



begins practice. Dr. Kilbury also requested that the terms of his probation be modified to allow him to prescribe controlled substances in an institutional setting for his surgical patients. The Board granted the requested modification.

5. On July 17, 2003, Dr. Kilbury requested that the terms of his probation be modified to allow him to prescribe Schedule III-V controlled dangerous substances at his places of employment, which will be known by the Board Secretary. The Board granted the requested modification.

6. On November 3, 2005, Dr. Kilbury requested that the terms of his probation be modified to allow him to prescribe Schedule II controlled dangerous substances in the emergency room setting only.

7. Dr. Kilbury presented sufficient evidence to support the requested modification.

### ***CONCLUSIONS OF LAW***

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*

2. Dr. Kilbury has presented satisfactory evidence to justify allowing him to prescribe Schedule II controlled dangerous substances in the emergency room setting only.

### ***ORDER***

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

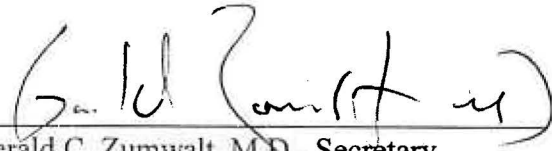
Dr. Kilbury's application to modify the terms of his probation is **GRANTED**.

2. Dr. Kilbury's probation shall continue indefinitely from the date of its commencement of January 10, 1997 under the terms and conditions set forth in the January 10, 1997 Order, the September 24, 1998 Order Modifying Probation, the January 21, 1999 Order Modifying Probation, and the July 17, 2003 Order Modifying Probation, with the exception that Dr. Kilbury be allowed to prescribe Schedule II controlled dangerous substances in the emergency room setting only.

3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Dr. Kilbury's medical license, after additional notice and hearing as required by law.

4. A copy of this written order should be sent to Dr. Kilbury as soon as it is processed.

Dated this 10 day of November, 2005.



Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

**Certificate of Service**

On the 10 day of November, 2005, a true and correct copy of this order was mailed, postage prepaid, to Merlin Joe Kilbury, M.D., Drumright Regional Hospital, 610 West Bypass, Drumright, Oklahoma 74030.



Janet Swindle