

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,

NOEL E. HERNDON, M.D.,
Medical License No. 6808,

Defendant

FILED

SEP 17 1992

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 91-04-1170

NUNC PRO TUNC
MODIFIED FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 12, 1992, 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 E. Herndon, M.D., Defendant, appeared by announcement.

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

FINDINGS OF FACT

1. That Defendant, Noel E. 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 agreed to by the Defendant and submitted for the Board's consideration on June 26, 1992.
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.
5. That because of general abuse of anabolic steroid agents, the medication Depo-Testadiol was made a Schedule III controlled dangerous substance, although its potential for abuse in the context used by Defendant as medication for menopause is minimal when there is proper diagnosis and appropriate documentation of medical need.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, 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 E. 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 five (5) years beginning on June 26, 1992, under the following terms and conditions:

- a) During the period of probation Defendant will not prescribe, administer or dispense any scheduled drugs, substance or pharmaceutical agent, except that Defendant may prescribe Schedule II, II-N, III, III-N, to in-patients at a nursing home, and Defendant shall utilize serially-numbered, duplicate prescription blanks for all controlled substances issued herein.
- (b) During the period of probation Defendant may prescribe, administer or dispense Depo-Testadiol with proper diagnosis and appropriate documentation of medical need.
- c During the period of probation Defendant shall not prescribe, administer or dispense any scheduled drug, substance or pharmaceutical agent, except that Defendant may prescribe Schedule IV, V, for office patients, and Defendant shall utilize serially-numbered, duplicate prescription blanks for all controlled substances so authorized herein and shall submit a copy of each to the Board on a monthly basis.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (h) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (i) 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.

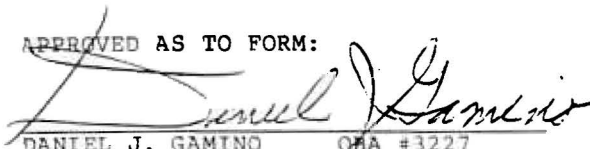
- j) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of this 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, and this probation shall encompass and include the previous probation imposed on the Defendant in Case No. 88-10-703.

3. 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 17 day of Sept, 1992.

APPROVED AS TO FORM:



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 17 day of September, 1992, to:

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

