

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,

v.
NOEL ELWOOD HERNDON, M.D.
License ~~16808~~

CASE NO. 88-10-703

Don
Defendant

VOLUNTARY SUBMITTAL TO JURISDICTION

COMES NOW the Defendant, Noel Elwood Herndon, M.D., the undersigned, and states that on this 22 day of Oct, 1990, he is sound mind and not under the influence of any medication or drug or impaired therefrom, and said Defendant does further recognize his right to legal counsel and while being advised of his right to legal counsel desires to waive same and to proceed without counsel, and being further advised of his right to appear before the Oklahoma Board of Medical Licensure and Supervision en banc for evidentiary hearing on the issue of violation of the Oklahoma Medical Practice Act, 59 O.S. 1981 Section 509 Paragraph 17 and the Board Rules and Regulations, Section X, Rule 1A, 1B, and 1F. Defendant does on his own volition and decision waive and forego his right to appear before the Oklahoma Board of Medical Licensure and Supervision for full hearing as authorized by 59 O.S. Supp. 1987, Sec. 504-507, and inasmuch as Defendant believes that should he contest the allegations herein, there is adequate evidence for disciplinary action to be taken against him and for that reason Defendant chooses not to contest the aforesaid allegation concerning revocation of his medical license, hereby voluntarily and of his own volition submit to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision insofar as it entails the following activities and restrictions:

That Defendant accepts and agrees to and does hereby begin a term of probation to the Oklahoma State Board of Medical Licensure and Supervision to continue for a period of three (3) years under the following terms and conditions:

- (a) During period of probation Defendant must utilize duplicate serially numbered prescription blanks for all controlled dangerous substances listed in Schedules II through IV; submitting one copy of each prescription to the Board on a monthly basis.
- (b) Defendant will not allow his staff to independently prescribe or authorize refills of Controlled Substances and must maintain valid patient records showing control of prescribing Controlled Substances.
- (c) Defendant must provide proof within six (6) months of obtaining twenty (20) hours of Continuing Education on prescribing Controlled Substances.
- (d) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (e) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (f) Defendant shall appear before the Board en banc or a designed member thereof when requested to do so.
- (g) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the cost of investigation, prosecution and probation of this case.
- (h) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of the Voluntary Submittal to Jurisdiction and supply a copy thereof.
- (i) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or withdrawn by the Oklahoma State Board of Medical Licensure and Supervision, either on their own motion or on the motion of the Defendant.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the staff of the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma medical license, after due notice and hearing.

I have read this instrument and understand same.

Noel Elwood Herndon, M.D.
NOEL ELWOOD HERNDON, M.D.
Medical License #6808

Subscribed and sworn to before me this 4 day of October, 1990.

[Signature]
Notary Public

My Commission expires:

5/4/92