

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED

IN THE MATTER OF THE)
APPLICATION OF)
JERALD MILTON GILBERT)
FOR REINSTATEMENT OF)
OKLAHOMA MEDICAL LICENSE. 10960)

SEP - 4 1996

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

**FINAL ORDER REINSTATING LICENSE WITH
TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 27, 1996, at the offices of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

The Applicant appeared before the Board in person with counsel, Richard Anderson. Daniel Gamino, Attorney appeared on behalf of the Board of Medical Licensure and Supervision.

The Board of Medical Licensure and Supervision heard testimony, reviewed the application and all attached exhibits, and being fully apprised of the premises, made the following Findings of Fact:

FINDINGS OF FACT

1. That the Applicant is applying for reinstatement of licensure in Oklahoma as a physician and surgeon.
2. That the Board of Medical Licensure and Supervision 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 July 15 1995, Applicant's Oklahoma Medical License Number 10960 was suspended.
4. Subsequently, Applicant submitted an application for reinstatement of licensure, in accordance with the legal requirements for applying for reinstatement of a suspended license as set forth in 59 O.S. 1994 Supp. §508.2.
5. That the Applicant's license should be reinstated and placed on a five (5) year probation to the Board under the terms and conditions set forth hereunder.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has authority under 59 O.S. 1994 Supp. §508.2 of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, to hear an application for reinstatement of licensure at any time after the expiration of six (6) months from the date the license of any person to practice medicine and surgery has been suspended.

2. The Oklahoma Board of Medical Licensure and Supervision, pursuant to 59 O.S. 1995 Supp. §506, may place any person, whose license has been revoked or suspended, on probation for any period of time not less than one (1) year nor more than five (5) years, provided that on second offense the period of probation may be for an indefinite period of time.

ORDER

It is therefore ORDERED by the Board of Medical Licensure and Supervision that the application of Jerald Gilbert, for reinstatement of licensure in Oklahoma as a physician and surgeon should be and the same is hereby GRANTED under the following terms and conditions, to-wit:

1. That Dr. Gilbert shall begin a five (5) year probation under the following terms and conditions:

(a) During the period of probation, Dr. Gilbert will limit his work week to 40 hours per week not to include any hospital work or night calls.

(b) During the period of probation, Dr. Gilbert will not prescribe, administer, dispense or possess any drugs in Schedules II through V.

(c) During the period of probation, Dr. Gilbert will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.

(d) During the period of probation, Dr. Gilbert will not allow the independent practice of medicine by any personnel under his supervision or employ.

(e) Dr. Gilbert will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board.

(f) Dr. Gilbert will not allow the initiation of any therapeutic regimen by any personnel under his supervision unless Defendant is in the immediate geographic vicinity of said personnel.

(g) During the period of probation, Dr. Gilbert will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.

(h) During the period of probation, Dr. Gilbert will not supervise a Physician Assistant.

(i) During the period of probation, Dr. Gilbert will submit biological fluid specimens to include, but not limited to blood and urine, for analysis, upon request of the Board or its designee, and Defendant will pay for the analysis thereof.

(j) During the period of probation, Dr. Gilbert will not prescribe, administer or dispense any medications for personal use.

(k) During the period of probation, Dr. Gilbert will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Dr. Gilbert has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation of treatment.

(l) During the period of probation, Dr. Gilbert will continue with monthly visits to his psychiatrist with monthly reports from the psychiatrist submitted to the office of the Board.

(m) During the period of probation, the Compliance Coordinator for the Board will submit progress reports every six months to the Board.

(n) During the period of probation, Dr. Gilbert will keep the Board informed of his current address.

(o) During the period of probation, Dr. Gilbert will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.

(p) Until such time as all indebtedness to the Board has been satisfied, Dr. Gilbert will reaffirm said indebtedness in any and all bankruptcy proceedings.

(q) A copy of this written order should be sent to Dr. Gilbert as soon as it is processed.

DATED this 5 day of Sept, 1996.

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

Approved as to form:

Daniel J. Gamino
Daniel J. Gamino, Attorney for the Board

Richard M. Anderson
Richard Anderson, Attorney for Dr. Gilbert

CERTIFICATE OF MAILING

This is to certify that on this 6th day of September, 1996, a true and correct copy of this order was mailed, postage prepaid, to:

Jerald Gilbert, M.D.
7530 NW 23
Gilbert Medical Center
Bethany OK 73008

Richard Anderson, Attorney
1021 NW 16
OKC 73106

Janet Owens
Janet Owens, Secretary