

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.

MARTHA ANNE McKNIGHT, M.D.
Medical License No. 17877,

CASE NO. 92-05-1363

Defendant.

FINAL ORDER
DISMISSING COMPLAINT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 27, 1992, 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 Martha Anne McKnight, M.D., Defendant, appeared by and through counsel, Wade Cole, Derryberry, Quigley, Parrish, Solomon & Blankenship, 4800 N. Lincoln Blvd., Oklahoma City, OK 73105.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Martha Anne McKnight, M.D., holds Oklahoma Medical License No. 17877.
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 the Complaint filed on or around May 6, 1992, contained certain allegations that had been or could have been litigated at the hearing for licensure before the Oklahoma State Board of Medical Licensure and Supervision held on October 5, 1991.
4. That certain remaining allegations of the Complaint filed on May 6, 1992, even if true, are not violations of the Oklahoma Medical Practice Act.

CONCLUSIONS OF LAW

1. That the Complaint filed herein on May 6, 1992, with the Oklahoma State Board of Medical Licensure and Supervision against the Defendant, Martha Anne McKnight, M.D., should be dismissed as a matter of law for the following reasons:
 1. Paragraph 3 of the Complaint, subparagraphs a, b, and c are allegations that were made a part of or existed prior to the October 5, 1991, hearing before this Board that were

litigated or could have been litigated at that time and are therefore barred as a matter of law from being relitigated at this time by the doctrine of Res Judicata, and should be dismissed.

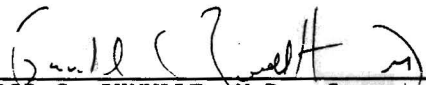
2. That paragraph 3 of the Complaint, subparagraphs d, e, and f contain allegations that, if true, giving all inferences to the Complaint, do not rise to "unprofessional conduct" and/or a violation of the Oklahoma Medical Practice Act and therefore should be dismissed as a matter of law.

ORDER

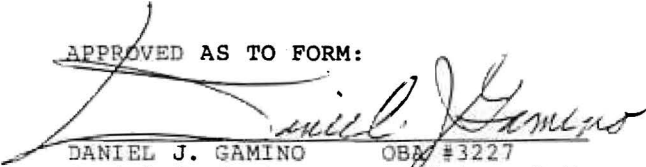
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Complaint filed against Defendant, Martha Anne McKnight, M.D., holding Oklahoma Medical License No. 17877, should be and same is hereby DISMISSED.
2. That Defendant should receive a written copy of this Order so her file on this matter is complete.

DATED this 2 day of July, 1992.


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

APPROVED AS TO FORM:


DANIEL J. GAMINO OBM #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 6 day of July, 1992, to:

MARTHA ANNE MCKNIGHT, M.D.
c/o Wade Cole
Derryberry, Quigley, Parrish,
Solomon & Blankenship
4800 N. Lincoln Blvd.
Oklahoma City, OK 73105

