

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

WILLIAM H. YARBOROUGH, M.D. ) CASE NO. 88-8-649  
Medical License No. 11837,

Defendant

FINAL ORDER OF  
SUSPENSION OF LICENSE

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 20, 1989, at the office of the Oklahoma State Medical Association, 601 N.W. Expressway, 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 I. Frank Kardos, Attorney, appeared for the Defendant.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, William H. Yarborough, M.D., holds Oklahoma Medical License No. 11837.

2. That the 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 from approximately November, 1988, to April, 1989, Defendant wrote numerous false and fictitious prescriptions for controlled dangerous substances in the names of persons who did not receive the medication.

4. That in approximately early 1987, the Defendant did abuse alcohol and certain chemical substances, and in May and June, 1987, was hospitalized for in-patient chemical abuse at St. Francis Hospital, Tulsa, Oklahoma, and did complete treatment therefor.

5. That since May and June, 1987, Defendant has from time to time continued his use of alcohol and controlled dangerous substances.

6. That following notice and hearing held on or around September 15, 1988, the Oklahoma Board of Medical Licensure and Supervision did place the Defendant on probation for a period of two years beginning on September 15, 1988, under certain specified terms and conditions. The Board Order provided in pertinent part as follows, to-wit:

"1. That the Defendant, William Henry Yarborough, M.D., holding Oklahoma Medical License No. 11837, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of two (2) years, beginning on September 15, 1988, under the following terms and conditions:

- (d) During the period of probation Defendant may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on controlled dangerous substances other than sample medication.
- (e) Defendant shall read and study State and Federal statutes relating to medical practice and the prescribing, administering, dispensing and storage of narcotic drugs and/or controlled dangerous substances.

2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State 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.

7. That the Board's Final Order following hearing on September 15, 1988, is still in force and effect and has not been amended, modified or set aside.

8. That Defendant's meeting with representatives of the Physician Recovery Committee of the Oklahoma State Medical Association indicated that the Defendant's prior treatment for dependency disease was not sufficient and that the Defendant was still in need of successful completion of some form of in-patient therapy.

#### CONCLUSIONS OF LAW

1. That William H. Yarborough, M.D., holding Oklahoma Medical License No. 11837, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 5, 8, 10, 12, and 14, to-wit:

- "5. Habitual intemperance or the habitual use of habit-forming drugs."
- "8. Confession of a crime involving the violation of the anti-narcotic or prohibition laws and regulations of the Federal government or the Board of Health laws and regulations of the State of Oklahoma."
- "10. The commission of any act which is a violation of the criminal laws of Oklahoma when such act is connected with the

physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct."

"12. "The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of Oklahoma to be controlled or narcotic drugs."

"14. "The violation, or attempted violation, direct or indirect, of any of the provisions of this Act, either as a principal, accessory or accomplice."

2. That William H. Yarborough, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rule 2, to-wit:

"Rule 2: Prescribing...of controlled or narcotic drugs in excess of the amount considered good medical practice."

#### ORDER

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

1. That the Defendant, William H. Yarborough, M.D., Oklahoma Medical License No. 11837, should be and is hereby SUSPENDED for a period of one (1) year beginning on October 20, 1989.

2. That in the event the Defendant has evidence of successful completion of in-patient and/or out-patient treatment satisfactory to the Physician Recovery Committee of the Oklahoma State Medical Association, he may appear before the Board and ask for the remainder of the suspension to be set aside and that he be allowed to return to the practice of medicine and surgery in Oklahoma.

3. That during the period of suspension the Defendant shall comply with the following terms and conditions:

(a) During the period of suspension 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 substance abuse and hospitalization at St. Francis.

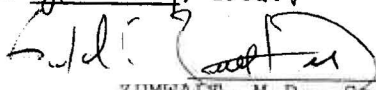
(b) During the period of suspension Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to, controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.

(c) During the period of suspension Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, upon request of any Investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and

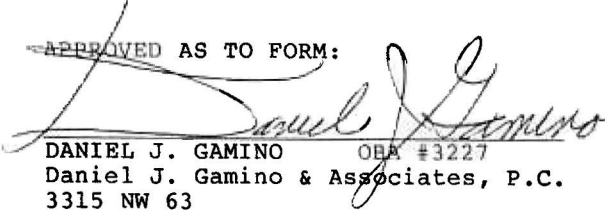
Defendant will pay for testing and analysis of those specimens.

- (d) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution, probation and suspension of this case.

DATED this 16 day of January, 1989<sup>90</sup>.

  
ZUMWALT, 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

DECLINED TO SIGN BY

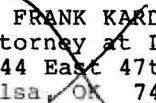
I. FRANK KARDOS  
Attorney at Law  
3144 East 47th St.  
Tulsa, OK 74105  
(918) 744-9558  
ATTORNEY FOR DEFENDANT

LETTER OF 12-24-89



CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 16 day of January, 1989<sup>90</sup> to:

I. FRANK KARDOS  
Attorney at Law  
3144 East 47th St.  
Tulsa, OK 74105  


Dr. William H. Yarbrough  
7310 E 75 St.  
Tulsa, OK 74136

Janet Rowens