

- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous use of alcohol and in-patient treatment therefor.
- (c) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (d) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (e) During the period of probation Defendant shall notify any and all hospitals, clinics, or groups in which he holds or anticipates holding any form of staff privileges, of the terms and conditions of this Board Order and supply a copy thereof.
- (f) As a condition of this probation Defendant cannot supervise a Physician Assistant.
- (g) During the period of probation Defendant shall comply with all terms and conditions of his Continuing Care Contract that he executed on or around April 9, 1997, with Talbott-Marsh Recovery System and all terms and conditions of that Continuing Care Contract are incorporated herein and made a part hereof by reference as if fully set out herein.
- (h) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (i) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (j) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (k) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of

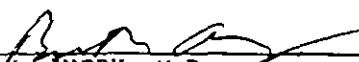
investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

- (1) That Defendant will conduct his practice in compliance with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State 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 the interpretation is received by Defendant from the Board.
- (m) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.


2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

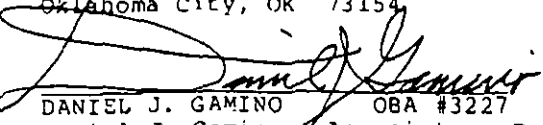
3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

I HAVE READ THIS INSTRUMENT AND UNDERSTAND SAME.


BERT M. AVERY, M.D.
Medical License No. 11216


APPROVED:


GERALD C. ZUMWALT, M.D.
Secretary/Medical Director
Oklahoma Board of Medical
Licensure and Supervision
P.O. BOX 18256
Oklahoma City, OK 73154


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

ORDER OF THE BOARD

NOW on this 15 day of May, 1997, this matter came on for consideration before the Oklahoma Board of Medical Licensure and Supervision en banc. Based on representations of legal counsel and representations made by Dr. Avery as set forth above, this tendered Voluntary Submittal to Jurisdiction was ADOPTED by the Oklahoma Board of Medical Licensure and Supervision en banc and shall stand as the Final Order issued in this case.



PRESIDENT
Oklahoma Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 20 day of May, 1997, to:

BERT M. AVERY
3617 W. GORE BLVD #C
LAWTON, OK 73505

