

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,  
STATE BOARD OF MEDICAL  
EXAMINERS,

Plaintiff,

v.

ROGER L. KINNEY, M.D.,  
Medical License No. 8626, )

Defendant )

**FILED**

MAY 19 1987

STATE BOARD OF  
MEDICAL EXAMINERS

ORDER TERMINATING SUSPENSION AND REINSTATING  
MEDICAL LICENSE UNDER LIMITED CONDITIONS

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on May 2, 1987, at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and the Defendant appeared pro se and announced he was ready to proceed without the assistance of counsel.

The Board of Medical Examiners en banc heard the testimony and reviewed exhibits and being fully advised in the premises, the Board of Medical Examiners therefore finds as follows:

FINDINGS OF FACT

1. That Roger L. Kinney, M.D., holds Oklahoma Medical License No. 8626.

2. That the Board of Medical Examiners en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That Defendant is presently incarcerated at the Federal Institution at El Reno, Oklahoma, and on or around May 8, 1987, will be released to a Halfway House in Tulsa, Oklahoma. It is then contemplated that Defendant shall spend approximately four months at the Halfway House in Tulsa and then be released from any confinement and placed on four-year special parole subject to the limitations imposed by the United States District Court for the Northern District of Oklahoma and the probation authorities acting thereunder.

4. That public health, safety and welfare would be preserved in the event the Oklahoma Board of Medical Examiners ended the suspension on the Defendant's license and reinstated his medical license effective upon entering the Halfway House in Tulsa under certain limited and enumerated conditions.

CONCLUSIONS OF LAW

1. That the Board specifically retains in its Order of January 31, 1986, continuing jurisdiction over the Defendant and said jurisdiction continues.

ORDER

IT IS THEREFORE ORDERED by the Board of Medical Examiners of Oklahoma as follows:

1. That the Defendant's request for termination of suspension of his Oklahoma medical license should be and the same is hereby granted effective upon the Defendant entering the Halfway House facility in Tulsa, Oklahoma, and by informing the representatives of the Oklahoma Board of Medical Examiners of his address.

2. That effective on the reinstatement of the Defendant's medical license, the Defendant, Roger L. Kinney, M.D., Medical License No. 8626, be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of five (5) years under the following terms and conditions:

(a) That the Defendant shall not prescribe, administer or dispense any Schedule II, III, IV, or V drugs or controlled dangerous substances unless the Defendant obtains specific approval therefrom from the Oklahoma Board of Medical Examiners en banc.

(b) During the period of probation Defendant will furnish to the office of the State Board of Medical Examiners all current legal addresses and any change of address in writing.

(c) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to blood and urine, for analysis, upon the request of any inspector or other agent representing the Oklahoma State Board of Medical Examiners and analysis of said specimens shall be at the expense of the Defendant.

(d) That the Defendant shall complete on a timely basis all reports and forms required by the Investigative Division of the Oklahoma Board of Medical Examiners.

(e) That the Defendant shall abstain from personally using alcohol in any form or any controlled dangerous substances unless prescribed by the Defendant's treating physicians and the Defendant has the affirmative duty to fully inform treating physicians of his prior use of substances.


(f) That the Defendant shall accept and follow any Board recommendations on abstinence programs and shall participate therein as recommended by the Board and provide proof thereon when requested by any representative of the Board.

(g) That the Defendant agrees and does hereby specifically grant permission, authorize and allow the free exchange of information between representatives of the Investigative Division of the State Board of Medical Examiners and any federal probation authorities which retain jurisdiction over him.

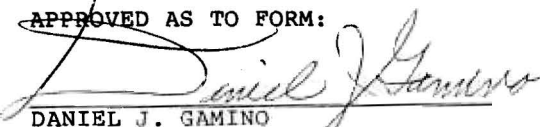
(h) Defendant recognizes that violation of any of the terms and conditions may result in termination of probation and re-imposition of suspension.

3. The Defendant shall appear before the Oklahoma Board of Medical Examiners en banc at its next meeting presently scheduled for September 10, 11, and 12, 1987, and the staff of the Board shall contact Defendant and arrange a time and date certain for the Defendant's appearance.

DATED this 19<sup>th</sup> day of May, 1987.

  
\_\_\_\_\_  
JAMES R. RHYMER, M.D., President  
State Board of Medical Examiners

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DANIEL J. GAMINO  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 1987, I deposited in the U.S. Mails, postage prepaid thereon, a true and correct copy of the above and foregoing instrument addressed to:

Roger L. Kinney, M.D.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Served in person by Inspector Mosshart*