

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

IN THE MATTER OF THE  
APPLICATION OF

PATRICK S. HERD, M.D.

FOR MODIFICATION OF  
PROBATION TERMS FOR  
MEDICAL LICENSE NO. 18233

OCT 02 1998

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 24, 1998, at the Board office, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Applicant, Patrick S. Herd, M.D., holding Oklahoma medical license no. 18233, appeared in person without counsel, thereby waiving his right to legal representation.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact, Conclusions of Law and Orders:

***FINDINGS OF FACT***

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Dr. Herd currently holds medical license no. 18233 under a five (5) year term of probation that commenced March 27, 1998.
3. Dr. Herd requested that the terms of his probation be modified to change his practice location from the Carl Albert Indian Hospital to The Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma.
4. Dr. Herd presented sufficient evidence to support the requested modification.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*
2. Dr. Herd presented satisfactory evidence to justify changing the practice location under the terms of his probation.

## ORDER

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

1. Dr. Herd's application to modify the terms of his probation is **GRANTED**.
2. Dr. Herd's probation shall continue for five (5) years from the date of its commencement on March 27, 1998 under the following terms and conditions as modified and restated below:
  - a. During the period of probation, Dr. Herd will not practice any weight control or pain management.
  - b. During the period of probation, Dr. Herd will maintain adequate medical records to support any prescription of controlled dangerous substances to any patient and shall make those records available to agents and representatives of the Board upon their request, including quarterly review of records as collected by Board staff.
  - c. Dr. Herd will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant to obtain copies of medical records and to authorize the Compliance Consultant to discuss Dr. Herd's case with Dr. Herd's treating physicians and/or any physicians holding Dr. Herd's records. Board staff shall also obtain reports from the Chief of Psychiatry at the Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma regarding the clinical performance of Dr. Herd.
  - d. During the period of probation, Dr. Herd will keep duplicate, serially numbered prescriptions of all controlled dangerous substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.
  - e. Dr. Herd shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the

question will be taken by Dr. Herd until clarification of interpretation is received by Dr. Herd from the Board.

f. During the period of probation, Dr. Herd will request all hospitals in which he anticipates practice to furnish to the Board a written quarterly statement monitoring Dr. Herd's practice while performing services in or to that hospital.

g. During the period of probation, Dr. Herd will furnish to each and every state in which he holds licensure or applies for licensure and to each and every hospital, clinic or other institution in which he holds or anticipates holding any form of staff privileges or employment a copy of this Order stipulating sanctions imposed by the Board.

h. During the period of probation, Dr. Herd will not supervise allied health professionals.

i. During the period of probation, Dr. Herd will keep the Board informed of his current address.

j. During the period of probation, Dr. Herd will keep current payment of all assessments made by the Board for costs incurred in the prosecution, investigation or monitoring of his case.

k. Until such time as all indebtedness to the Board has been satisfied, Applicant will reaffirm such indebtedness in any and all bankruptcy proceedings.

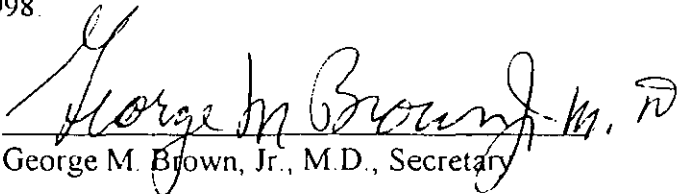
l. During the period of probation, Dr. Herd will limit his practice to The Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma.

3. Jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Board on its own motion or on the motion of the Defendant.

4. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Applicant's medical license, after additional notice and hearing as required by law.

5. A copy of this written order should be sent to Dr. Herd as soon as it is processed.

Dated this 2<sup>nd</sup> day of October, 1998.

  
George M. Brown, Jr., M.D., Secretary

Certificate of Service

On the 8 day of October, 1998, a true and correct copy of this order was mailed, postage prepaid, to Patrick S. Herd, M.D., RR 1 Box 67 D McAlester, OK 74501

Janet L Owens

Janet Owens

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