

**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.)
)
DENNIS RIVERO, M.D.,)
LICENSE NO. MD 25366,)
)
Defendant.)

FILED
NOV 10 2016
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 14-12-5090

ORDER OF DISMISSAL WITH PREJUDICE

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on September 22, 2016, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Dennis Rivero, M.D., (“Defendant”) appeared in person, and through counsel Linda Scoggins of Doerner, Saunders, Daniel & Anderson.

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of the State of Oklahoma (“State”).

The Board considered testimony, arguments of counsel, exhibits admitted into evidence and being fully apprised of the premises, makes the following findings of fact, conclusions of law and orders:

Findings of Fact

1. Defendant holds Oklahoma medical license no. 25366, which was issued on November 15, 2006.
2. On February 22, 2016, a Verified Complaint was filed against the Defendant based upon allegations of professional misconduct. A Citation setting the hearing on September 22, 2016 was also filed on February 22, 2016
3. On August 18, 2016, Defendant’s Motion for Summary Judgment (“MSJ”) was filed. Plaintiff’s Response was filed on September 2, 2016.

4. At the September 22, 2016 Board meeting, counsels for the Defendant and the State presented arguments regarding summary judgment. At the conclusion of the arguments, the Board denied granting summary judgment. The Board also heard Defendant's motion for a directed verdict and testimony from the State's witness.

Conclusions of Law


1. The Board has jurisdiction over the subject matter and 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. 59 O.S. 2011, § 480 *et seq.*
2. Notice was given as required by law and the rules of the Board. 59 O.S. § 504 and Okla. Admin. Code §435:3-3-5 and 3-3-6.
3. Based on the evidence presented, Defendant failed to provide clear and convincing evidence in support of his Motion for Summary Judgment, filed August 18, 2016.
4. The Board concluded that the State failed to prove, by clear and convincing evidence, the allegations against Defendant set forth in the Complaint, and that the Complaint should be dismissed.

Orders

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

1. Defendant's Motion for Summary Judgment is **DENIED**.
2. The above captioned matter is hereby **DISMISSED WITH PREJUDICE**.
3. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 10th day of November, 2016.



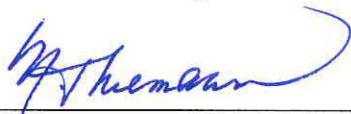
Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 14th day of November, 2016, a true and correct copy of the foregoing Order was transmitted by as specified, postage prepaid, to the following:

U.S. Certified Mail
Dennis Rivero, M.D.
8177 S. Harvard, #533
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Defendant

U.S. First Class Mail
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***Counsel for Defendant,
Dennis Rivero, M.D.***



Nancy Thiemann, Legal Secretary