

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

STATE OF OKLAHOMA, *ex rel.*,)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff)
)
v.)
)
JAMES KENT ROBBERSON, M.D.,)
LICENSE NO. 11847,)
)
Defendant.)

FILED
DEC 11 2015
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-11-3880

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

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on November 5, 2015, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

James Kent Robberson, M.D. (“Defendant”), holding Oklahoma medical license no. 11847, appeared in person. Dr. Robert Westcott, Medical Director at the Oklahoma Health Professionals Program (OHPP), appeared in support of Defendant. Gary Ricks, Compliance Coordinator, appeared on behalf of the Board.

The Board *en banc* after hearing arguments of the parties, hearing testimony, being fully advised in the premises, and for good cause shown, finds and orders as follows:

Findings of Fact

1. Defendant currently holds medical license no. 11847.
2. Previous Disciplinary Action, Board Case No. 99-03-2068:
 - a. On October 18, 1999, an Amended Complaint was prepared against Defendant for unprofessional conduct including sexual misconduct and prescribing violations.
 - b. On 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. Subsequently, three (3) Orders Modifying Probation were filed on March 28, 2001, June 6, 2002 and September 17, 2003.
 - d. On November 3, 2005, Defendant appeared before the Board *pro se* and requested that his probation be terminated. The Board granted Defendant's request and filed an Order Terminating Probation on November 10, 2005.
3. Current Disciplinary Action, Board Case No. 09-11-3880:
- a. In 2010, Board Case No. 09-11-3880 was filed against Defendant for unprofessional conduct, which included alleged prescribing violations and sexual misconduct.
 - b. On September 14, 2010, Defendant executed a Voluntary Surrender in Lieu of Prosecution ("SILOP") which was filed on September 24, 2010, and on September 16, 2010, the Board filed an Order Accepting the same.
 - c. On August 23, 2011, Defendant filed an Application for Licensure Reinstatement, and on November 3, 2011, the Board denied the application. An Order Denying Reinstatement of Medical License was filed on November 18, 2011.
 - d. On March 7, 2013, Defendant appeared before the Board *pro se*, regarding his application for reinstatement, and the Board granted Defendant's request for reinstatement of his medical license after SILOP under terms of indefinite probation. An Order reflecting the same was filed on March 22, 2013, with indefinite probation commencing on March 7, 2013.
4. Defendant is currently practicing under terms of indefinite probation.
5. On November 5, 2015, Defendant requested that the terms of his indefinite probation be modified as follows:
- a. Modification of Paragraph "X" that states: Defendant will submit to a Polygraph examination every six (6) months to ensure that he is in compliance with all provisions of this Order.
- Paragraph "X" will be modified to change the frequency of Defendant's required polygraph examinations from once every six (6) months to once every twelve (12) months.

Conclusions of Law

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to Title 59 Okla. Stat. § 480 *et seq.* Notice was been given in all respects in accordance with law and the rules of the Board.
2. The Board therefore has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare. Tit. 59 O.S. § 480 *et seq.*
3. Defendant presented sufficient evidence and good cause to support the requested modification of Paragraph "X" of his terms of Indefinite Probation, changing the frequency of Defendant's required polygraph tests from once every six (6) months to once every twelve (12) months.

Orders

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

1. Defendant's application for modification to the terms of his Indefinite Probation is **GRANTED**, modifying Paragraph "X." Specifically:
 - a. Paragraph "X" states: Defendant will submit to a Polygraph examination every six (6) months to ensure that he is in compliance with all provisions of this Order.

Paragraph "X" is hereby modified to change the frequency of Defendant's required polygraph examinations from once every six (6) months to once every twelve (12) months.
2. All other terms of Defendant's indefinite probation shall remain unchanged and in full force and effect.
3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Defendant's medical license, after additional notice and hearing as required by law.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law.
5. A copy of this written order should be sent to Defendant as soon as it is processed.

Dated this 11th day of December, 2015.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 11th day of December, 2015, a true and correct copy of this Order was sent by U.S. first-class mail, postage prepaid, to the following:

James Kent Robberson, M.D.
524 East Apache
Norman, Oklahoma 73071



Nancy Thiemann, Legal Secretary