

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

vs.)

CASE NO. 96-08-1819

PATRICK S. HERD, M.D.,)
Medical License No. 18233,)

Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision en banc on ~~March 27, 1998~~, 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 Patrick S. Herd, M.D., Defendant, appeared in person, pro se, without legal counsel, and waived his right to legal counsel and agreed to proceed.

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

FINDINGS OF FACT

1. That Defendant, Patrick S. Herd, M.D., holds Oklahoma Medical License No. 18233.

2. That the 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 the law and the rules of the Board.

3. That from approximately July, 1995, to approximately November, 1997, Defendant did prescribe, administer or dispense controlled dangerous substances and other drugs to patients and did maintain patients on those drugs for long periods of time and that such prescribing, administering, or dispensing was in excess of the amount considered good medical practice and without medical need. Included in the controlled

dangerous substances prescribed, administered or dispensed by the Defendant were the following, to-wit:

<u>DRUG</u>	<u>SCHEDULE</u>
Adderall	II
Demerol	II
Lortab	III
Bontril	III
Tylenol/Cod #4(60mg)	III
Didrex	III
Klonopin	IV
Phentermine	IV
Adipex	IV
Pondimin	IV
Triazolam	IV
Redux	IV
Alprazolam (Xanax)	IV

4. That among the patients that Defendant prescribed, administered or dispensed controlled dangerous substances for weight control were the following, to-wit:

<u>Patient</u>	<u>Beginning Date</u>	<u>Beginning Weight</u>	<u>Height</u>	<u>Ending Weight</u>	<u>Ending Date</u>
A	12/7/95	103.8 #	5'4"	104 #	3/13/96
B	4/12/96	157 #	5'5"	134.2 #	7/15/97
C	9/15/95	113.8 #	5'2"	114.4 #	4/18/97
D	12/4/95	145.6 #	5'8"	151.6 #	6/19/97
E	12/11/95	183 #	5'5"	203.6 #	7/18/97
F	3/19/96	152 #	5'1"	147 #	6/27/97
G	7/15/96	161.4 #	5'4"	165.6 #	6/18/97
H	7/20/95	159.6 #	5'8"	166.2 #	7/9/97
I	11/1/95	102 #	5'4"	115.2 #	7/3/97
J	1/17/96	111.4 #	5'3"	105.6 #	6/25/97
K	12/4/95	157.2 #	5'4"	145.6 #	7/16/97

MALE PATIENTS

L	3/28/96	176 #	5'10"	173.8 #	6/25/97
M	9/15/95	173.4 #	5'9"	173.4 #	4/18/97

5. That Defendant did not maintain medical records and charts on the aforesaid patients and other patients that were complete and contained all pertinent medical information.

6. That Defendant did prescribe, administer or dispense controlled dangerous substances to some of the aforesaid patients without sufficient examination and the establishment of a valid physician-patient relationship.

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

CONCLUSIONS OF LAW

1. The Oklahoma State Board of Medical Licensure and Supervision has jurisdiction in this matter.

2. That Patrick S. Herd, M.D., holding Oklahoma Medical License No. 18233, is in violation of the Oklahoma Medical Practice Act, 59 O. S. Supp. 1996, Sec. 509, Paragraphs 13 and 17, to-wit:

“13. Prescribing or administering a drug or treatment without sufficient examination or the establishment of a valid physician-patient relationship.”

“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.”

3. That Patrick S. Herd, 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 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.”

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

ORDER

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

1. That the Defendant, Patrick S. Herd, M.D., holding Oklahoma Medical License No. 18233, should be and is hereby **FORMALLY REPRIMANDED** for the conduct set forth above and also placed on **PROBATION** to the Oklahoma State Board of Medical Licensure and

Supervision for a period of five (5) years to begin on March 27, 1998, under the following terms and conditions:

(a) During the period of probation Defendant will not practice any weight control or pain management.

(b) During the period of probation Defendant will maintain adequate medical records to support any prescription of controlled dangerous substances to any patient and shall make those records available to agents and representatives of the Oklahoma Board of Medical Licensure and Supervision upon their request to include quarterly review of records as collected by the Board staff.

(c) Defendant will execute such release of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant to obtain copies of medical records and authorize the Compliance Consultant to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records. Board staff to obtain reports from the Chief of Psychiatry at Carl Albert regarding clinical performance of the Defendant.

(d) During the period of probation, Defendant will keep duplicate, serially numbered prescriptions of all controlled dangerous substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Oklahoma State Board of Medical Licensure and Supervision immediately upon request.

(e) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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 Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

(f) During the period of probation, Defendant 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.

(g) During the period of probation, Defendant 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 or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

(h) During the period of probation, Defendant will not supervise allied health professionals.

(i) During the period of probation, Defendant will keep the Board informed of his current address.

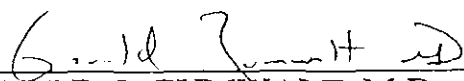
(j) During the period of probation, Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case.

(k) Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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. 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 23 day of April, 1998.


GERALD C. ZUMWALT, M.D.,
Secretary/Treasurer
Oklahoma Board of Medical Licensure
and Supervision

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 29 day of April, 1998, to:

PATRICK S. HERD, M.D.
RR 1 BOX 67 D
McAlester OK
74501

Janet Owens

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

STATE OF OKLAHOMA

FILED

MAY 7 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA EX REL. THE)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

v.)

Case No. 96-08-1819

PATRICK S. HERD, M.D.,)
MEDICAL LICENSE NO. 18233,)

Defendant.)

AMENDED FINAL ORDER

This Amended Final Order amends and corrects the Final Order entered in this cause ~~April~~ April 23, 1998. The April order contained several scrivener's errors and did not accurately reflect the *en banc* decision of the Oklahoma State Board of Medical Licensure and Supervision entered March 27, 1998. This Amended Final Order supersedes the order entered April 23, 1998 in its entirety.

This cause came one for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), *en banc*, on March 27, 1998, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, OK, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff, and Patrick S. Herd, M.D., Defendant, appeared in person, *pro se*, without legal counsel, and waived his right to legal counsel and agreed to proceed.

The Board *en banc* heard sworn testimony, reviewed exhibits, and being fully advised in the premises, FINDS and ORDERS as follows:

Findings of Fact

1. Defendant, Patrick S. Herd, M.D., is the holder of Oklahoma Medical License No. 18233.

2. From approximately July 1995 to November 1997, Defendant prescribed, administered or dispensed controlled dangerous substances and other drugs to patients and maintained patients on those drugs for long periods of time. Such prescribing, administering, or dispensing was in excess of the amount considered good medical practice and was without medical need. The controlled dangerous substances prescribed, administered or dispensed by the Defendant included the following:

DRUG	SCHEDULE
Adderall	II
Demerol	II
Lortab	III
Bontril	III
Tylenol/Cod #4 (60 mg)	III
Didrex	III
Klonopin	IV
Phentermine	IV
Adipex	IV
Pondimin	IV
Triazolam	IV
Redux	IV
Alprazolam (Xanax)	IV

3. Defendant prescribed, administered or dispensed controlled dangerous substances for weight control to, among others, the following patients:

Patient	Start Date	Starting Weight (in pounds)	Height	Ending Weight (in pounds)	Ending Date
Female					
A	12/7/95	103.8	5'4"	104.0	3/13/96
B	4/12/96	157.0	5'5"	134.2	7/15/97
C	9/15/95	113.8	5'2"	114.4	4/18/97
D	12/4/95	145.6	5'8"	151.6	6/19/97
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G	7/15/96	161.4	5'4"	165.6	6/18/97
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I	11/1/95	102.0	5'4"	115.2	7/3/97

J	1/17/96	111.4	5'3"	105.6	6/25/97
K	12/4/95	157.2	5'4"	145.6	7/16/97
Male					
L	3/28/96	176.0	5'10"	173.8	6/25/97
M	9/15/95	173.4	5'9"	173.4	4/18/97

4. Defendant did not maintain complete medical records and charts that contained all pertinent medical information on his patients, including those patients listed above.

5. Defendant's medical records fail to demonstrate that Defendant prescribed, administered or dispensed controlled dangerous substances to the patients listed above with sufficient examination and the establishment of a valid physician-patient relationship.

6. As a result of these acts and omissions, Defendant was perpetuating significant harm to the public health, safety and welfare.

7. The Board has jurisdiction of the subject matter herein, and proper notice has been given as required by law and the rules of the Board.

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Act and the OAC. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Patrick S. Herd, M.D., License No. 18233, by reason of the above facts, is in violation of 59 Okla. Stat. § 509(13) and (17) of the Act, which provide:

13. Prescribing or administering a drug or treatment without sufficient examination or the establishment of a valid physician-patient relationship.

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.

3. Defendant, Patrick S. Herd, M.D., License No. 18233, by reason of the above facts, is in violation of the following section of the OAC, which provide:

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

(2) 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.

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

Order

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

1. The Defendant, Patrick S. Herd, M.D. holding Oklahoma Medical License No. 18233, should be and is hereby FORMALLY REPRIMANDED for the conduct described above and also is placed on PROBATION for a period of five (5) years beginning on the date of this Order.

2. The following terms, conditions and requirements are apply during the probationary period:

a. Defendant will not practice any weight control or pain management.

b. Defendant will keep and maintain adequate medical records to support any prescription of controlled and non-controlled addictive substances to any patient and shall make those records available to agents and representatives of the Board upon their request to include quarterly review of records as collected by the Board staff.

c. Defendant will limit his practice to psychiatry for patients of the Carl Albert Community Mental Health Center, McAlester, Oklahoma, and the Board staff will obtain reports from the Chief of Psychiatry at Carl Albert

Community Mental Health Center regarding Defendant's clinical performance.

d. Defendant will keep duplicate, serially numbered prescriptions of all controlled and non-controlled addictive substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

e. Defendant will conduct his practice in compliance with the Act and OAC as interpreted by the Board. Any question of interpretation regarding the Act or its implementing regulations shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification or interpretation is received by Defendant from the Board.

f. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and each and every hospital, clinic or other institution in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating the sanctions imposed by the Board herein.

g. Defendant will not supervise allied health professionals.

h. Defendant will keep the Board informed of his current address.

i. Defendant will pay when due all assessments by the Board for prosecution, investigation and monitoring of his case.

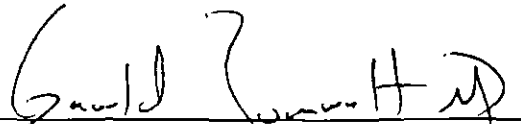
j. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

3. The jurisdiction of the Board in this individual proceeding will continue until the terms, conditions and requirements of probation are modified or lifted by the Board on its own motion or upon the motion of the Defendant.

4. Failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to revoke or suspend Defendant's Oklahoma Medical License, after due notice and hearing.

5. Termination from probation and reinstatement of a full, unrestricted medical license shall take place and become effective only after review by the Board upon proof of compliance and satisfaction of all terms, conditions and requirements for full licensure in the State of Oklahoma.

Dated this 7 day of May, 1998.



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

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, via certified mail, postage prepaid, this 13 day of May, 1998 to:

Patrick S. Herd
RR 1 Box 67D
McAlester OK 74501



Janet L. Owens VICKIE L. MATTINGLY

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

FILED

IN THE MATTER OF THE
APPLICATION OF

PATRICK S. HERD, M.D.

FOR MODIFICATION OF
PROBATION TERMS FOR
MEDICAL LICENSE NO. 18233

OCT 02 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 24, 1998, at the Board office, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Applicant, Patrick S. Herd, M.D., holding Oklahoma medical license no. 18233, appeared in person without counsel, thereby waiving his right to legal representation.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact, Conclusions of Law and Orders:

FINDINGS OF FACT

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Dr. Herd currently holds medical license no. 18233 under a five (5) year term of probation that commenced March 27, 1998.
3. Dr. Herd requested that the terms of his probation be modified to change his practice location from the Carl Albert Indian Hospital to The Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma.
4. Dr. Herd 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. Herd presented satisfactory evidence to justify changing the practice location under the terms of his probation.

ORDER

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

1. Dr. Herd's application to modify the terms of his probation is **GRANTED**.
2. Dr. Herd's probation shall continue for five (5) years from the date of its commencement on March 27, 1998 under the following terms and conditions as modified and restated below:
 - a. During the period of probation, Dr. Herd will not practice any weight control or pain management.
 - b. During the period of probation, Dr. Herd will maintain adequate medical records to support any prescription of controlled dangerous substances to any patient and shall make those records available to agents and representatives of the Board upon their request, including quarterly review of records as collected by Board staff.
 - c. Dr. Herd will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant to obtain copies of medical records and to authorize the Compliance Consultant to discuss Dr. Herd's case with Dr. Herd's treating physicians and/or any physicians holding Dr. Herd's records. Board staff shall also obtain reports from the Chief of Psychiatry at the Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma regarding the clinical performance of Dr. Herd.
 - d. During the period of probation, Dr. Herd will keep duplicate, serially numbered prescriptions of all controlled dangerous substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.
 - e. Dr. Herd shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the

question will be taken by Dr. Herd until clarification of interpretation is received by Dr. Herd from the Board.

f. During the period of probation, Dr. Herd will request all hospitals in which he anticipates practice to furnish to the Board a written quarterly statement monitoring Dr. Herd's practice while performing services in or to that hospital.

g. During the period of probation, Dr. Herd will furnish to each and every state in which he holds licensure or applies for licensure and to each and every hospital, clinic or other institution in which he holds or anticipates holding any form of staff privileges or employment a copy of this Order stipulating sanctions imposed by the Board.

h. During the period of probation, Dr. Herd will not supervise allied health professionals.

i. During the period of probation, Dr. Herd will keep the Board informed of his current address.

j. During the period of probation, Dr. Herd will keep current payment of all assessments made by the Board for costs incurred in the prosecution, investigation or monitoring of his case.

k. Until such time as all indebtedness to the Board has been satisfied, Applicant will reaffirm such indebtedness in any and all bankruptcy proceedings.

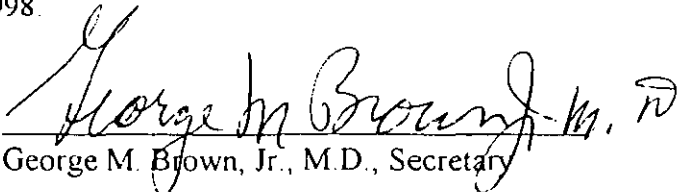
l. During the period of probation, Dr. Herd will limit his practice to The Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma.

3. Jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Board on its own motion or on the motion of the Defendant.

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

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

Dated this 2nd day of October, 1998.


George M. Brown, Jr., M.D., Secretary

Certificate of Service

On the 8 day of October, 1998, a true and correct copy of this order was mailed,
postage prepaid, to Patrick S. Herd, M.D., RR 1 Box 67 D McAlester OK
74501

Janet L Owens

Janet Owens

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

FILED

OCT 02 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

IN THE MATTER OF THE)
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FOR MODIFICATION OF)
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FINDINGS OF FACT

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Dr. Herd currently holds medical license no. 18233 under a five (5) year term of probation that commenced March 27, 1998.
3. Dr. Herd requested that the terms of his probation be modified to change his practice location from the Carl Albert Indian Hospital to The Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma.
4. Dr. Herd 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. Herd presented satisfactory evidence to justify changing the practice location under the terms of his probation.

ORDER

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

1. Dr. Herd's application to modify the terms of his probation is **GRANTED**.
2. Dr. Herd's probation shall continue for five (5) years from the date of its commencement on March 27, 1998 under the following terms and conditions as modified and restated below:
 - a. During the period of probation, Dr. Herd will not practice any weight control or pain management.
 - b. During the period of probation, Dr. Herd will maintain adequate medical records to support any prescription of controlled dangerous substances to any patient and shall make those records available to agents and representatives of the Board upon their request, including quarterly review of records as collected by Board staff.
 - c. Dr. Herd will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant to obtain copies of medical records and to authorize the Compliance Consultant to discuss Dr. Herd's case with Dr. Herd's treating physicians and/or any physicians holding Dr. Herd's records. Board staff shall also obtain reports from the Chief of Psychiatry at the Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma regarding the clinical performance of Dr. Herd.
 - d. During the period of probation, Dr. Herd will keep duplicate, serially numbered prescriptions of all controlled dangerous substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.
 - e. Dr. Herd shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the

question will be taken by Dr. Herd until clarification of interpretation is received by Dr. Herd from the Board.

f. During the period of probation, Dr. Herd will request all hospitals in which he anticipates practice to furnish to the Board a written quarterly statement monitoring Dr. Herd's practice while performing services in or to that hospital.

g. During the period of probation, Dr. Herd will furnish to each and every state in which he holds licensure or applies for licensure and to each and every hospital, clinic or other institution in which he holds or anticipates holding any form of staff privileges or employment a copy of this Order stipulating sanctions imposed by the Board.

h. During the period of probation, Dr. Herd will not supervise allied health professionals.

i. During the period of probation, Dr. Herd will keep the Board informed of his current address.

j. During the period of probation, Dr. Herd will keep current payment of all assessments made by the Board for costs incurred in the prosecution, investigation or monitoring of his case.

k. Until such time as all indebtedness to the Board has been satisfied, Applicant will reaffirm such indebtedness in any and all bankruptcy proceedings.

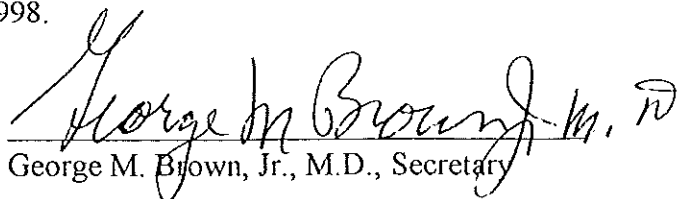
l. During the period of probation, Dr. Herd will limit his practice to The Oaks Treatment and Rehabilitation Center in McAlester, Oklahoma.

3. Jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Board on its own motion or on the motion of the Defendant.

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

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

Dated this 2nd day of October, 1998.


George M. Brown, Jr., M.D., Secretary

Certificate of Service

On the 8 day of October, 1998, a true and correct copy of this order was mailed,
postage prepaid, to Patrick S. Herd, M.D., RR 1 Box 67 D McAlester, OK
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Janet Owens

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