

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

FILED

IN THE MATTER OF)
THE APPLICATION OF)

JERALD MILTON GILBERT, M.D.)

FOR MODIFICATION OF)
PROBATION TERMS FOR)
LICENSE NO. 10960)

OCT 02 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 24, 1998, at the Board office, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Applicant, Jerald Milton Gilbert, M.D., holding Oklahoma medical license no. 10960, appeared in person without counsel, thereby waiving his right to legal representation.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact, Conclusions of Law and Orders:

FINDINGS OF FACT

1. 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.
2. Dr. Gilbert currently holds medical license no. 10960 under a five (5) year term of probation that commenced July 27, 1996.
3. By written motion filed July 1998, Dr. Gilbert requested that the terms of his probation be modified to allow him to prescribe controlled drugs in schedules II, III, IV, and V.
4. Tom Sosbee, Compliance and Education Coordinator for the Board, testified that Dr. Gilbert had complied to date with the terms of probation and that Board staff did not object to the requested modification as long as Dr. Gilbert's prescriptions were made on duplicate, serially-numbered prescription pads that could be submitted for review by the Board at its request.
5. Dr. Gilbert presented sufficient evidence to support the requested modification.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*
2. Dr. Gilbert has presented satisfactory evidence to justify modification of the terms of probation to allow him to prescribe controlled substances in schedules II, III, IV and V as long as he uses duplicate, serially-numbered prescription pads to be made available to the Board for review upon its request.

ORDER

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

1. Dr. Gilbert's application to modify the terms of probation is **GRANTED**.
2. Dr. Gilbert shall continue his five (5) year term of probation which began July 27, 1996, under the following terms and conditions as modified and restated below:
 - A. During the period of probation, Dr. Gilbert will limit his work week to an average of forty (40) hours per week to include hospital work and night call. Dr. Gilbert shall maintain documentation of hours worked and provide it to the Board or its designee upon request.
 - B. During the period of probation, Dr. Gilbert may prescribe controlled substances in schedules II-V, using duplicate, serially numbered prescription pads to be made available to the Board or its designee upon request.
 - 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 the Act shall be submitted in writing to the Board or its designee, and no action based on the subject of the question will be taken by Dr. Gilbert until clarification of interpretation is received by Dr. Gilbert from the Board or its designee.

F. Dr. Gilbert will not allow the initiation of any therapeutic regimen by any personnel under his supervision unless Dr. Gilbert is in the immediate geographic vicinity of such personnel.

G. During the period of probation, Dr. Gilbert will furnish to each and every state in which he hold licensure or applies for licensure and to all 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 including, without limitation, blood and urine, for analysis, upon request of the Board or its designee, and Dr. Gilbert 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 to be submitted to the Board.

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

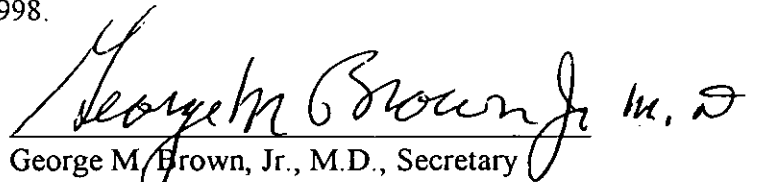
N. During the period of probation, Dr. Gilbert will keep the Board informed of his current address.

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 such indebtedness in any and all bankruptcy proceedings.

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

Dated this 2nd day of October, 1998.

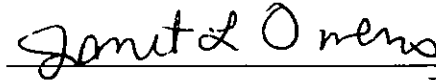


George M. Brown, Jr., M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 8 day of October, 1998, a true and correct copy of this order was mailed,
postage prepaid, to Gerald M. Gilbert, M.D., 1309 Mockingbird Lane

Adm OK 74820



Janet Owens

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