

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

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

FILED

MAR 08 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.)
)
KENT THOMAS KING, M.D.,)
LICENSE NO. 16153,)
)
Defendant.)

Case No. 11-03-4188

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Kent Thomas King, M.D., Oklahoma license no. 16153, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on January 27, 2012 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Kent Thomas King, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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 59 Okla. Stat. §480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Kent Thomas King, M.D., holds Oklahoma license no. 16153 and practices family medicine in Marlow, Oklahoma.

SEXUAL MISCONDUCT ALLEGATIONS

1ST PATIENT-PATIENT SAL

3. In or after 2007, Defendant met Patient SAL through an online dating service. At some point thereafter, they engaged in a sexual relationship. When initially asked by Board investigators if he had ever prescribed controlled dangerous substances to Patient SAL, Defendant stated that he had not.

4. A review of pharmacy records reflects that from January 3, 2008 until March 7, 2011, Defendant authorized nine (9) prescriptions for controlled dangerous substances to Patient SAL. When Board investigators confronted Defendant with these nine (9) prescriptions, he then admitted that he must have prescribed to her but did not remember it. In a follow-up interview with Board investigators, Defendant admitted that Patient SAL was "bi-polar" and that he had in fact prescribed Tussionex HC and possibly some non-CDS dangerous drugs.

5. Defendant admits that he kept no medical record of his treatment and prescribing to Patient SAL.

2ND PATIENT-PATIENT KAL

6. In or after 2007, Defendant met Patient KAL through an online dating service. At some point thereafter, they engaged in a sexual relationship. When initially asked by Board investigators if he had ever prescribed controlled dangerous substances to Patient KAL, Defendant stated that he did not remember. In a follow-up interview six (6) months later, Defendant then admitted that he had in fact prescribed controlled dangerous substances to Patient KAL. Defendant did not remember why he had treated Patient KAL.

7. Defendant admits that he kept no medical record of his treatment and prescribing to Patient KAL.

3RD PATIENT-PATIENT SVL

8. In or around the fall of 2008, Defendant met Patient SVL through Craigslist. They immediately engaged in a sexual relationship and have continued to engage in a sexual relationship through at least April 2011.

9. When first questioned by Board investigators, Defendant stated that his sexual relationship with Patient SVL ended in February 2010 when he began his sexual relationship with the fourth patient, Patient TSL set forth below. However, when confronted with text messages and pictures of Defendant with Patient SVL at a motel in Tulsa at a convention in April 2011, Defendant then admitted that he had in fact engaged in sexual relations with Patient SVL as late as April 2011, during which time he was also engaging in a sexual relationship with Patient TSL as set forth below.

10. When questioned by Board investigators as to whether or not he had ever treated Patient SVL or prescribed any medications to her, Defendant stated that he had only issued two (2) prescriptions for controlled dangerous substances and one (1) prescription for a non-controlled dangerous substance to this patient.

11. A review of pharmacy records reflects that during the time that Defendant was engaged in a sexual relationship with Patient SVL, he in fact issued eight (8) prescriptions for controlled dangerous substances for alleged anxiety and pain, and eight (8) prescriptions for non-controlled dangerous drugs to Patient SVL. Controlled dangerous substances prescribed include Xanax, Lortab, Soma and Restoril. When confronted by Board investigators in a follow-up interview, Defendant admitted to Board investigators that he had also prescribed Tussionex HC and Lorazepam to Patient SVL.

12. Defendant admits that he kept no medical record of his treatment and prescribing to Patient SVL.

13. Board investigators additionally questioned Defendant about allegations that he had hit or slapped Patient SVL during an argument. Defendant initially told investigators that he had not done this. However, when confronted with text messages he had sent Patient SVL where he apologized for slapping her, he then admitted that he had in fact pushed her up against a car window. Defendant claims that Patient SVL had hit him previously.

4TH PATIENT-PATIENT TSL

14. A review of Defendant's records reveals that Defendant began treating Patient TSL in or around 1993 and continuing for the next eighteen (18) years until at least August 2010. Defendant delivered both her fifteen (15) year old and two and one-half (2 ½) year old sons and treated her continuously for numerous health issues throughout this eighteen (18) year period of

time. Defendant's treatment of Patient TSL included the prescribing of numerous controlled and non-controlled dangerous drugs.

15. In or around March 2010, while Defendant was still her treating physician, Defendant and Patient TSL began to engage in a sexual relationship. While Defendant is still married at this time, he and Patient TSL have continued this sexual relationship through the present time. Defendant admits that he engaged in a sexual relationship with Patient TSL at the same time he was maintaining a doctor-patient relationship and prescribing both controlled and non-controlled dangerous drugs to her.

16. A review of pharmacy records reflects that **subsequent** to the beginning of Defendant's sexual relationship with Patient TSL, he prescribed Lorazepam, a controlled dangerous substance, as well as ten (10) other non-controlled dangerous drugs found in pharmacy and patient records. A review of Defendant's medical record for Patient TSL does not reflect **any** of these prescriptions issued by Defendant.

5th and 6th PATIENTS-PATIENT MGL AND PATIENT SGL

17. In or around 2008 or 2009, Defendant engaged in a sexual relationship with a husband and wife couple, Patient MGL and Patient SGL.

18. Shortly after Defendant's sexual relationship with Patients MGL and SGL ended, he began a doctor-patient relationship with Patient MGL. According to Defendant's records, he treated Patient MGL for HPV from July 15, 2010 until September 17, 2010. The PMP reflects three (3) prescriptions for Hydrocodone, a Schedule III controlled dangerous substance, were issued to Patient MGL. However, only one (1) of the prescriptions is reflected in the patient chart.

19. Shortly after Defendant's sexual relationship with Patient SGL (the wife of Patient MGL above) ended, he also began a doctor-patient relationship with her. According to Defendant's records, he treated Patient SGL for HPV from May 23, 2010 until April 29, 2011. The PMP reflects eleven (11) prescriptions for controlled dangerous substances were issued to Patient SGL to include one (1) prescription for Oxycodone, one (1) prescription for Hydrocodone, and nine (9) prescriptions for Restoril. None of the nine (9) prescriptions for Restoril are reflected in the patient chart.

20. When subsequently questioned by Board investigators as to why he did not document the majority of the prescriptions for controlled dangerous substance written to Patient MGL and Patient SGL, Defendant admitted that he must have called them in afterhours or on the weekends and forgot to note them in the chart.

7TH PATIENT-PATIENT RSL

21. In or around 2009, Defendant met Patient RSL through an online dating service. At some point thereafter, they engaged in a sexual relationship. Defendant admits that he

recommended that she come to his office for treatment and believes that he may have prescribed dangerous drugs to her. However, since he kept no medical record of his treatment of Patient RSL, he admitted he cannot be sure of the specific dates and drugs prescribed.

8TH PATIENT-PATIENT DML

22. In or around 2009, Defendant engaged in a sexual relationship with Patient DML. Defendant admits that he believes he called in Bactrim or another antibiotic for this patient at some time. However, since he kept no medical record of his treatment of Patient DML, he cannot be sure of the specific dates and drugs prescribed.

TREATMENT

23. On or about April 18-19, 2011, Defendant submitted to an assessment at Elmhurst for sexual misconduct. Elmhurst concluded that Defendant was not safe to practice and recommended that he enter long-term residential treatment.

24. On or about May 5, 2011, Defendant entered long-term treatment at the Professional Renewal Center. However, while in treatment in late June 2011, Defendant violated his treatment agreement with PRC. Specifically, he logged onto a computer account he had previously used to arrange sexual encounters. He then arranged to meet a husband and wife couple at a restaurant in Kansas with the intent to enter into a sexual relationship with the couple. He actually met the couple at the restaurant but decided not to proceed with the sexual relationship at that time.

25. When PRC learned of this incident, he was discharged and released to obtain a higher level of treatment at another facility.

26. On or about July 11, 2011, Defendant entered treatment at Sante, where he remained until he was discharged on or about October 10, 2011. Sante gave numerous recommendations at the time of Defendant's discharge.

27. Near the end of his treatment at Sante, Defendant met with Board investigators and confirmed that the only women with whom he had engaged in a sexual relationship and treated as a physician were Patients SAL, KAL, SVL and TSL, the first four (4) patients set forth above.

28. Subsequently, Sante learned that it had not reviewed any of the investigative materials submitted by the Board investigator, nor had it addressed the sexual misconduct committed by Defendant while he was in treatment at PRC. Accordingly, Sante revised its discharge recommendations to include a baseline polygraph examination to be obtained immediately. It also recommended that he continue polygraph examinations every six (6) months, along with numerous other recommendations.

29. Approximately one (1) month after completing treatment at Sante, Defendant again contacted Board investigators and **disclosed two (2) additional patients** with whom he was involved in a sexual relationship, Patients MGL and SGL, the 5th and 6th patients set forth above.

30. In or around December 2011, Defendant agreed to submit to the initial polygraph examination recommended by Sante. As part of that examination, Defendant was asked to provide a list of all persons with whom he had engaged in a sexual relationship and also acted as the person's physician. At that time, Defendant **disclosed two (2) additional women**, Patients RSL and DML, as persons he was sexually involved with and to whom he believes he may have prescribed medications.

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

- A. 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).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- C. 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).
- D. 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).
- E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- E. Confessed to a crime involving violation of the antinarcotic laws and the laws of this state in violation of 59 O.S. §509(7).
- G. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).
- H. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid

physician patient relationship in violation of 59 O.S. §509(12).

- I. 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).
- J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- K. Failed to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination in violation of 59 O.S. §509(20). Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained.
- L. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49).
- M. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- N. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Conclusions of Law

1. The Board 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.

2. Defendant, Kent Thomas King, M.D., Oklahoma medical license 16153, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- A. 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).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- C. 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).
- D. 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).
- E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- F. Confessed to a crime involving violation of the antinarcotic laws and the laws of this state in violation of 59 O.S. §509(7).
- G. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).
- H. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).
- I. 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).
- J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- K. Failed to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical

act, including but not limited to an initial in-person patient examination in violation of 59 O.S. §509(20). Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained.

- L. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49).
- M. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- N. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. The license of Defendant, Kent Thomas King, M.D., Oklahoma license no. 16153, is hereby **SUSPENDED** beginning May 8, 2011, and continuing for **ONE (1) YEAR** until May 8, 2012.
3. At the conclusion of the period of suspension, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:
 - 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. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. 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.

F. During the first month after his return to practice, Defendant shall work no more than thirty (30) hours per week on-site, with no off-site work. Thereafter, Defendant shall work no more than forty (40) hours per week.

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

H. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and only during that time in which he is being treated by the physician for that specific medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

I. Defendant shall attend five (5) 12-Step meetings per week, including the Health Professionals Recovery Program. Fifty percent (50%) of Defendant's meetings shall be 12-Step Sex Addiction meetings.

J. Defendant shall obtain a sponsor and shall meet with his sponsor at least one (1) time per week during his first six (6) months after discharge from Sante, and thereafter shall meet with his sponsor at least two (2) times per month.

K. Defendant will authorize in writing the release of any and all information regarding his treatment at Elmhurst, Professional Renewal Center and Sante and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

L. Defendant will abide by the terms and recommendations of Sante, including all follow-up visits and treatment, and with all terms of his postcare contracts with Sante and the Oklahoma Health Professionals Recovery Program.

M. Defendant shall sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP.

N. Defendant will enter and continue individual counseling with a counselor approved in advance in writing by the Board Secretary and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Frequency of counseling shall be determined by the counselor. Defendant shall submit quarterly reports from his counselor to the Board Secretary for his review.

O. Defendant will enter and continue family and/or couples counseling with a counselor approved in advance in writing by the Board Secretary and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Frequency of counseling shall be determined by the counselor. Defendant shall submit quarterly reports from his counselor to the Board Secretary for his review.

P. Defendant shall have a chaperone, who shall be a licensed health care provider, with him in the room at all times that he is examining or performing services on patients.

Q. Defendant will obtain a primary care physician other than a practice partner.

R. Defendant shall submit to polygraph examinations every six (6) months during the first two (2) years of his probation, the first of which must occur prior to June 16, 2012. Thereafter, he

shall submit to polygraph examinations at least one (1) time per year for the rest of his probationary term. The polygraph examinations will be coordinated and arranged through the Board's Compliance Officer and shall be utilized to assess compliance with the terms of the probation as well as to assess Defendant's maintenance of recovery from his addiction. The polygraph examiner must be approved by the Board Secretary and must be experienced in boundary violations. All evidence obtained by the Board during the investigation of this case must be given to the polygraph examiner prior to the examinations. Reports of the polygraph examiner shall be provided to the Board Secretary for this review and Defendant shall authorize in writing the release of any and all records of the polygraph examinations to the Board or its designee.

S. Defendant shall promptly notify the Board of any relapse, boundary violations and/or sexual misconduct.

T. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses.

U. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

V. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred fifty dollar (\$150.00) per month fee during the term of probation.

W. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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

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

Z. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to

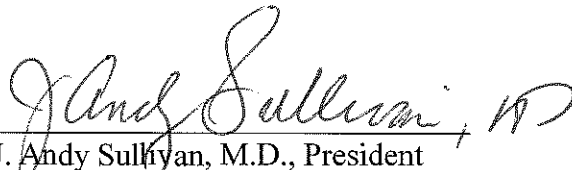
suspend, revoke or modify Defendant's license after due notice and hearing.

4. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$10,000.00** on or before May 8, 2013.

5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

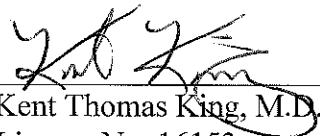
6. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 8 day of March, 2012.

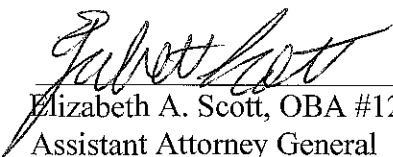


J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED




Kent Thomas King, M.D.
License No. 16153



Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision


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

CERTIFICATE OF MAILING

I certify that on the 9 day of March, 2012, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Kent Thomas King, 501 N. Fourth Street, Marlow, OK 73055.


Janet Swindle