

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

**FILED**

SEP 24 2010

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff, )

v. )

JAMES KENT ROBBERSON, M.D., )  
LICENSE NO. 11847 )

Defendant. )

Case No. 09-11-3880

**VOLUNTARY SURRENDER OF LICENSE**  
**IN LIEU OF PROSECUTION**

State of Oklahoma )  
 )  
OKLAHOMA County )

I, James Kent Robberson, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 11847.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of an investigation by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:
  - a. Defendant, James Kent Robberson, M.D., holds Oklahoma license no. 11847 and practices as a family practice physician in Wynnewood, Oklahoma.

### PREVIOUS DISCIPLINARY ACTION

- b. On or about February 3, 2000, the Board entered an Order Accepting Voluntary Submittal to Jurisdiction whereby Defendant's license was **SUSPENDED** for a period of **SIX (6) MONTHS**, to be followed by **INDEFINITE PROBATION** based upon Defendant's admission that he had engaged in sexual conduct with four (4) patients. Defendant additionally admitted that he had been abusing Demerol, Lortab, Phentermine and Halcyon. Defendant obtained treatment for both his drug abuse as well as his sexual misconduct.
- c. On November 3, 2005, Defendant appeared before the Board and requested that his probation be terminated. The Board granted Defendant's request.

### PATIENT JDD-SEXUAL MISCONDUCT

- d. In or around the time Defendant's probation with the Board was terminated, Defendant engaged in sexual conduct with Patient JDD. Defendant admits that JDD was a patient and that the sexual conduct occurred in 2005 or 2006.

### PATIENT AWD-SEXUAL MISCONDUCT

- e. In or around 2006, Patient AWD began working as a nurse in Defendant's office.
- f. A review of Defendant's records reveals that Defendant began treating Patient AWD on or around December 28, 2006 and continuing through at least March 16, 2009. Defendant's records reflect twelve (12) office visits where she sought treatment from Defendant for alleged back, shoulder, hand and knee pain. The only prescriptions reflected in Defendant's records are for Flexeril and Naprosyn, both non-controlled medications.
- g. A review of the PMP and pharmacy records reflects that beginning on or around March 1, 2008 and continuing through March 16, 2009, Patient AWD received at least thirty-three (33) additional prescriptions for controlled dangerous substances which were not documented in the patient chart. These prescriptions include thirty-two (32) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, and one (1) prescription for Lorazepam, a Schedule IV controlled dangerous drug. Defendant admits that he authorized at least one-half of these prescriptions to Patient AWD. Nowhere in Defendant's records is there any reference to the Hydrocodone or Lorazepam. A review of Defendant's records reveals that Defendant failed to maintain an office record

which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

h. Beginning in or around March 2008 and continuing through April 2009, Defendant engaged in sexual intercourse with Patient AWD. Defendant admits that he engaged in sexual intercourse with this patient approximately twenty (20) times, either at his home or at his medical office. Defendant admits that one (1) of these incidents occurred at his office during business hours. Defendant admits that he engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances to this patient.

### **PATIENT EWD-PRESCRIBING VIOLATIONS**

i. A review of Defendant's records reveals that Defendant began treating Patient EWD, the husband of Patient AWD, on or around March 14, 2006 and continuing through at least January 16, 2009. Defendant's records reflect twelve (12) office visits where Patient EWD sought treatment from Defendant for alleged back, shoulder and ear pain. The only prescriptions reflected in Defendant's records are for non-controlled medications.

j. A review of the PMP and pharmacy records reflects that beginning on or around March 21, 2008 and continuing through March 12, 2009, Patient EWD received at least forty (40) prescriptions for controlled dangerous substances which were not documented in the patient chart. These prescriptions include thirty-five (35) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, and five (5) prescriptions for Temazepam and Propoxyphene, Schedule IV controlled dangerous drugs. Defendant admits that he authorized some of these prescriptions to patient EWD. Nowhere in Defendant's records is there any reference to the Hydrocodone, Temazepam or Propoxyphene. A review of Defendant's records reveals that Defendant failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

k. Defendant is guilty of unprofessional conduct in that he:

i. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).

ii. Engaged in physical conduct with a patient which is sexual in nature ... in violation of 59 O.S. §509 (17).

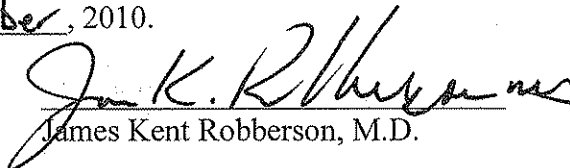
- iii. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- iv. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
- v. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- vi. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509 (18) and OAC 435:10-7-4(41).
- vii. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

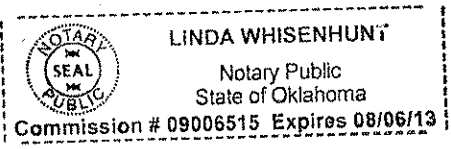
DATED this 14 day of September, 2010.

  
James Kent Robberson, M.D.

Subscribed and sworn before me this 14<sup>th</sup> day of September, 2010.

Linda Whisenhunt  
Notary Public

My commission expires on 09006515



**ACCEPTED:**

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

Date: 9-24-10