

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,)

JAN 20 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 11-01-1968

ROBI PAUL CHATTERJI, M.D.,)
LICENSE NO. 18937)

Defendant.)

FINAL ORDER OF PROBATION
AND ADMINISTRATIVE FINE

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 12, 2012, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Robert Margo.

The Board *en banc* after hearing arguments of counsel, testimony of witnesses, and reviewing the pleadings filed, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

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, Robi Paul Chatterji, M.D., holds Oklahoma license no. 18937 and practices family medicine in Enid, Oklahoma.

3. A review of Defendant's records reveals that Defendant began treating Patient RPD on or around July 22, 2002. At that time, she was seventeen (17) years old and pregnant. He treated her throughout her pregnancy and delivered her child, Patient BPD, on or about April 29, 2003.

4. After the birth of Patient RPD's child in 2003, Defendant continued to treat Patient RPD over the next eight (8) years as her primary care physician. During this time, Defendant treated Patient RPD for illnesses and performed her yearly pelvic exams.

5. In or around 2007, Patient RPD began working for Defendant as an unlicensed Medical Assistant. During this time, Defendant continued to act as Patient RPD's personal physician.

6. Beginning in or around June 2010, Defendant and Patient RPD began to engage in sexual conduct. Defendant admits that he engaged in the sexual conduct with Patient RPD at the same time he was maintaining a doctor-patient relationship and prescribing dangerous drugs to her.

7. In or around August 2010, Patient RPD became pregnant. Her estimated due date was May 30, 2011.

8. Defendant's medical chart on Patient RPD reflects that after she became pregnant, Defendant continued to act as her primary care physician as well as her obstetrician. No other physicians treated her during this time.

9. After Patient RPD became pregnant, her sexual relationship with Defendant continued as they met at local motels from November 2010 through February 2011. Defendant claims that they could not engage in actual sexual intercourse during this time since she was bleeding due to her pregnancy. They did, however, engage in sexual contact. Patient RPD continued to see only Defendant for her medical needs and prenatal care through at least March 13, 2011. At that time, Patient RPD was 29 weeks pregnant.

10. After Board investigators contacted Defendant in March 2011, Defendant claims that he transferred Patient RPD's care to another physician.

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

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

- C. 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).

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 is guilty of unprofessional conduct in that he:

- A. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- B. 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).
- C. 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).

3. The Board further found that the Defendant's license should be placed on probation and be subject to an administrative fine based upon any or all of the violations of these unprofessional conduct provisions.

Order

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

1. The license of Defendant, **ROBI PAUL CHATTERJI, M.D.**, Oklahoma license no. 18937, is hereby placed on **PROBATION** for **TWO (2) YEARS** beginning January 12, 2012, 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. Defendant shall limit his work week to no more than forty (40) hours per week.

G. Defendant will abide by the terms and recommendations of Elmhurst Memorial Healthcare Professionals Program.

H. Defendant will enter and continue weekly individual psychotherapy with a therapist approved in writing in advance by the Board Secretary. Defendant will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his therapist to the Board Secretary for his review.

I. Defendant will enter and continue weekly marital therapy with a therapist approved in writing in advance by the Board Secretary. Defendant shall obtain weekly marital therapy regardless of whether or not his spouse also attends marital therapy. Defendant will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his therapist to the Board Secretary for his review.

J. Defendant shall obtain a workplace monitor to be approved in advance in writing by the Board Secretary. Defendant shall submit quarterly reports from his workplace monitor to the Board Secretary to report on Defendant's agreement to decrease his patient load and to additionally report on any unprofessional behaviors that may have arisen in the workplace.

K. Defendant shall sign a contract with and attend weekly meetings of the Oklahoma Health Professionals Recovery Program. Defendant shall comply with all requirements of his contract with the HPRP. Defendant shall additionally submit quarterly reports from his individual and marital therapists, as well as his workplace monitor, to his assigned case manager at the HPRP so as to monitor his compliance with all recommendations of Elmhurst.

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

M. 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, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

N. 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.

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

request.

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


Q. 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.

2. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$15,000.00**, to be paid on or before March 12, 2012.

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.

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

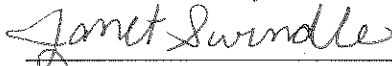
Dated this 20 day of January, 2012.



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

CERTIFICATE OF SERVICE

I certify that on the 20 day of January, 2012, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Probation and Administrative Fine to Robert C. Margo, 5655 N. Classen Blvd., Oklahoma City, OK 73118 and to Robi Paul Chatterji, 3201 North Van Buren, Enid, OK 73703.



Janet Swindle