

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

**FILED**

MAR 11 2008

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 05-10-3007

SAMEENA KHAN, M.D., )  
LICENSE NO. 23081 )

Defendant. )

**DISMISSAL WITHOUT PREJUDICE**

COMES NOW the plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision, and for its Dismissal Without Prejudice, submits the following:

1. On or about April 18, 2006, the State filed a Complaint and Citation against Defendant based upon her summary suspension by St. John Medical Center in Tulsa, Oklahoma and questions as to her ability to perform vitrectomies. In an Answer filed May 8, 2006, Defendant denied the allegations questioning her ability to perform vitrectomies and asserted that she possesses the professional competence necessary to safely perform vitrectomies.

2. Since that time, Defendant has attempted to obtain retraining in a fellowship program, but has been unable to do so because of the pending Complaint.

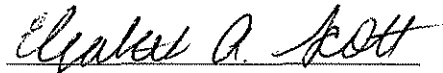
3. The State has agreed to dismiss the Complaint without prejudice to refile so as to allow Defendant to complete her retraining in the performance of vitrectomies. Upon successful completion of fellowship retraining acceptable to the Board Secretary, Defendant may request that the State dismiss the Complaint with prejudice to refile.

4. The State may refile the Complaint if it learns that Defendant is performing or has performed vitrectomies without successful completion of an acceptable fellowship retraining program. Defendant has agreed that she will not claim estoppel, laches, that the case is barred by the statute of limitations or any other jurisdictional defenses if the State refiles the Complaint.

5. If Defendant has not notified the Board Secretary of her participation in an acceptable fellowship training program prior to July 1, 2009, the State may consider refiling the Complaint at that time.

WHEREFOR, the State of Oklahoma hereby dismisses its complaint against Defendant, Sameena Khan, M.D., License No. 23081, without prejudice to the refiling of the same.

Respectfully submitted,

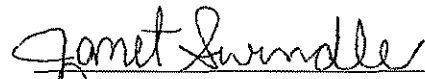


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Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 17<sup>th</sup> day of March, 2008, I mailed, via first class mail, postage pre-paid, a true and correct copy of this pleading to Linda G. Scoggins, Scoggins & Cross, PLLC, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102.



Janet Swindle