

**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.

**ROBERT SPENCER RENOARD, M.D.,
LICENSE NO. 19654,**

Defendant.

JUL 29 2004

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 04-01-2763

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, Robert Spencer Renouard, M.D., Oklahoma license no. 19654, who appears in person and through his attorney, R. Brown Wallace, offer 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 certain allegations of the Complaint and Citation filed March 5, 2004 and as set forth herein and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Robert Spencer Renouard, 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, and that this Agreement has been reviewed and discussed with him by his legal counsel.

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.*

2. Defendant, Robert Spencer Renouard, M.D., holds Oklahoma license no. 19654

3. From May 2003 through November 2003, Defendant, who is a urologist, treated Patient JAW, a 10-year-old child, for a recurrent urinary tract infection.

4. Defendant has a long-standing interest in the connection between breast-feeding, the development of a child's immune system and recurrent urinary tract infections. Defendant has promoted the breast-feeding as beneficial to development of the child's immune system. LAW is the mother of Patient JAW and was breast-feeding another child during the time that Defendant was treating JAW.

5. During the time that Defendant treated JAW for the recurrent urinary tract infection, Defendant discussed breast-feeding, the development of a child's immune system and a child's susceptibility to recurrent urinary tract infections. Defendant gave LAW information and scientific papers on the subject. Some discussions and exchanges took place in Defendant's western Oklahoma urology office, during the times that LAW brought her child, JAW, for urologic treatment by Defendant.

6. On or about August 19, 2003, Defendant requested that Patient JAW's mother, LAW, hand express some breast milk for him to examine. LAW had a young child, in addition to Patient JAW. LAW advised Defendant that she did not know how to hand express breast milk. At that time, Defendant advised her that he knew how, and with ungloved hands, he expressed breast milk from LAW into his hands. Defendant then asked LAW to express additional breast milk into a cup in his presence, which she did as Defendant observed. Defendant committed these acts in the presence of Patient JAW.

7. On or about September 30, 2003, during a follow-up visit, Defendant ordered x-rays for Patient JAW. Defendant's assistant took Patient JAW from the room, at which time Defendant began to discuss breast milk with LAW. Defendant again requested that LAW express breast milk in his presence, which she did. Defendant then requested that LAW express additional breast milk at her home and bring it back to him. He wrote on a prescription pad a note to lab personnel to dispense two (2) urine specimen cups to LAW. LAW took the prescription to the lab, where she was provided with two (2) cups with lids. She then took the cups home, expressed breast milk in them, and returned them to Defendant pursuant to his instructions.

8. Defendant took the breast-milk specimens to his urology office in Oklahoma City. A member of Defendant's office staff tested the breast milk specimens and made microscopic slides from the breast milk specimens. When he collected and analyzed the breast-milk specimens, Defendant was pursuing aspects of his interest in breast milk's effect upon the development of the immune system. There was no direct connection with this research and the urologic treatment of Patient JAW.

9. On or about Sunday, November 16, 2003, Defendant called LAW at work to discuss Patient JAW. Defendant then asked LAW sexually explicit questions regarding her husband and her breasts. The questions could have been misunderstood as a sexual advance by Dr. Renouard.

10. In June and July of 2004, Defendant was evaluated by A. W. Rousseau, M. D. an expert selected by joint agreement between Defendant and the Medical Licensure Board staff. Dr. Rousseau's July 6, 2004, report to the Medical Licensure Board staff (a) reported that Defendant had admitted using extremely poor judgment; (b) reported that Defendant conceded that his behavior was inappropriate and could easily have been misconstrued; and (c) pointed out that LAW had told the Medical Licensure Board Staff that she did not interpret Defendant's behavior as sexual in nature. Dr. Rousseau's report to the Medical Licensure Board staff concluded:

"...I do not consider Dr. Renouard a danger to his patients. I do not consider his behavior in this incident as being sexual in nature nor, at any time, was his behavior meant to be seductive or sexually demeaning."

Defendant is guilty of unprofessional conduct in that he:

Abused the physician's position of trust by coercion, (or) manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

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. Based on the foregoing facts, Defendant, Robert Spencer Renouard, Oklahoma license 19654, is guilty of the unprofessional conduct set forth below:

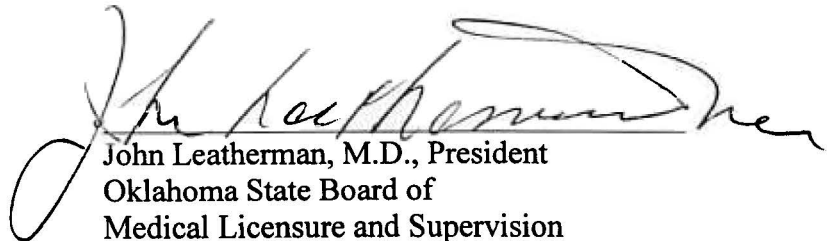
Abused the physician's position of trust by coercion, (or) manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

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. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Robert Spencer Renouard, M.D., holding Oklahoma license No. 19654, is hereby **FORMALLY REPRIMANDED**.
3. Defendant shall give a copy of this Voluntary Submittal to Jurisdiction and Order to each and every state in which he holds licensure or applies for licensure and to all clinics, hospitals, nursing homes, treatment facilities, and other health care entities where Defendant holds or anticipates holding any form of staff privileges or employment.
4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

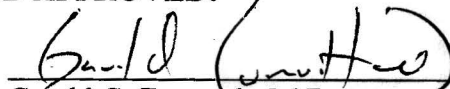
Dated this 29 day of July, 2004.


John Leatherman, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:



Robert Spencer Renouard, M.D.
License No. 19654



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



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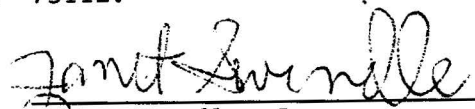
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Attorney for Defendant

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 30th day of July, 2004, I mailed a true and correct copy of the Voluntary Submittal to Jurisdiction to R. Brown Wallace, Esq, 2837 NW 58th Street, Oklahoma City, OK 73112.


Janet Swindle, Secretary