

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.)
)
JERALD M. GILBERT, M.D.) CASE NO. 88-3-581
Medical License No. 10960,)
)
) Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 11th day of May, 1989, at the office of the Oklahoma Board of Medical Licensure and Supervision, 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 Stan Twardy, Attorney, appeared for the Defendant.

The Board of Medical Licensure and Supervision en banc heard testimony and 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, 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. That following notice and hearing on or around May 13, 1988, Defendant was placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of one (1) year under enumerated terms and conditions.
4. That during the time of the Defendant's probation, the Defendant did comply with the letter of probation and did substantially reduce the numbers of controlled dangerous substances prescribed, administered, or dispensed to his patients. However, the Defendant's numbers of controlled dangerous substances prescribed, administered, or dispensed to his patients was still high in comparison with other family practitioners similarly situated in Oklahoma.
5. The Defendant was admonished to continue to substantially reduce the numbers of controlled dangerous substances prescribed, administered, or dispensed to patients.

CONCLUSIONS OF LAW

1. That the Board has lawful jurisdiction over this Defendant pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1988, Sec. 481 et seq., and may terminate probation upon substantial evidence.

ORDER

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

1. That the probation of the Defendant, Jerald M. Gilbert, M.D., Oklahoma Medical License No. 10960, should be and is hereby TERMINATED.

2. That the Defendant should be and is hereby admonished to continue to substantially reduce the numbers of controlled dangerous substances prescribed, administered, or dispensed to patients.

3. That a copy of this Final Order should be placed in the Defendant's public licensure file and should be forwarded to Defendant by and through his counsel.

DATED this 18th day of May, 1989.

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

APPROVED AS TO FORM:

Daniel J. Gamino
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 19 day of May, 1989, to:

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

Janet L. Owens