

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

STATE OF OKLAHOMA

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

BOARD ORDER MODIFYING  
TERMS OF PROBATION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 11, 1997 at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

The Defendant, Jerald Gilbert, M.D. appeared in person with counsel, Richard Anderson. Daniel J. Gamino, Attorney appeared on behalf of the State.

The Board en banc heard testimony, reviewed exhibits and being fully apprised of the premises, made the following Findings of Fact:

FINDINGS OF FACT

1. That Defendant, Jerald Gilbert, M.D. holds Oklahoma Medical License No. 10960.
2. After notice and hearing on July 27, 1996 Defendant's license was reinstated with terms of probation.
3. That the Board en banc has jurisdiction over the subject matter herein and notice has been given in all respects as required by law

and the rules of the Board.

4. That the Defendant produced sufficient evidence or argument to support the modification of probation to allow his 40 hours of practice to include hospital work and night call. The Board staff had no objection thereto.

#### CONCLUSIONS OF LAW

1. Defendant showed sufficient evidence or argument for modification of probation as set forth below.

#### ORDER

It is therefore ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that the terms of probation be modified to-wit:


1. That Dr. Gilbert shall continue on a five (5) year probation that began on July 27, 1996 under the following terms and conditions as modified and republished herein, to-wit:
  - (a) During the period of probation, Dr. Gilbert will limit his work week to an average of forty hours per week to include hospital work and night call. Dr. Gilbert shall maintain documentation of hours worked and provide to the Board or its designee upon request.
  - (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 26 day of Sept, 1996.


  
GERALD C. ZUMWALT, M.D., SECRETARY  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

CERTIFICATE OF MAILING

This is to certify that on this 26 day of September, 1997, a true and correct copy of this order was mailed, postage prepaid, to:

Jerald Gilbert, M.D.  
1309 Mockingbird Ln  
Ada, OK 74820

Richard Anderson, Attorney  
1021 NW 16  
OKLA. CITY OK  
73106

  
Janet Owens, Secretary