

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.)
)
KURT D. BOTTLES, M.D.,) CASE NO. 92-05-1366
Medical License No. 17375,)
)
) Defendant.)

SECOND
ORDER TO CONTINUE HEARING
UNDER CERTAIN TERMS AND CONDITIONS

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on March 18, 1994, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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 Kurt D. Bottles, M.D., Defendant, appeared by and through legal counsel, D.C. Thomas, Attorney at Law, 504 Bank of Oklahoma, Oklahoma City, OK 73102, who appeared by way of announcement.

That the Oklahoma Board of Medical Licensure and Supervision en banc reviewed the Defendant's request for continuance and all attached exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Kurt D. Bottles, M.D., holds Oklahoma Medical License No. 17375.
2. That the Oklahoma 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 February 11, 1994, hearing on the merits of this case was continued by the Board under certain terms and conditions that were enumerated below, and based on those terms and conditions the Board found that the Defendant presented sufficient facts, evidence and law to support his Motion for Continuance and that in the interest of justice said hearing should be continued.
4. That subsequently the Defendant did report to Dr. Daniel Hardy in Chicago on or around February 21, 1994, for in-patient evaluation and Dr. Hardy and his staff are in the process of preparing a report of that evaluation and will forward to the Board for consideration herein. Under those circumstances, evidentiary hearing on this matter should be continued under the same terms and conditions previously imposed.

CONCLUSIONS OF LAW

1. That the Defendant fulfilled his burden of proof and did demonstrate to the Oklahoma Board of Medical Licensure and Supervision that continuance of this hearing was appropriate, and that continuance of hearing may be granted within the discretion of the Board.

ORDER

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

1. That the application of the Defendant, Kurt D. Bottles, M.D, Oklahoma Medical License No. 17375, for continuance of hearing scheduled for March 18, 1994, should be and the same is hereby GRANTED.

2. That hearing on this matter will be rescheduled to the next meeting of the Board presently scheduled for May 13 and 14, 1994, and the Defendant shall be apprised of the exact time for hearing on that date by the Board staff.

3. That in consideration for granting continuance of hearing the Defendant does agree and is hereby ordered to report to Dr. Daniel Hardy in Chicago, Illinois, on or around February 21, 1994, for full evaluation and Defendant shall cooperate and comply therewith. In the event Dr. Hardy suggests any in-patient treatment or further evaluation, the Defendant shall comply therewith and provide evidence of successful completion to the staff of the Oklahoma Board of Medical Licensure and Supervision.

4. In the event Defendant returns to the State of Oklahoma after compliance with Dr. Hardy's evaluation and treatment, if any, then Defendant is hereby ordered to not see, evaluate or treat any female patient unless a female nurse or licensed personnel is present during the entire transaction and in position to witness the entire doctor/patient transaction. Further, Defendant is ordered to not date any patient or pursue any social relationship with a patient for a period of time at least two (2) years after the doctor/patient relationship ceases. Further, Defendant is ordered to continue regular counseling with his psychologist Dr. Kampchaefer, or other physician as approved by the Secretary of the Oklahoma Board of Medical Licensure and Supervision, and shall authorize Dr. Kampchaefer to make quarterly reports available to the staff of the Oklahoma Board of Medical Licensure and Supervision regarding the Defendant's progress and status.

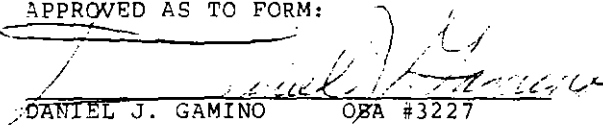
5. It is further ordered that the Defendant by and through this continuance does not make any admission of any fact pled in the Complaint and further that the Defendant specifically preserves all defenses thereto.

6. That a copy of this written Order should be sent to the Defendant and/or his legal counsel as soon as possible so their record is complete.

DATED this 23 day of March, 1994.

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

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 31 day of March, 1994, to:

KURT D. BOTTLES, M.D.
c/o D.C. THOMAS
504 Bank of Oklahoma
Oklahoma City, OK 73102

