

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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

KENNETH GLEN PETTY, M.D.,)
LICENSE NO. 18506)

Defendant.)

DEC - 4 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-06-2677

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 20, 2003, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Laura L. Cross.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, 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 59 Okla. Stat. §480 *et seq.*
2. 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.
3. Defendant, Kenneth Glen Petty, M.D., holds Oklahoma license no. 18506.

4. On or about September 25, 2001, in the District Court of Sevier County, State of Utah, Defendant plead guilty to **POSSESSION OF A CONTROLLED SUBSTANCE, PSYLOCYBIN MUSHROOMS**, a Third Degree Felony, **POSSESSION OF A CONTROLLED SUBSTANCE, MARIJUANA**, a Class B Misdemeanor, **CARRYING A CONCEALED WEAPON**, a Class B Misdemeanor, and **FAILURE TO STOP AT A STOP SIGN**, a Class C. Misdemeanor.

5. On or about April 15, 2003, the Missouri State Board of Registration for the Healing Arts **REVOKED** Defendant's Missouri medical license based upon Defendant's plea of guilty to the charges set forth above.

6. Defendant is guilty of unprofessional conduct in that he:

A. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

B. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

C. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

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.

2. Defendant is guilty of unprofessional conduct in that he:

A. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

B. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as

an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

C. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (14) and OAC Title 435:10-7-4(26), (27) and (39).

Order

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


1. The license of Defendant, Kenneth Glen Petty, M.D., Oklahoma license no. 18506, is hereby **SUSPENDED** as of the date of this hearing, November 20, 2003 for a period of sixty (60) days.

2. Prior to practicing in the State of Oklahoma, Defendant shall submit to the Board an evaluation for substance abuse at a center approved by the Board Secretary, at which time any terms of probation will be set by the Board.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

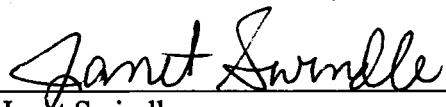
4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 4 day of December, 2003.


Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 4 day of December, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Laura Cross, Scoggins & Cross, 3100 City Place, 204 N. Robinson, Oklahoma City, OK 73102.



Janet Swindle