

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

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
vs.)
)
WILLIAM P. LERBLANCE, M.D.)
License No. 5416,)
)
Defendant.)

OCT 5 2000

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 99-01-2060

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Daniel Gamino, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, William P. Lerblance, M.D., Medical License No. 5416, who appears in person and through counsel, Richard C. Lerblance and Senator Gene Stipe, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

Agreement and Acknowledgment by Defendant

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on April 2, 1999, and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, William P. Lerblance, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for

evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

Parties Agreement and Stipulations

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 O.S. §§480 *et seq.*
2. Defendant, William P. Lerblance, M.D., holds Oklahoma Medical License No. 5416.
3. From approximately January 1997, to March 1999, Defendant did practice medicine by primarily talking to patients on the telephone or receiving telephone calls from the local pharmacist. Defendant occasionally spoke directly to the patients. Defendant did not conduct medical histories, perform physicals and/or examinations. Defendant ordered prescription medications for patients without sufficient examination and the establishment of a valid ongoing physician/patient relationship.
4. On March 9, 1999, Defendant's attorney notified Investigator Stratton that Defendant was not ready for interview or record review and stated Defendant would be prepared on the following Monday or Tuesday.
5. On March 10, 1999, pharmacy records concerning the Defendant's prescribing were obtained from Cal's Drug in Hartshorne, Oklahoma. Pharmacist Don McCaslin admitted the Defendant obtained a copy of the same printout given to the Board Investigator.

6. Mr. McCaslin stated to Investigator Stratton that approximately 75% of the prescriptions he filled for the Defendant's patients resulted when the patient would come to the pharmacy requesting medication(s) and he would telephone the Defendant to get authorization to fill or re-fill medications. Mr. McCaslin stated he kept equipment to check blood pressure of clients and would occasionally be requested by the Defendant to check a patient's blood pressure.
7. On March 16, 1999, a subpoena was served on the Defendant for twenty-four (24) patient records. Patients were chosen from pharmacy printouts showing they received prescriptions from the Defendant. The Defendant provided photocopies of the requested records. These medical records lack histories, physical findings and laboratory results. These records do not reflect a medical necessity for the medications prescribed. These records do not establish Defendant's ability to practice with skill and safety.
8. Records received from the Defendant for the time period January 1997 to March 16, 1999, appear to contain lists of prescriptions written at one time in handwriting other than the Defendant's. The Defendant did not answer or comment when asked if he created records from pharmacy printouts after learning that the Board would review his records.

Conclusions of law


1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.
2. Defendant is guilty of unprofessional conduct in that he:
 - (a) Prescribed or administered drug(s) or treatment(s) without sufficient examination and the establishment of a valid physician/patient relationship in violation of 59 O.S. §509(13).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, William P. Lerblance, M.D., holding Oklahoma Medical License No. 5416, should be and is hereby **PUBLICLY REPRIMANDED** for the conduct described above.
3. Defendant shall be immediately placed on **PHYSICIAN EMERITUS STATUS**.
4. If Defendant ever applies for licensure in the State of Oklahoma other than for physician emeritus status, he shall personally appear before the Board *en banc* at its regularly scheduled Board meeting in support of his application, and shall submit to any conditions imposed by the Board for relicensure.
5. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 28 day of Sept, 2000.



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

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