

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, )

-vs- )

Case No. 91-03-1155 )

NEAL BEVAN TALBOTT, M.D., )  
Medical License No. 17448, )

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 Neal Bevan Talbott, M.D., Defendant, appeared in person, and J. Roger Hurt, of Pierce, Couch, Hendrickson, Johnston & Baysinger, 1109 N. Francis, Oklahoma City, 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, Neal Bevan Talbott, M.D., holds Oklahoma Medical License No. 17448.

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 from approximately December, 1990, through February, 1991, the Defendant did issue and sign at least 17 prescriptions for patients he saw in the emergency room at Memorial Hospital in Southern Oklahoma in Ardmore, Oklahoma, for various controlled dangerous substances at a time when the Defendant did not possess the required registration from the United States Drug Enforcement Administration.

4. That the Defendant applied for DEA registration on October 10, 1990, November 15, 1990 and/or around March 19, 1991, but did not possess DEA registration when the aforesaid prescriptions were written.

5. That signing and issuing a prescription for controlled dangerous substances without the required registration from the United States DEA is a violation of 21 USC §801, et seq.

6. That nothing in the evidence indicated any malicious intent by the Defendant to violate the Oklahoma Medical Practice

Act or any other Oklahoma or Federal 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 for any personal or financial gain. 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 Neal Bevan Talbott, M.D., holding Oklahoma Medical License No. 17448, 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:

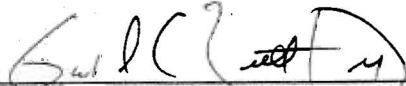
1. That the Defendant, Neal Bevan Talbott, M.D., holding Oklahoma Medical License No. 17488, should be and is hereby FORMALLY REPRIMANDED for the actions set forth herein.

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.

3. That Dr. Talbott's certificate to practice medicine on file herein pursuant to 59 O.S. §503, be released and returned to Dr. Talbott, or his attorney, J. Roger Hurt, inasmuch as there is no restriction to be placed on the defendant's medical license or practice.

4. That costs will be taxed against Dr. Talbott in the amount of \$ 718.21.

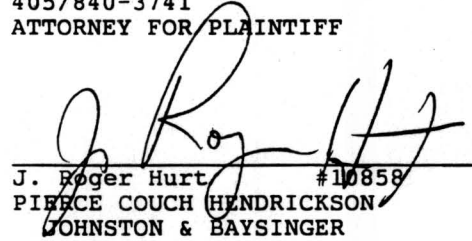
DATED this 8 day of November, 1991.

  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM:



DANIEL J. GAMINO #7227  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
405/840-3741  
ATTORNEY FOR PLAINTIFF



J. Roger Hurt #10858  
PIERCE COUCH HENDRICKSON  
JOHNSTON & BAYSINGER  
1109 N. Francis  
Oklahoma City, OK 73102  
ATTORNEY FOR DEFENDANT