

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

FILED

SEP 17 2003

IN THE MATTER OF THE)
APPLICATION OF)

JAMES KENT ROBBERSON, M.D.)

FOR MODIFICATION OF)
PROBATION TERMS FOR)
LICENSE NO. 11847)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 99-03-2068

THIRD ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 11, 2003, 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, James Kent Robberson, M.D., holding Oklahoma medical license no. 11847, 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. Robberson currently holds medical license no. 11847 under an indefinite term of probation that commenced November 3, 1999.
3. On March 15, 2001, Dr. Robberson requested that the terms of his probation be modified to allow him to prescribe controlled dangerous drugs to hospital inpatients and to emergency room patients, which request was granted by Order dated March 28, 2001.
4. On April 8, 2002, Dr. Robberson requested that the terms of his probation be modified to allow him to prescribe Schedule II through V controlled dangerous substances to nursing home patients, and to prescribe non-narcotic Schedule II, and both narcotic and non-narcotic Schedule III through V controlled dangerous substances to outpatients on duplicate,

serially numbered prescriptions. Dr. Robberson also requested that his therapist submit reports to the Board Secretary twice a year, rather than on a quarterly basis. Dr. Robberson's request was granted by Order dated May 9, 2002.

5. On September 2, 2003, Dr. Robberson requested that the terms of his probation be modified to allow him to prescribe Schedule II controlled dangerous substances to outpatients on duplicate, serially numbered prescriptions with no dispensing, and that he be allowed to utilize a non-licensed female employee as a chaperone, with immediate notification to the Board when this occurs.

6. Dr. Robberson presented sufficient evidence to support the requested modification.

CONCLUSIONS OF LAW

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

2. Dr. Robberson has presented satisfactory evidence to justify allowing him to prescribe Schedule II controlled dangerous substances to outpatients on duplicate, serially numbered prescriptions with no dispensing, and to utilize a non-licensed female employee as a chaperone, with immediate notification to the Board when this occurs.

ORDER

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

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


2. Dr. Robberson's probation shall continue indefinitely from the date of its commencement of November 3, 1999 under the terms and conditions set forth in the February 3, 2000 Order, the March 28, 2001 Order Modifying Probation, and the May 9, 2002 Order Modifying Probation, with the exception that Dr. Robberson be allowed to prescribe Schedule II controlled dangerous substances to outpatients on duplicate, serially numbered prescriptions with no dispensing, and to utilize a non-licensed female employee as a chaperone, with immediate notification to the Board when this occurs.

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. Robberson's medical license, after additional notice and hearing as required by law.

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

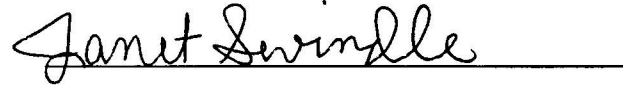
processed.

Dated this 17 day of September, 2003.


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

Certificate of Service

On the 17 day of September, 2003, a true and correct copy of this order was mailed, postage prepaid, to James Robberson, M.D., Robberson Clinic, 116 E. Robert S. Kerr Blvd., Wynnewood, OK 73098.



Janet Swindle