

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

STATE OF OKLAHOMA, <i>ex rel.</i>,)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
ROGER LEE KINNEY, M.D.,)
LICENSE NO. MD 8626,)
)
Defendant.)

FILED

JAN 26 2017

Case No. 14-03-4928 OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

ORDER OF CONTINUANCE OF HEARING ON 2015 COMPLAINT

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”), on January 12, 2017, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Roger Lee Kinney, M.D. (“Defendant”), holding Oklahoma medical license no. 8626, appear in person and through counsel Elizabeth Scott of Crowe and Dunlevy.

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of the State of Oklahoma (“State”).

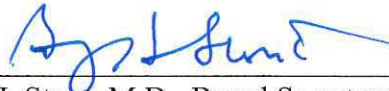
The Board *en banc* heard the presentations counsel, reviewed the exhibits presented, being fully apprised of the premises, and for good cause shown, enter the following findings of fact, conclusions of law and orders:

1. On December 29, 2015, a Verified Complaint (“2015 Complaint”) and Citation were filed, with a hearing set the Board’s July 21, 2016 docket. Due to a Board docket change, the hearing on the Complaint was rescheduled to July 14, 2016.
2. An Order of Continuance was filed in this matter on July 7, 2016, to be reset for hearing by agreement of the parties upon receipt of Defendant’s evaluation results or upon further order of the Board.
3. On December 20, 2016, Defendant’s Uncontested Application for Continuance of Hearing (“Application for Continuance”), was filed for additional time for Defendant to complete discovery.

4. At the January 12, 2017 Board meeting, the State and defense counsel presented the Application for Continuance, and requested that it be granted with hearing on the Complaint rescheduled to the March 2, 2017 Board meeting.

Premises considered and for good cause shown, Defendant's Uncontested Application for Continuance of Hearing, is **GRANTED**. The matter is rescheduled for hearing before the Board on March 2, 2017. Deadlines in this case shall follow the Scheduling Order established for the March 2, 2017 meeting, attached hereto as Exhibit A.

Dated this 26th day of January, 2017.



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

Certificate of Service

This is to certify that on the 26th day of January, 2017, a true and correct copy of the foregoing Order was transmitted by U.S. first class mail, postage prepaid, to the following:

Elizabeth A. Scott
Anthony J. Hendricks
CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102
Telephone: (405) 235-7700
Facsimile: (405) 239-6651
elizabeth.scott@crowedunlevy.com
anthony.hendricks@crowedunlevy.com
***Counsel for Defendant,
Roger Lee Kinney, M.D.***



Nancy Thiemann, Legal Secretary

EXHIBIT A

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

SCHEDULING ORDER

Pursuant to the Oklahoma Administrative Code 435:3-3-7, the following Scheduling Order is issued. Alteration of this Order shall be only upon written motion showing good cause to the Board Secretary or the Trial Examiner at the Pre-Trial Conference.

**Written answer must be filed within 20 days
after service of the Citation.**

**(Failure to answer may subject you to default judgment
pursuant to Oklahoma Administrative Code 435:3-3-8.)**

1.	Deadline to file Dispositive Motions	January 26, 2017
2.	Discovery Cutoff	February 9, 2017
3.	Exchange of Final Witness and Exhibit Lists	February 9, 2017
4.	Pre-Trial Conference (As needed to rule on motions.) Office of the Board, 101 NE 51 st Street, Oklahoma City, OK	February 9, 2017
5.	Deadline to file Motion for Continuance	February 23, 2017
6.	Board Hearing	March 2, 2017

*****PLEASE NOTE: THE DEADLINE FOR ENTERING INTO A VOLUNTARY AGREEMENT (EITHER SUBMITTAL TO JURISDICTION (“VSJ”) PER OAC 435:5-1-5.1, OR SURRENDER IN LIEU OF PROSECUTION (“SILOP”) PER 59 OKLA. STAT. § 509.1(E), IS THURSDAY, FEBRUARY 16, 2017. IF AN AGREEMENT HAS NOT BEEN REACHED BY THIS DATE, THE CASE WILL PROCEED TO HEARING ON MARCH 2, 2017. NO EXCEPTIONS.**