

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

FILED

OCT 13 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
JOHN THOMAS BELK, M.D.,)
LICENSE NO. MD 30768,)
)
Defendant.)

Case No. 23-01-6204

**AMENDED ORDER DENYING DEFENDANT'S MOTION TO DISMISS
FOR LACK OF JURISDICTION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on September 14, 2023, 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.

Alex A. Pedraza, Assistant Attorney General, appeared on behalf of Plaintiff. John Thomas Belk ("Defendant") appeared through counsel David A. Russell of Rodolf & Todd.

The Board, having reviewed Defendant's Motion to Dismiss for Lack of Jurisdiction filed August 21, 2023, as well as all subsequently filed briefs, having considered argument of counsel, and being fully apprised of the premises, finds by clear and convincing evidence the following:

Findings of Fact

1. Defendant holds original medical license no. 30768, issued by the Board on or about July 1, 2016.
2. Defendant voluntarily chose to not renew the original license when it was due for renewal and for more than 60 days after the renewal date in 2022.
3. Defendant presently lives outside the State of Oklahoma and practices medicine outside the State of Oklahoma.
4. The factual disciplinary allegations of the Verified Complaint herein occurred between March 2018 and September 2019. The Defendant lived and practiced medicine in the State of Oklahoma during that time.

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DRILLING STATE BOARD OF
REGULATORY CONTROL & SUPERVISION

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STATE OF OHIO
DEPARTMENT OF REVENUE
DIVISION OF TAX SERVICES

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DIVISION OF TAX SERVICES

5. Defendant's original license to practice medicine and surgery in this state was suspended by law on the 61st day after the renewal date for the original license passed without the original license being renewed in 2022.

6. No application to reinstate the original license from suspension has been made.

7. The present status of original license no. 30768 is deemed suspended as a matter of law for failure to timely renew in 2022.

8. Defendant was properly cited to appear for hearing of the Verified Complaint of Plaintiff.

9. Any finding of fact that is more appropriately a Conclusion of Law is made a Conclusion of Law.

Conclusions of Law

1. The Board may suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice in this state. 59 O.S. §503 and Okla. Admin. Code §435 5-1-3.

2. If a licensee fails to apply for reregistration within 60 days from the end of the previous registration period, his original license to practice medicine and surgery in this state shall be suspended. 59 O.S. §495.D and Okla. Admin. Code §435:10-7-10.

3. A suspended license for failure to renew a license prevents the original licensee from entitlement to practice medicine and surgery under the original license. 59 O.S. §506.

4. Any suspended original licensee for failure to renew may submit due application and the original license and the ability to practice medicine and surgery be reinstated by the Board according to law. 59 O.S. §495.D, 59 O.S. §503.2 and Okla. Admin. Code §§435:5-1-6; 435:5-5-6.1, 435:7-1-1, et seq.

5. The Board has the authority to dismiss a case and limit matters heard by the Board. Okla. Admin. Code §435:3-3-10.

6. If a license has been suspended by law for failure to renew the license, administrative fines of \$5,000 per day may be assessed for practicing medicine and surgery. 59 O.S. §491.B and Okla. Admin. Code §435:5-5-1-4.1.


7. Any Conclusion of Law that is more appropriately a Finding of Fact is made of Finding of Fact.

Order

Based upon the Findings of Fact and Conclusions of Law aforesaid, the Motion to Dismiss for Lack of Jurisdiction is denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that Defendant's Motion to Dismiss for Lack of Jurisdiction is **DENIED** and Defendant is given twenty (20) days from the filing of this Order to file an Answer.

Dated this 13th day of October, 2023.


Steven B. Katsis, MD (Oct 12, 2023 20:02 CDT)
Steven Katsis, M.D., Board President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

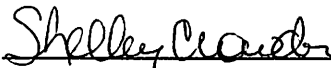
This is to certify that on the 13th day of October 2023, a true and correct copy of this Order was transmitted as specified, postage prepaid, to the following:

U.S. First Class Mail, and E-mail

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Shelley Crowder