

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

FILED

THE STATE OF OKLAHOMA,)
ex rel, OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND SUPERVISION)
)
Plaintiff,)
)
vs.)
)
JERALD M. GILBERT, M.D.)
MEDICAL LICENSE NO. 10960,)
)
Defendant.)

JUL 14 1995

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 94-08-1644

ORDER OF SUSPENSION OF LICENSE

This cause come on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 15, 1995, at the office of the Oklahoma State 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 Jerald M. Gilbert, M.D., Defendant appeared by and through his legal counsel, Richard W. Anderson, Attorney at Law, 1021 N.W. 16th, Oklahoma City, Oklahoma 73106-6405.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed initial pleadings, considered the statements of respective legal counsel, and being fully advised in the premises finds, the Board of Medical Licensure and Supervision finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Jerald M. Gilbert, M.D., holds Oklahoma Medical License No. 10960.
2. That the Oklahoma 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 on or around June 6, 1995, Complaint and Citation were issued and served on Defendant Gilbert.
4. That on or around June 22, 1995, an Answer was filed on behalf of the Defendant by his counsel, Richard W. Anderson. The Answer was verified by Mr. Anderson upon specific authorization from the Defendant Jerald M. Gilbert, M.D.
5. That Defendant Gilbert does hereby admit that since approximately May, 1994, Defendant Gilbert did unlawfully use certain habit-forming drugs and certain addictive drugs for migraine headaches while int he practice of medicine and surgery at his clinic.
6. That the Defendant Gilbert does admit to substance abuse, and did voluntarily admit himself on approximately June 19, 1995, to the Talbott-Marsh Treatment Center, Atlanta, Georgia, for in-patient treatment for substance abuse. That defendant Gilbert does agree to complete an in-patient program, to be followed by normal after-care and follow-up care as prescribed by the professional staff of the treatment program. Defendant Gilbert further agrees to fully participate in and all after-care programs ordered by the Board.

7. That Defendant Gilbert waives his right to a hearing on the issues alleged in Complaint.

CONCLUSIONS OF LAW

1. That based on the admissions made by Defendant Gilbert there is evidence to support the Board's finding that Defendant Gilbert is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1994, Sec. 509, paragraphs 5 and 11, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

"11. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."

2. That the admissions made by Defendant Gilbert constitute basis for the Board to find the Defendant guilty of violation of Board Rule 435:10-7-4 which includes in the definition of "unprofessional conduct" the following, to-wit:

"(3) The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"(18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery."

"(36) Improper management of medical records."

3. That the admissions of Defendant Gilbert form the basis for the Board to find the Defendant guilty of violations of Board rule 435:10-7-4(5).

4. That it is agreed that the Oklahoma Medical License of Defendant Gilbert shall be suspended as set forth above.

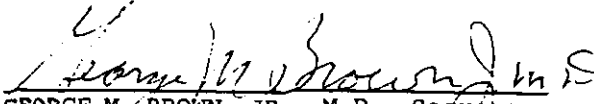
ORDER

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

1. That the Defendant, Jerald M. Gilbert, M.D., holding Oklahoma Medical License No. 10960, should be and is hereby **SUSPENDED FROM THE PRACTICE OF MEDICINE AND SURGERY.**


2. Defendant may petition for reinstatement after six months.

DATED this 14th day of July, 1995.


GEORGE M. BROWN, JR., M.D., Secretary
State Board of Medical Licensure
and Supervision

Approved as to form:

DANIEL J. GAMINO
3315 N.W. 63rd Street
Oklahoma City, OK 73116
Attorney for Plaintiff


RICHARD W. ANDERSON
1021 N.W. 16th Street
Oklahoma City, OK 73106
Attorney for Defendant

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.) CASE NO. 94-08-1644
)
JERALD M. GILBERT, M.D.)
Medical License No. 10960,)
)
Defendant.)

ORDER OF
SUSPENSION OF LICENSE

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 15, 1995, at the office of the Oklahoma State 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 Jerald M. Gilbert, M.D., Defendant, appeared by and through his legal counsel, Richard W. Anderson, Attorney at Law, 1021 NW 16, Oklahoma City, OK 73106-6405.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed initial pleadings, considered the statements of respective legal counsel, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Jerald M. Gilbert, M.D., holds Oklahoma Medical License No. 10960.
2. That the Oklahoma 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 on or around June 6, 1995, Complaint and Citation were issued and served on Defendant Gilbert.
4. That on or around June 22, 1995, an Answer was filed on behalf of the Defendant by his counsel, Richard W. Anderson. The Answer was verified by Mr. Anderson upon specific authorization from the Defendant Jerald M. Gilbert, M.D.
5. That Defendant Gilbert does hereby admit that since approximately May, 1994, Defendant Gilbert did unlawfully use certain habit-forming drugs and certain addictive drugs for migraine headaches while in the practice of medicine and surgery at his clinic.
6. That Defendant Gilbert does admit to substance abuse, and did voluntarily admit himself on approximately June 19, 1995, to the Talbott-Marsh Treatment Center, Atlanta, Georgia, for in-patient treatment for substance abuse. That Defendant Gilbert does agree to complete an in-patient program, to be followed by normal after-care and follow-up care as prescribed by the

professional staff of the treatment program. Defendant Gilbert further agrees to fully participate in any and all after-care programs ordered by the Board.

7. That Defendant Gilbert waives his right to a hearing on the issues alleged in the Complaint.

CONCLUSIONS OF LAW

1. That based on the admissions made by Defendant Gilbert there is evidence to support the Board's finding that Defendant Gilbert is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1994, Sec. 509, paragraphs 5, 9, 10, 11, 13, and 17, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

"11. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."

2. That the admissions made by Defendant Gilbert constitute basis for the Board to find the Defendant guilty of violations of Board Rule 435:10-7-4 which includes in the definition of "unprofessional conduct" the following, to-wit:

"(3) The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"(18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery."

"(36) Improper management of medical records."

3. That the admissions made by Defendant Gilbert form the basis for the Board to find the Defendant guilty of additional violations of Board Rule 435:10-7-4(5).

4. That it is agreed that the Oklahoma Medical License of Defendant Gilbert shall be suspended as set forth above.


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., holding Oklahoma Medical License No. 10960, should be and is hereby SUSPENDED FROM THE PRACTICE OF MEDICINE AND SURGERY.

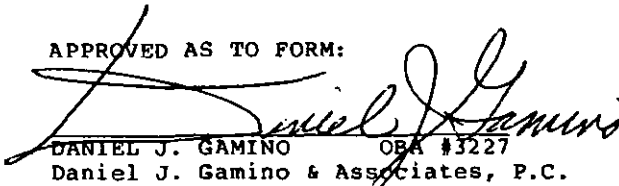
2. That Defendant may petition for reinstatement after six (6) months.

DATED this 31st day of July, 1995.



GEORGE M. BROWN, JR., 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 2 day of ~~July~~, 1995, to:

August
Richard W. Anderson
Attorney at Law
1021 NW 16
Oklahoma City, OK 73106-6405.

