

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

FILED

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

Plaintiff)

v.)

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

Defendant.)

MAR 27 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-11-3880

ORDER GRANTING REINSTATEMENT OF LICENSE
WITH INDEFINITE PROBATION AFTER VOLUNTARY SURRENDER
OF LICENSE IN LIEU OF PROSECUTION

This matter came on for hearing before the Oklahoma State Medical Board of Licensure and Supervision on March 7, 2013, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Defendant, James Kent Robberson, M.D., appeared in person and pro se.

Scott Randall Sullivan, Special Prosecutor, appeared on behalf of the State of Oklahoma, ex rel. The Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the application and being fully apprised of the premises, entered 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 rules of the Board.
2. On September 24, 2010 the Board accepted Defendant's Voluntary Surrender of License in Lieu of Prosecution upon allegations of unprofessional conduct as set forth in the complaint filed April 9, 2010.

3. On August 23, 2011, Defendant filed Application for Licensure Reinstatement and on November 18, 2011 Board denied said reinstatement based on Defendant failing to sustain his burden of proof including that he be of good moral character and competent to practice safely as required by 59 O.S. §495(h).
4. Defendant is now seeking reinstatement of his Oklahoma Medical License No. 11847.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1
2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 et seq.

ORDER

It is therefore **ORDERED** by the Board of Medical Licensure and Supervision as follows:

1. It is **ORDERED** that Defendant's medical license shall be reinstated. Defendant is hereby placed on **INDEFINITE PROBATION** and said probation shall have the following provisions:

Standard Terms:

A. 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.

B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

C. Defendant will not supervise allied health professionals that require surveillance of a licensed physician. i.e., physician assistant, nurse practitioner or certified registered nurse anesthetist.

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

E. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

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

G. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

H. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

I. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

J. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

K. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, as well as hair follicle samples for analysis, upon request of the Board or its designee, and Defendant will pay for the costs attendant therein.

L. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

M. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of this Board Order immediately upon initiation, or continuation of treatment.

N. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

O. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance misconduct.

P. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse or sexual abuse.

Q. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

Specific Terms:

R. Defendant will abide by the formal contract with the Oklahoma Health Professionals Program ("OHPP")

S. Defendant will attend one (1) meeting per week of the Caduceus group that meets in Oklahoma City, Oklahoma, or other Oklahoma location.

T. Defendant will work in a practice setting where he does not treat female patients. He will work in a practice setting such as a correctional facility with an all-male patient population. His practice setting is to be approved by the Board Secretary.

U. Defendant will remain in individual psychotherapy with Vera Gatch, Ph.D.

V. Defendant should undergo a complete physical examination prior to returning to work with laboratory testing or follow-up studies as indicated based on his history and Dr. Westcott's clinical judgment.

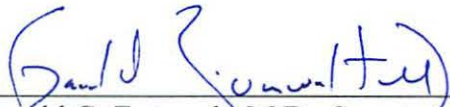
W. Defendant should return to Acumen Institute in six months *after* he returns to work for his review of his transition back into medicine. At that time, he will submit to a Polygraph Examination to verify his abstinence from any sexual

misconduct. Quarterly physician performance reviews should be obtained from his work-place supervisor over the first year of employment and then biannually for a period of time deemed appropriate by the Board. Releases of information for Acumen Institute to all pertinent parties involved in his monitoring process, work and treatment will be maintained until further determination.

X. Defendant will submit to a Polygraph examination every six (6) months to ensure that he is in compliance with all provisions of this Order

3. Promptly upon receipt of an invoice, defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

DATED this 22 day of March, 2013.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision

CERTIFICATE OF MAILING

This is to certify that on this 22nd day of March 2013, a true and correct copy of this order was mailed, postage prepaid, to: James Kent Robberson, M.D., 524 E. Apache, Norman, OK 73071.



Barbara J. Smith, Legal Assistant

+