

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

FILED

FEB 06 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

IN THE MATTER OF THE )  
APPLICATION OF )

JERRY DAVID WHATLEY, M.D. )

Case No. 06-07-3135

FOR MODIFICATION OF )  
PROBATION TERMS FOR )  
LICENSE NO. 19096 )

ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 29, 2009, 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, Jerry David Whatley, M.D., holding Oklahoma medical license no. 19096, 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. Whatley currently holds medical license no. 19096 under a five-year term of probation that commenced January 17, 2008.

3. On January 29, 2009, Dr. Whatley requested that the terms of his probation be modified to allow him to prescribe certain controlled dangerous drugs in Schedules IV and V, specifically, Tylenol with Codeine Elixir, Darvocet, Phenergan with Codeine, Valium, Ativan, Versed and Chloral Hydrate.

4. Dr. Whatley 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. Whatley has presented satisfactory evidence to justify allowing him to prescribe certain controlled dangerous drugs in Schedules IV and V, specifically, Tylenol with Codeine Elixir, Darvocet, Phenergan with Codeine, Valium, Ativan, Versed and Chloral Hydrate.

**ORDER**

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

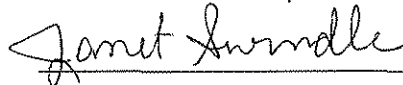
1. Dr. Whatley's application to modify the terms of his probation is **GRANTED**.
2. Dr. Whatley's probation shall continue for five (5) years from the date of its commencement of January 17, 2008 under the terms and conditions set forth in the January 17, 2008 Order, with the exception that Dr. Whatley be allowed to prescribe certain controlled dangerous drugs in Schedules IV and V, specifically, Tylenol with Codeine Elixir, Darvocet, Phenergan with Codeine, Valium, Ativan, Versed and Chloral Hydrate.
3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Dr. Whatley's medical license, after additional notice and hearing as required by law.
4. A copy of this written order should be sent to Dr. Whatley as soon as it is processed.

Dated this 6 day of February, 2009.

  
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Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

**Certificate of Service**

On the 6 day of February, 2009, a true and correct copy of this order was mailed, postage prepaid, to Jerry David Whatley, 3101 Chandler Road, #101, Muskogee, OK 74403.

  
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Janet Swindle