

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.)
)
ROGER L. KINNEY, M.D.) CASE NO. 8-10-167
Medical License No. 8626,)
)
Defendant.)

ORDER TERMINATING PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 21, 1989, at the office of the Oklahoma State Medical Association, 601 N.W. Expressway, 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 and waived his right to counsel and announcing ready to proceed.

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

FINDINGS OF FACT

1. That Defendant, 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. That on or around July 28, 1988, Defendant made written request to the Board to reduce probation supervision from Level I to Level II.

6. That following notice and hearing on September 15, 1988, the Board did reduce Defendant's probation supervision from Level I to Level II and found that the same would serve public health, safety and welfare.

7. That subsequent thereto the Defendant has complied with the terms and conditions of probation that began on or around May 2, 1987, and that was modified on or around October 26, 1987.

8. That Defendant's conduct in complying with terms and conditions of probation constitutes substantial evidence that public health, safety and welfare would be served in the event Defendant's probation was terminated.

CONCLUSIONS OF LAW

1. That the Oklahoma Board of Medical Licensure and Supervision has lawful jurisdiction over the Defendant pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1988, Sec. 481 et seq., and termination or modification of probation is a matter within the Board's exercise of discretion and may be granted in any case where the Board finds sufficient evidence.

ORDER

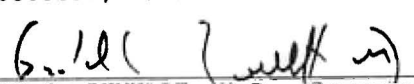
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the five-year probation of the Defendant, Roger L. Kinney, M.D., holding Oklahoma Medical License No. 8626, beginning on May 2, 1987, should be and the same is hereby TERMINATED.

2. That the Defendant, Roger L. Kinney, M.D., holding Oklahoma Medical License No. 8626, should be and is hereby commended for compliance with the letter and spirit of the terms and conditions of probation.

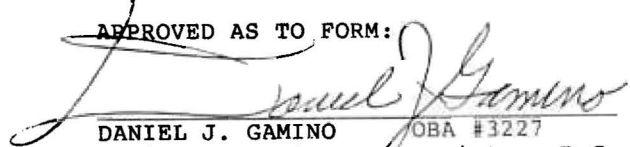
3. That a copy of this Order Terminating Probation should be mailed to the Defendant, and also a copy placed in the Defendant's licensure file of the Oklahoma State Board of Medical Licensure and Supervision.

DATED this 26 day of October, 1989.



GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:



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