

**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.)
)
BRYAN FRANK PERRY, M.D.,)
LICENSE NO. MD 20773,)
)
Defendant.)

FILED
JAN 21 2021
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 18-10-5664

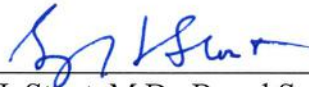
SECOND ORDER OF CONTINUANCE
WITH NOTICE OF HEARING

The undersigned Secretary for the Oklahoma State Board of Medical Licensure and Supervision (“Board”), in consideration of an agreement of the parties, enters the following orders:

1. On October 30, 2018 Defendant agreed not to practice.
2. On June 9, 2020, a Verified Complaint (“2020 Complaint”) and Citation were each filed. Hearing was set for November 5, 2020.
3. Defendant was served on June 18, 2020 in Oklahoma County Detention Center, Oklahoma City, Oklahoma, by Deputy #121. A Sheriff’s Return is filed June 29, 2020.
4. An Answer to Verified Complaint was filed on August 7, 2020, by Carl Hughes and Kenneth J. Hughes of Hughes and Hughes, as attorneys for Defendant.
5. On October 16, 2020, an Order of Continuance with Notice of Hearing, to the January 21, 2021 Board meeting, was filed due to the COVID-19 situation in Oklahoma.
6. The parties have again conferred and hereby request a continuance of the 2020 Complaint to the March 11, 2021 Board meeting.
7. This request for continuance is not being made for purposes of delay, but rather due to the COVID-19 situation in Oklahoma, making a continuance reasonable and in the interest of justice.

8. The Board finds that the ends of justice served by granting of such continuance outweigh the best interest of the public and the Defendant in a speedy hearing, and for good cause shown the requested continuance is **GRANTED**.
9. Premises considered and for good cause shown, the 2020 Complaint, filed June 9, 2020 is rescheduled for hearing at the meeting of the Board on March 11, 2021. All deadlines are reset to the Scheduling Order for the March 11, 2021 Board meeting, attached hereto as **Exhibit 1**.
10. Please take notice that the 2020 Complaint will be heard by the Board at the March 11, 2021 meeting of the Board, which will begin at 9:00 a.m. The meeting will take place at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105-1821.

Dated this 22nd day of January, 2021.



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 22nd day of January, 2021, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Carl Hughes
Kenneth J. Hughes
HUGHES & HUGHES
1218 East 9th Street, Suite 8
Edmond, Oklahoma 73034
(405) 848-0111
(405) 848-3507 facsimile
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***Attorneys for Defendant,
Bryan Frank Perry, M.D.***

E-Mail

Amanda R. Everett, AAG
STATE OF OKLAHOMA
OFFICE OF ATTORNEY GENERAL
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***Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision***



Nancy Thiemann, Legal Assistant

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 BRYAN FRANK PERRY, M.D.,)
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SCHEDULING ORDER – MARCH 2021

This Scheduling Order is issued pursuant to Okla. Admin. Code § 435:3-3-7. Alteration of this Scheduling Order shall only be approved upon written motion for good cause shown, to the Board Secretary or Trial Examiner.

1.	File dispositive motions	January 28, 2021
2.	File and exchange final witness and exhibit lists	February 4, 2021
3.	Discovery completed/answered	February 18, 2021
4.	Pre-trial conference (as needed, to review contested items)	<u>earlier or by:</u> February 18, 2021
5.	File Motion for Continuance	March 4, 2021
6.	Board Hearing	March 11, 2021



 Billy H. Stout, M.D., Board Secretary
 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION

- **Answer** – Defendant shall file a written answer under oath, to the complaint, within 20 days after service of the citation. If the answer is not filed, the defendant shall be considered in default. 59 O.S. § 503; 12 O.S. § 2012, Okla. Admin. Code § 435:3-3-8 *et seq.* Failure to file an answer may subject defendant to default judgment.
- **Final Witness Lists** - Final Witness Lists shall include witness contact information, including address and telephone number, as well as a brief summary of anticipated testimony.
- **Discovery** - The failure of a party to have sufficient time to exercise any discovery mechanism on account of a lack of time shall not of itself constitute good cause for the granting of a continuance. Okla. Admin. Code § 435:3-3-9.
- **Motions prior to hearing – Okla. Admin. Code § 435:3-3-10(a-b).**
 - (a) Motions in regard to any matter as set forth on 435:3-3-13 shall be filed with the Trial Examiner at the offices of the Board. The Trial Examiner is authorized to schedule oral argument on such motions or may accept written argument only. The Order of the Trial Examiner shall be in writing and shall be appealable to the Board prior to the hearing. The Trial Examiner shall not have authority to dismiss a case or limit what matters are heard by the Board.
 - (b) Motions shall be heard and/or ruled upon by the Trial Examiner at the scheduled pretrial conference.
- **Continuance** – Continuance requests shall be filed at the offices of the Board. The Secretary of the Board, or the Trial Examiner at the pre-trial conference, may receive and rule on motions for continuance filed prior to seven (7) days before the hearing date. If the continuance is denied, the party may renew the request and move for a continuance at the hearing. Okla. Admin. Code § 435:3-3-7(c).
- **Settlement** – Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default. 75 O.S. § 309(E). The Board may accept a Voluntary Submittal to Jurisdiction (VSJ) entered into by staff and defendant; and, VSJ's shall be the responsibility of the Secretary of the Board or Executive Director in his/her absence. Okla. Admin. Code § 435:5-1-5-1. The Board may accept Surrender in Lieu of Prosecution (SILOP) in lieu of prosecuting a pending disciplinary action or filing formal disciplinary proceedings only as provided in this section. 59 O.S. § 509.1(E), *et seq.*