

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

STATE OF OKLAHOMA

IN THE MATTER OF THE APPLICATION  
FOR REINSTATEMENT OF OKLAHOMA  
MEDICAL LICENSE NUMBER 9907  
SUBMITTED BY

MERLIN J. KILBURY

**ORDER REINSTATING MEDICAL LICENSE  
UNDER TERMS OF PROBATION**

This matter came on for consideration by the Oklahoma State Board of Medical Licensure and Supervision en banc in meeting on January 10, 1997. The applicant was present and presented his application to the Board.

The Board reviewed the application, heard from the applicant and being fully advised in the premises of the application found and ordered as follows:

**FINDINGS OF FACT**

1. That the applicant, Merlin J. Kilbury held Oklahoma Medical License number 9907.
2. That the Oklahoma Medical License, number 9907, held by the applicant was revoked for addiction to controlled substances.
3. That the applicant applied to reinstate the license and presented evidence of rehabilitation.

**CONCLUSIONS OF LAW**

1. The Oklahoma State Board of Medical Licensure and Supervision has jurisdiction over the subject matter herein.
2. The Board has authority under 59 O.S. §508.2 to reinstate a license that has been revoked.

**ORDER**

THEREFORE IT IS ORDERED that the application for reinstatement of Oklahoma

Medical License Number 9907 to Merlin J. Kilbury is approved under terms of probation, to-wit:

1. During the period of probation, Doctor Kilbury will not prescribe, administer, dispense or possess any controlled dangerous substances.
2. During the period of probation, Doctor Kilbury will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.
3. Doctor Kilbury will not allow the independent practice of medicine by any personnel under his supervision or employ.
4. Doctor Kilbury will conduct his practice in compliance with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Doctor Kilbury until clarification of interpretation is received by Doctor Kilbury from the Board.
5. During the period of probation, Doctor Kilbury will request all hospitals in which he anticipates practice to furnish to the Oklahoma State Board of Medical Licensure and Supervision, a written statement regarding monitoring of his practice while performing services in or to that hospital.
6. During the period of probation, Doctor Kilbury will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.
7. During the period of probation Doctor Kilbury will submit biological fluid specimens to include, but not limited to blood and urine, for analysis, upon request of the Board or its designee, and Doctor Kilbury will pay for the analysis thereof.
8. During the period of probation, Doctor Kilbury will not prescribe, administer or dispense any medications for personal use.
9. During the period of probation, Doctor Kilbury will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Doctor Kilbury has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation of treatment.
10. During the period of probation, Doctor Kilbury will affiliate with a program approved by the Board for continuing rehabilitation and will authorize in writing the release of any and all information, including but not limited to medical and/or psychiatric records, regarding treatment or rehabilitation to this Board.
11. During the period of probation, Doctor Kilbury will keep the Board informed of his current address.
12. During the period of probation, Doctor Kilbury will keep current, payment of all assessment by the Board for investigation, reinstatement of licensure and monitoring of his probation.
13. Until such time as all indebtedness to the Board has been satisfied, Doctor Kilbury will reaffirm said indebtedness in any and all bankruptcy proceedings.
14. Doctor Kilbury will practice medicine and surgery only within the Department of

Corrections facilities.

15. DATED THIS 30 DAY OF January, 1997.

16. Gerald C. Zumwalt  
17. GERALD C. ZUMWALT, M.D.  
18. SECRETARY/MEDICAL DIRECTOR

19.

CERTIFICATE OF MAILING

This is to certify that on this 31 day of January, 1997, a true and correct copy of this order was mailed, postage prepaid to:

Merlin Kilbury, M.D.  
4308 South Peoria  
Box 72  
Tulsa, OK 74105