questions, to-wit:

"Have you ever been charged with or convicted of a felony? No."

"Has your license ever been revoked or have you ever been the subject of disciplinary action by a licensing agency? No."

4. That on or around June 14, 1988, Defendant submitted his Application for Renewal of Oklahoma Medical License. He provided the following response to the following question, to-wit:

"Have you ever been the subject of disciplinary action by any Governmental or Licensing Authority, federal, state or local? If "yes" explain briefly. (Answer) None."

5. That the aforesaid responses given by Dr. Jennings were done pursuant to Dr. Jennings' own, subjective interpretation of those questions. Dr. Jennings submitted those responses without assistance of counsel.

6. That the Board finds that those responses are incomplete and could reasonably be interpreted to constitute a misstatement of the ultimate facts. However, while disagreeing with Dr. Jennings' interpretation of the questions, the Board does understand how he came to present those responses and further understands that it is Dr. Jennings' sincere belief that he did not mislead or provide inaccurate information to the Board.

7. That none of the aforesaid responses relate directly or indirectly to Dr. Jennings' educational qualifications, clinical skills and competency as a physician and surgeon in the State of Oklahoma. Nor does the Board staff have any complaints from any patient of Dr. Jennings concerning any professional medical services he has rendered.

8. That the Board finds that a better practice in the future for Dr. Jennings is for him to personally check directly with the Board's Executive Director or Administrator in the event he has any doubt or uncertainty as to how to respond to issues raised by any formal Board inquiry.

9. That public health, safety and welfare does not require Dr. Jennings' medical license to be revoked, suspended or placed on probation concerning this issue. However, a formal reprimand is appropriate and should be made a part of the record.

CONCLUSIONS OF LAW

1. That John David Jennings, M.D., did provide responses that were incomplete and could reasonably be interpreted to constitute a misstatement of the ultimate facts in the aforesaid instances. However, such action does not constitute deliberate and willful "fraud or misrepresentation" as used in 59 O.S. Supp. 1988, Sec. 508, and was done in good faith and without intention to mislead or falsify.

2. That a formal reprimand is a sanction specifically authorized by 59 O.S. Supp. 1988, Sec. 506.

ORDER

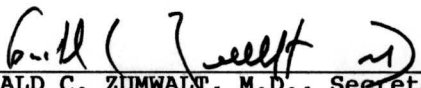
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, John David Jennings, M.D., Oklahoma Medical License No. 15971, should be and is hereby FORMALLY REPRIMANDED for his presentation of the aforesaid answers to questions on his March 28, 1986, Application for Oklahoma licensure, and his June 14, 1988, Application for Renewal of Oklahoma license.

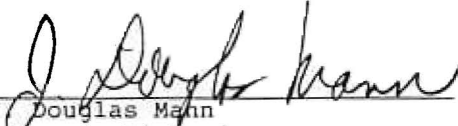
2. That Dr. Jennings shall not be liable for reimbursement of the Board's costs of investigation and prosecution of this action.

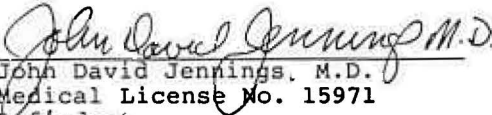
3. That Dr. Jennings is admonished in the future to personally check directly with the Board's Executive Director or Administrator in the event he has any doubt or uncertainty as to how to respond to issues raised by any formal Board inquiry.


DATED this 26 day of October, 1989


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED:


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