

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.
Medical License No. 11837,

CASE NO. 88-8-649

Defendant.)

ORDER TO REINSTATE
DEFENDANT'S OKLAHOMA MEDICAL LICENSE
UNDER PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 1, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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 William H. Yarborough, M.D., Defendant, appeared in person, pro se, without counsel and advised that he was ready to proceed without counsel.

The Oklahoma 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 finds as follows:

FINDINGS OF FACT

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

2. That the Oklahoma 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 following notice and hearing on or around October 20, 1989, the Defendant's Oklahoma Medical License No. 11837 was suspended for a period of one (1) year beginning on October 20, 1989. That the Board Order also provided that in the event the Defendant had 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.

4. That Defendant did offer letters from Doyle P. Smith, M.D., Director, M.S. Health Care Professionals Treatment Program, Jackson Recovery Center, Jackson, Mississippi, indicating that the Defendant did complete all appropriate and necessary in-patient and out-patient treatment and said physician did recommend that Defendant return to the active practice of medicine and follow the terms of his aftercare contract.

5. That J. Darrel Smith, M.D., Director, Physician Recovery Program, Oklahoma State Medical Association, provided a letter of July 23, 1990, confirming that Defendant did successfully complete the program in Brandon, Mississippi, and Dr. Smith appeared in person to recommend reinstatement of the Defendant's license.

6. That the evidence indicated that the Board may reinstate Defendant's Oklahoma Medical License on terms and conditions of probation that would protect public health, safety and welfare.

CONCLUSIONS OF LAW

1. That evidence as found above fulfills terms and conditions of the Final Order of Suspension of License entered herein by the Board on or around October 20, 1989.

ORDER

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

1. That the Defendant's Oklahoma Medical License No. 11837 should be and is hereby reinstated under certain enumerated terms and conditions of probation.

2. That the Defendant, William H. Yarborough, M.D., holding Oklahoma Medical License No. 11837, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five years, beginning September 1, 1990, under the following terms and conditions:

- (a) That 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. Defendant has an affirmative duty to advise any physician treating him of Defendant's previous substance abuse.
- (b) During the period of probation Defendant will abstain from consuming alcohol or any substance, licit or illicit, 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 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.
- (d) During the period of probation Defendant will continue regular attendance and participation in meetings of the OSMA Physician Recovery Committee or similar organizations, such as AA or NA, and said Defendant shall report periodically when requested by the Board or Board representative on his proof of attendance and shall continue all supportive programs recommended thereby.
- (e) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision

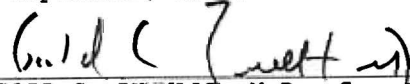
all current legal addresses and any change of address in writing.

- (f) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (g) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (h) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the cost of investigation, prosecution and probation of this case.
- (i) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Voluntary Submittal to Jurisdiction and supply a copy thereof.
- (j) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

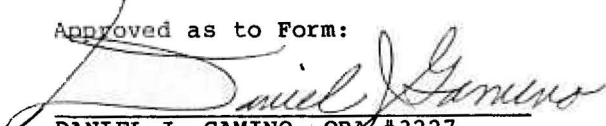
3. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or withdrawn by the Oklahoma State Board of Medical Licensure and Supervision, either on their own motion or on the motion of the Defendant.

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

DATED this 13 day of September, 1990.


GERALD C. 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

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 17 day of September, 1990, to:

WILLIAM H. YARBOROUGH, M.D.

7310 E. 74th

Tulsa OK 74133-2815

Janet L Owens