

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 E. HERNDON, M.D.                    ) CASE NO. 91-04-1170  
Medical License No. 6808,

Defendant.

COMPLAINT

COMES NOW Jim Birdsong, Investigator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

1. That Noel E. Herndon, M.D., holding Oklahoma Medical License No. 6808, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509, Paragraph 17, to-wit:

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That Noel E. Herndon, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Rule 435:10-7-4 (1), (2) and (6), to-wit

"(1) Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"(2) Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

"(6) Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

3. That a prescription survey conducted on the Defendant from November 8, 1990, to January 31, 1992, indicates that in that time period Defendant wrote 54 prescriptions for 1,804 dosage units of Schedule II drugs, 455 prescriptions for 24,576 dosage units of Schedule III drugs, 626 prescriptions for 41,344

dosage units of Schedule IV drugs, and 109 prescriptions for 4,652 dosage units of Schedule V drugs, for a grand total of 1,241 prescriptions totaling 72,376 dosage units of controlled dangerous substances

4. That the aforesaid prescription survey reveals that the Defendant regularly prescribed controlled dangerous substances in amounts ranging from 60 to 200 dosage units at a time and did not reschedule patients for prompt follow-up visits.

5. That a review of Defendant's patient charts indicates that the Defendant's records do not document medical need for the controlled dangerous substances prescribed, and the Defendant prescribed controlled dangerous substances in excess of the amount considered good medical practice.

6. Defendant is perpetuating significant harm to public health, safety and welfare by continuing the acts and omissions set forth in the above allegations.

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.

Supervision

Subscribed and sworn to before me this 21<sup>st</sup> day of May, 1992.

Ashley J. Debow  
Notary Public

My Commission expires:  
January 16, 1995