

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

FILED

**IN THE MATTER OF THE)
APPLICATION OF)
)
)
ARDRY LANCE YARBROUGH)
)
)
FOR REINSTATEMENT OF SPECIAL)
TRAINING LICENSE NO. 5623)
)
)
)
)**

AUG 02 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 98-10-2035

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on July 20, 2001, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Defendant, Ardry Lance Yarbrough, M.D., appeared in person and through counsel, Johnny Akins.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. Defendant has applied for reinstatement of his Oklahoma special training medical license no. 5623.
2. 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.
3. On January 21, 1999, the Board approved a Voluntary Submittal to Jurisdiction agreed to by Defendant and Board Staff whereby the Defendant's license was suspended until at least July 1, 1999 or longer until the Defendant submitted satisfactory evidence to the Board or its designee that certain conditions had been satisfied.

4. Defendant satisfied those conditions and obtained reinstatement of his special training license in accordance with 59 O.S. §508.1, with said reinstatement to be effective July 22, 1999.

5. On or about July 28, 2000, the Board accepted Defendant's Voluntary Surrender of License in Lieu of Prosecution based upon an investigation involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

6. Defendant is now seeking reinstatement of his special training medical license no. 5623.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1 and the Voluntary Submittal to Jurisdiction previously entered by the Board.

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

ORDER

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

1. Defendant's special training medical license shall be reinstated under the following terms and conditions of **PROBATION**, which shall continue for an indefinite period of time from the date of reinstatement under the following terms and conditions:

A. Defendant shall not apply for registration with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBN) or the United States Drug Enforcement Agency (DEA) to prescribe, dispense, administer or possess any controlled dangerous drugs for a period of one (1) year from his reinstatement.

B. If Defendant obtains registration with OBN and DEA after expiration of the one (1) year period described above, Defendant will keep duplicate, serially numbered prescriptions of all controlled dangerous substances and addictive drugs readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

C. Defendant will request all hospitals, clinics and other facilities in which he practices to furnish to the Board a written

statement monitoring his practice whenever so requested by the Board or its designee.

D. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

E. Defendant will continue treatment under a psychotherapist approved by the Board Secretary, will submit quarterly reports from his psychotherapist, and will authorize in writing the release of any and all records of that treatment to the Board.

F. Defendant will submit quarterly reports from the director of his residency program.

G. Defendant will immediately obtain a mentor or supervisor approved in advance by the Board Secretary, and shall provide quarterly reports from his mentor or supervisor to the Board Secretary regarding Defendant's practice, including any concerns or complaints expressed by staff or patients.

H. Defendant will continue to abide by all recommendations of Richard R. Irons, M.D. and the assessment team at Menninger's.

I. Defendant will 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 Defendant until clarification of interpretation is received by Defendant from the Board or its designee.

J. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

K. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

L. Defendant will keep the Board informed of his current address.

M. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.

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

O. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

P. Defendant will limit his medical practice to the duties required of residents in the family medicine residency program at the University of Oklahoma Health Sciences Center, Caney Valley Medical Center in Ramona, Oklahoma, and will not practice outside the program requirements. Defendant will obtain Board approval prior to initiating practice in any other practice setting.

Q. Defendant shall forfeit any credit earned as a PGY-2 resident during the 1999-2000 residency year and shall repeat his entire PGY-2 residency year following any reinstatement.

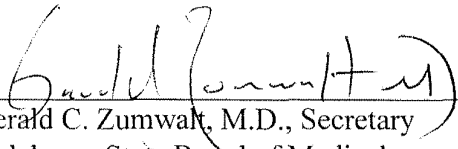
2. The foregoing terms of probation shall apply to any medical license held by Defendant in the State of Oklahoma, including full medical license, and shall continue until the probationary period ends pursuant to a Board order expressly releasing Defendant from the terms and conditions of probation.

3. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

4. This Order of Reinstatement Under Terms of Probation will go into effect and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to July 18, 2001 or worked out a repayment plan satisfactory to the Board.

5. A copy of this written order shall be sent to Defendant as soon as it is processed.

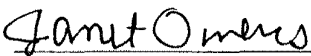
Dated this 2 day of August, 2001.



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

Certificate of Service

On the 3 day of August, 2001, a true and correct copy of this order was mailed, postage prepaid, to Ardry Lance Yarbrough, 9900 Spain Road NE, Apt. L-2066, Albuquerque, NM 87111.



Janet Owens