

**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
 JUN 01 2016
 OKLAHOMA STATE BOARD OF
 MEDICAL LICENSURE & SUPERVISION

Case No. 09-11-3880

**SECOND ORDER MODIFYING ORDER GRANTING REINSTATEMENT OF
LICENSE WITH INDEFINITE PROBATION AFTER SILOP**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (herein, "State" or "Board") on May 12, 2016, 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. (herein, "Defendant" or "Dr. Robberson"), holding Oklahoma medical license no. 11847, appeared in person, *pro se*. Dr. Robert Westcott, M.D., Director of the Oklahoma Health Professionals Program ("OHPP") appeared in support of Dr. Robberson.

Gary Ricks, Compliance Coordinator, appeared on behalf of the State.

The Board *en banc* heard testimony of witnesses, arguments of counsel, reviewed the exhibits presented, and being fully apprised of the premises, finds and orders as follows:

Findings of Fact

1. Defendant currently holds Oklahoma medical license number 11847, which was issued on July 1, 1978.
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. Previous Disciplinary Action, Board Case No. 99-11-3880:
- a. On April 9, 2010, a Complaint and Citation, Case No. 09-11-3880 were 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. On September 16, 2010, the Board filed an Order Accepting SILOP.
 - c. On August 23, 2011, Defendant filed an Application for Licensure Reinstatement, and on November 3, 2011, the 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). 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 Granting Reinstatement of License with Indefinite Probation after Voluntary Surrender of License in Lieu of Prosecution was filed on March 22, 2013, with the INDEFINITE PROBATION commencing on March 7, 2013.
 - e. On November 5, 2015, Defendant appeared before the Board *pro se*, regarding his motion to modify Paragraph "X" of the terms of his indefinite probation, changing the frequency of required polygraph tests from once every six (6) months to once every twelve (12) months. The Board granted Defendant's request for modification of Paragraph "X," and an Order Modifying Order Reinstating License with Indefinite Probation after Voluntary SILOP was filed on December 11, 2015.

4. On April 14, 2016, Defendant delivered a motion for modification to the terms of his Indefinite Probation to the Board, requesting removal of Paragraph "U." More specifically:
 - U. Defendant will remain in individual psychotherapy with Vera Gatch, Ph.D.
5. On May 12, 2016, at the regular hearing of the Board, Dr. James Robberson appeared in person, *pro se*. Dr. Robert Westcott, Director of the OHPP appeared in support of Dr. Robberson. Gary Ricks, Compliance Coordinator appeared on behalf of the State. Mr. Ricks presented a letter from the Acumen Institute showing "No indications for additional psychotherapy." He stated that the State is in support of the removal of Paragraph "U" because of Dr. Robberson's good compliance and the letter from Acumen. Dr. Westcott of the OHPP testified that Dr. Robberson has progressed well in the OHPP program, and that he is willing to do anything. Dr. Westcott supports the removal of Paragraph "U."
6. The Board concluded that the requested modification to the terms of Dr. Robberson's Indefinite Probation should be approved.

Conclusions of Law

1. The Board has jurisdiction over the subject matter herein and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians, surgeons and other allied health professionals in the State of Oklahoma pursuant to Title 59 O.S. § 480 *et seq.* Notice was given as required by law and the rules of the Board.
2. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician, surgeon and other allied health professionals holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. 2011 & Supp. 2014, §§ 503, 509.1(A)(3), (4). This authority is *quasi-judicial* 59 O.S. 2011, § 513(A)(1).
3. Defendant presented sufficient evidence and good cause to support the requested modification to the terms of his Indefinite Probation, removing paragraph "U" and terminating the requirement for Defendant to remain in individual psychotherapy with Vera Gatch, Ph.D.

Orders

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

1. Defendant's motion to modify the terms of his Indefinite Probation is **GRANTED**, removing paragraph "U" and terminating the requirement for Defendant remain in individual psychotherapy with Vera Gatch, Ph.D.

2. Effective May 12, 2016, Paragraph "U" is hereby removed from the terms of Order Granting Reinstatement of License with Indefinite Probation after Voluntary Surrender of License in Lieu of Prosecution, filed March 22, 2013.


3. All other terms of Defendant's Indefinite Probation shall remain unchanged and in full force and effect.

4. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke the Oklahoma medical license of James Kent Robberson, M.D., after additional notice and hearing as required by law.

5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

6. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 1st day of June, 2016.



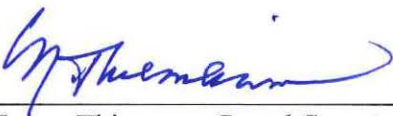
Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Mailing

This is to certify that on the 2nd day of June, 2016, 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

Defendant Pro se



Nancy Thiemann, Legal Secretary