

**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. )  
 )  
 KENNETH ALFRED ROGERS, JR., M.D., )  
 LICENSE NO. MD 7794, )  
 )  
 Defendant. )

**FILED**

MAR 05 2020

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 19-06-5758

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Kenneth Alfred Rogers, Jr., M.D. (“Defendant”), Oklahoma medical license no. 7794, who appears in person, *pro se* (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Kenneth Alfred Rogers, Jr., M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The

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Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

### **Findings of Fact**

The Plaintiff, Defendant, and the Board staff stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 7794, originally issued June 13, 1962.
2. On January 14, 2020, a Verified Complaint and Citation were each filed by the Board. Hearing was set for March 5, 2020. Defendant was served on January 22, 2020, an Affidavit of Service was prepared by private process server PSS 2017-72, and filed January 29, 2020.
3. The allegations set forth in the Verified Complaint include the following:
  - a. On May, 30, 2019, Oklahoma State Bureau of Narcotics and Dangerous Drugs (OBN) Agent, Justin Williams, received an email from Agent-In-Charge Matt Varney about Kenneth Alfred Rogers, Jr., M.D., prescribing controlled substances with an expired OBN registration number.
  - b. Agent Williams conducted a search with Kenneth Alfred Rogers, Jr., M.D.'s Drug Enforcement Administration (DEA) number through the bureau's records to verify his MD and OBN registration license.
  - c. Kenneth Alfred Rogers, Jr., M.D.'s OBN registration number is 19658 and is inactive with an expiration date of October, 31, 2012
  - d. Kenneth Alfred Rogers, Jr., M.D.'s DEA number is AR2386387 and is active with an expiration date of April 30, 2021.
  - e. Agent Williams reviewed the Prescription Monitoring Program (PMP) for Kenneth Alfred Rogers, Jr., M.D.'s prescribing record from June 4, 2017 through June 4, 2019. During this two-year period he wrote:
    1. two (2) prescriptions for Benzodiazepines, a schedule IV Controlled Dangerous Substance (CDS);
    2. four (4) prescriptions for Amphetamines Derivative, a schedule IV CDS;
    3. one (1) prescription for Opiate Agonists, a schedule IV CDS;
    4. one (1) prescription for Antitussive, a schedule IV CDS; and,

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5. one (1) prescription for Anxiolytics, Sedatives and Hypnotics, a schedule IV CDS.
- f. As of June 4, 2019, Kenneth Alfred Rogers, Jr., M.D. has written sixty-two (62) prescriptions since his registration number expired on October 31, 2012.

#### Conclusions of Law

4. 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. § 480 *et seq.*; Okla. Admin Code § 435:5-1-1 *et seq.*
5. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
6. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.
7. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
8. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
  - a. Failure to obtain registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs, 63 O.S. § 2-302(A);
  - b. Failure to re-register as required by Okla. Admin. Code § 475:10-1-10; and
  - c. Failure to comply with applicable federal and state laws and regulations with regards to licensing, Okla. Admin. Code § 435:10-7-11(7).

#### Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **KENNETH ALFRED ROGERS, JR., M.D.**, Oklahoma medical license no. 7794, is formally **REPRIMANDED**.

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3. **KENNETH ALFRED ROGERS, JR., M.D.**, is **FINED** five hundred (\$500) dollars, due within three (3) months from the filing of this Order.
4. **KENNETH ALFRED ROGERS, JR., M.D.**, shall comply with all of the following terms and conditions:

**Standard Terms:**

- a. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”) as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, *et seq.*
  - b. Defendant will keep the Board informed of his current address.
  - c. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
  - d. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney’s fees.
  6. A copy of this Order shall be provided to Defendant as soon as it is processed.

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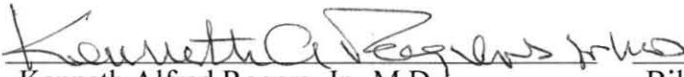
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Dated this 5<sup>th</sup> day of March, 2020.



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Susan Chambers, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

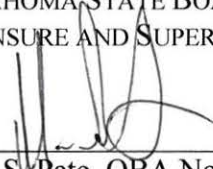


Kenneth Alfred Rogers, Jr., M.D.  
License MD 7794  
*Defendant, pro se*



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



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Marc S. Pate, OBA No. 10567  
Assistant Attorney General  
STATE OF OK, OFFICE OF ATTORNEY GENERAL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
(405) 521-3921  
(405) 521-6246 facsimile  
marc.pate@oag.ok.gov  
*Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision*

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**Certificate of Service**

This is to certify that on the 10th day of March, 2020, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Kenneth Alfred Rogers, Jr., M.D.  
12308 Bocage Drive  
Oklahoma City, Oklahoma 73142  
***Defendant, pro se***



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Nancy Thiemann, Legal Assistant

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