

IN AND BEFORE THE STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED

OCT 2

STATE OF OKLAHOMA, ex rel,
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION,

STATE BOARD OF
MEDICAL EXAMINERS

Plaintiff,

v.

CASE NO. 8-10-167

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

Defendant.

ORDER MODIFYING
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 10th day of September, 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 Roger L. Kinney, M.D., Defendant, appeared in person pro se without counsel and advised he was ready to proceed without the assistance of counsel.

The Board of Medical Licensure and Supervision en banc heard the testimony and reviewed exhibits and being fully advised in the premises, the Board of Medical Licensure and Supervision 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 Licensure and Supervision 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 following hearing before the Oklahoma Board of Medical Examiners en banc on May 2, 1987, the Board did terminate the suspension of the Defendant's Oklahoma medical license effective upon the Defendant entering the Half-Way House facility in Tulsa, Oklahoma, and the Defendant informing representatives of the Oklahoma Board of Medical Examiners of his address. The Board Order further provided that effective on the reinstatement of Defendant's medical license that the Defendant was placed on probation to the State Board of Medical Examiners for a period of five (5) years under certain enumerated terms and conditions.

4. That the Defendant desired modification of terms of probation to allow the Defendant to prescribe, administer or dispense controlled dangerous substances for emergency room in-patients upon the conditions that the order for controlled dangerous substances must be countersigned by a fully licensed physician within 36 hours and the further condition that no controlled dangerous substance could be taken off the premises of the emergency room by any patient.

5. In all other respects the terms and conditions of probation are kept in full force and effect.

CONCLUSIONS OF LAW

1. That Roger L. Kinney, M.D., is lawfully under the jurisdiction of the Oklahoma Board of Medical Licensure and Supervision beginning on September 21, 1984, and continuing to this date, and it is within the power and discretion of the Board to modify terms and conditions of probation upon receipt of substantial evidence.

ORDER

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

1. That the Defendant's request for modification of terms of probation should be and the same is hereby granted and the Defendant's probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on or around May 2, 1987, continues under the following modified terms and conditions:

(a) That the Defendant shall not prescribe, administer and dispense any Schedule II, III, IV, or V drugs or controlled substances, except that the Defendant may prescribe, administer or dispense controlled dangerous substances for emergency room in-patients under the conditions that a fully licensed physician countersign the order within 36 hours and under the further conditions that no controlled dangerous substances may be taken off the premises of the emergency room by any patient.

(b) 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 investigator or other agent representing the Oklahoma Board of Medical Licensure and Supervision and analysis of said specimens shall be at the expense of the Defendant.

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

(d) 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.

(e) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

(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 Licensure and Supervision 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.

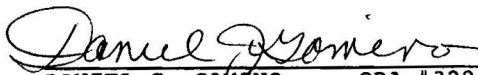
(i) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.

2. The jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion, or on the motion of the Defendant.

DATED this 19th day of October, 1987.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
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 a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 20 day of October, 1987, to:

Roger L. Kinney, M.D.
P.O. Box 950
Manford ok 74044

