

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.
Medical License No. 6808,

CASE NO. 88-10-703

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 26, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Noel Elwood Herndon, M.D., Defendant, appeared in person, pro se, waived his right to counsel, and announced ready to proceed.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Noel Elwood Herndon, M.D., holds Oklahoma Medical License No. 6808.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That before hearing any testimony or reviewing any exhibits, the Board reviewed a Voluntary Submittal to Jurisdiction executed by the Defendant on or around October 4, 1990.
4. That the Board found the Voluntary Submittal to Jurisdiction and the terms and conditions thereof were an appropriate disposition of this case and accepted same.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1989, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction executed by the Defendant.

ORDER

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

1. That the Defendant, Noel Elwood Herndon, M.D., holding Oklahoma Medical License No. 6808, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of three (3) years beginning on October 26, 1990, under the following terms and conditions:

- (a) During the period of probation Defendant must utilize serially-numbered, duplicate 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.

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 Investigation 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 or a designated member thereof whenever requested to do so.
- (g) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs 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 this Board Order 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 notice to the Defendant.

2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision 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 Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this day of November, 1990

G. C. Zumwalt
GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:

Daniel J. Gamino
DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 1st day of November, 1990, to:

NOEL ELWOOD HERNDON, M.D.
2907 Lakeside Circle
Oklahoma City, OK 73120

Gant L Owens