

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.

RONALD D. BARBER, M.D.                    ) CASE NO. 91-04-1169  
Medical License No. 15264,                )

Defendant

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 1, 1991, 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 Ronald D. Barber, M.D., Defendant, appeared in person, and Ronald E. Worthen, Attorney, Ardmore, Oklahoma, appeared for the Defendant.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, 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, Ronald D. Barber, M.D., holds Oklahoma Medical License No. 15264.

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 in February, 1991, Defendant received notification of prescriptions for controlled dangerous substances issued and signed by Dr. Neal Talbott at a time when Dr. Talbott did not possess the required registration from the United States Drug Enforcement Administration. That Defendant did travel to Walmart Pharmacy, pulled the prescriptions signed by Dr. Talbott and Defendant did scratch out "DEA number pending" and did sign his own name and DEA number.

4. That in February or March, 1991, Defendant did provide Dr. Talbott with a number of blank, undated, presigned prescription forms in order to allow Dr. Talbott to practice in the hospital emergency room.

5. That Defendant did not at any time examine any of the patients who received the aforesaid prescriptions or review their charts or records.

6. That nothing in the evidence indicated any malicious intent by the Defendant to violate the Oklahoma Medical Practice Act or any other Oklahoma law. That the Defendant did not have

any other prior complaints before the Board relating to professional conduct. That nothing in the evidence indicated any patient harm, personal use of controlled dangerous substances, or deliberate diversion of controlled dangerous substances by the Defendant. Evidence indicates that mistakes did occur and the Defendant acted on poor and inaccurate advice, but no intentional conspiracy was found.

7. That nothing in the evidence indicates that any restriction on the Defendant's medical license or practice is warranted, and therefore none are imposed herein.

CONCLUSIONS OF LAW

1. That Ronald D. Barber, M.D., holding Oklahoma Medical License No. 15264, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 10, to-wit:

"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 should not be necessary for 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."

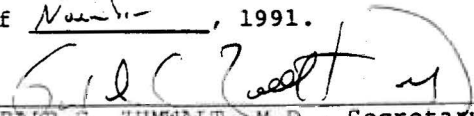
ORDER

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

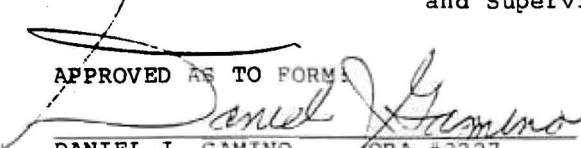
1. That the Defendant, Ronald D. Barber, M.D., holding Oklahoma Medical License No. 15264, should be and is hereby FORMALLY REPRIMANDED for the actions set forth herein.


2. That the Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation and prosecution of this case, unless the Defendant obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

DATED this 8 day of November, 1991.

  
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

  
RONALD E. WORTHEN  
Attorney at Law  
11 W. Washington  
P.O. Box 1991  
Ardmore, OK 73402  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 12 day of November, 1991, to:

RONALD E. WORTHEN  
Attorney at Law  
11 N. Washington  
P.O. Box 1991  
Ardmore, OK 73402

Ronald E. Worthen