

IN AND BEFORE THE STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED

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

MAY 27 1988

Plaintiff,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.)

JERALD M. GILBERT, M.D.)
Medical License No. 10960,)

CASE NO. 88-3-581

Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 13th day of May, 1988, at the office of the Oklahoma State Medical Association, 601 NW 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 Stan Twardy, Attorney, appeared for the Defendant, along with the Defendant in person.

The Board of Medical Licensure and Supervision en banc reviewed statements of counsel and of the Defendant and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Jerald M. Gilbert, M.D., holds Oklahoma Medical License No. 10960.

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. Defendant was lawfully served with a Complaint and Citation that alleged certain violations of the Oklahoma Medical Practice Act, 59 O.S. 1981, Section 509.

4. That for the purpose of effectuating a compromise settlement of the aforesaid claims, Defendant chose to not contest the aforesaid charges, and to consent to the jurisdiction of the State Board of Medical Licensure and Supervision insofar as it entails the activities and restrictions set forth below.

5. Neither the execution of any document herein nor the submittal to the Board jurisdiction is to be construed as an admission by the Defendant of the allegations of the Complaint, and Defendant denies all material allegations therein.

6. Both parties agree that terms of this Final Order may be used solely in this proceeding or in subsequent proceedings, if any, between the State Board of Medical Licensure and Supervision and the Defendant, or in any proceedings involving the Defendant where the Board is made a party. Further, both parties agree that neither the allegations of the Complaint nor this Final Order may be admitted into evidence or used for any other purpose in any other action or proceeding.

CONCLUSIONS OF LAW

1. The Board has lawful jurisdiction over this Defendant pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1987, Section 481 et seq.

ORDER


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

1. That the Defendant, Jerald M. Gilbert, M.D., Oklahoma Medical License No. 10960, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of one (1) year, beginning on May 13, 1988, unless earlier modified by the Board, under the following terms and conditions:

- (a) During the period of probation Defendant may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, with said records to include all dispensing records on controlled dangerous substances other than sample medication.
- (b) During the period of probation Defendant will substantially reduce the number of controlled dangerous substance prescriptions being written and dosages of CDS.
- (c) During the period of probation Defendant will significantly reduce the duration of time that patients are retained on controlled dangerous substances prescribed.
- (d) Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (e) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (f) 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.
- (g) 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.

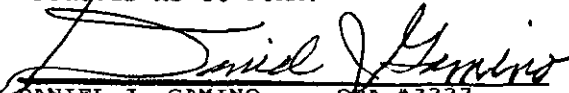
(h) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

DATED this 27th day of May, 1988.

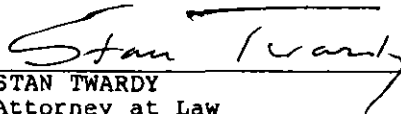


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:



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ATTORNEY FOR PLAINTIFF



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(405) 525-7800
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 27 day of May, 1988, to:

STAN TWARDY
Attorney at Law
1400 North Shartel
Oklahoma City, OK 73103

Attorney for Defendant

