

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

**FILED**

SEP 22 2006

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

Plaintiff,

v.

JAMES BRETT KRABLIN, M.D.,  
LICENSE NO. 21711

Defendant.

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 05-12-3027

**FINAL ORDER OF PROBATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 21, 2006, at the office of the Board, 5104 N. Francis, Suite C, 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, Laura Haag McConnell.

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.*
2. 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.
3. Defendant, James Brett Krablin, M.D., holds Oklahoma license no. 21711.

## *PATIENT DMW*

4. A review of Defendant's records reveals that Defendant began treating Patient DMW on or around May 29, 2003 and continuing through at least February 18, 2005. Defendant's records reflect that Patient DMW was treated on at least nineteen (19) different occasions in Defendant's office during this time period.

5. During this time, Patient DMW's chart reflects that Defendant wrote, administered or authorized prescriptions to her for Demerol IM, a Schedule II controlled dangerous substance, and Histussin HC, a Schedule III controlled dangerous substance. His chart also reflects that he "distributed" Ativan, a Schedule IV controlled dangerous substance, to her. Defendant's chart reflects that he additionally wrote, administered or authorized prescriptions for non-controlled dangerous drugs to Patient DMW. These medications include antibiotics, antibiotic eye drops, Amoxil, Phenergan, Paxil XR, Lexapro, Nulev, Levaquin, Combivent, Prednisone, Skelaxin and Cipro.

6. A review of pharmacy records for Patient DMW reflects that Defendant wrote or authorized numerous other prescriptions for Patient DMW which he did not document anywhere in his records. These prescriptions include two (2) prescriptions for Hydrocodone, a Schedule III controlled dangerous substance, and one (1) prescription for Lomotil, a Schedule IV controlled dangerous substance. Defendant additionally kept no record of the prescriptions for Metoclopramide, Cotrim DS, antibiotic eye drops (7/1/04), Promethazine, Levaquin (2/18/05), Amoxil (4/29/05) and Cipro (7/11/05). On each instance when these drugs were prescribed, Patient DMW was seen in Defendant's office, in that her blood pressure, pulse and often her weight were recorded, yet Defendant failed to produce a chart for any of the days when these drugs were prescribed.

7. Beginning in or around spring 2003 and continuing through February 2005, Defendant engaged in sexual intercourse with Patient DMW. Defendant engaged in these sexual acts at his office and at Patient DMW's home. Defendant admits that he engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances and other dangerous drugs to this patient.

8. Defendant's records reflect that Patient DMW was last seen by Defendant in his office on February 18, 2005. However, pharmacy records reflect that Defendant continued to prescribe medications to her until at least July 11, 2005.

9. On or about December 15, 2005, the Board's investigator interviewed Defendant regarding his sexual relationship with Patient DMW. When questioned about whether he had engaged in any sexual relationships other than with Patient DMW, Defendant denied that he had had sex with any other patients.

### *PATIENT PBW*

10. Beginning on or around May 26, 2004 and continuing through at least February 16, 2005, Defendant treated Patient PBW, who was also an employee of Defendant. During this time, Defendant wrote, administered or authorized prescriptions for Patient PBW for Levall G and Tamiflu. Patient PBW claims that Defendant gave her Effexor samples and performed a laser procedure on her in his office. A review of Defendant's records reveals that he failed to perform any physical examination on this patient prior to prescribing the dangerous drugs, that he did not establish a legitimate medical need for the medications, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to keep any record of the prescriptions written to or procedures performed on Patient PBW.

11. Beginning in or around October 2004 and continuing through March 1, 2005, Defendant engaged in a sexual relationship with Patient PBW, specifically, he engaged in oral sex with Patient PBW at his office. Defendant engaged in these sexual acts at the same time he was maintaining a doctor-patient relationship, treating Patient PBW, and prescribing dangerous drugs to this patient.

12. When Defendant's sexual relationship with Patient PBW was discovered by others, Defendant fired Patient PBW from his employment. Patient PBW subsequently received a letter from Defendant's attorney whereby he offered to pay her three (3) months salary in exchange for her agreement not to sue Defendant. Patient PBW signed the agreement in exchange for the payment from Defendant.

13. 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. 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).

- F. 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).

### *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 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. 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).
  - F. 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).

3. The Board further found that the Defendant's license should be placed on probation 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, **JAMES BRETT KRABLIN**, M.D., Oklahoma license no. 21711, is hereby placed on **PROBATION** beginning September 21, 2006 and continuing for a period of **TWO (2) 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 shall affiliate with the Oklahoma Health Professionals Recovery Program and abide by his contract with the program.

E. Defendant shall comply with all recommendations of the Professional Renewal Center.

F. Defendant shall obtain a primary care physician for his primary care health needs.

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

H. Defendant shall return to the Professional Renewal Center for a minimum of one (1) week no later than March 2007 for assessment/treatment.

I. 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 any physicians holding Defendant's records.

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

K. 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, including but not limited to a \$100.00 per month probation monitoring fee.

L. 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.

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

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

O. 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.

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

Q. Prior to September 2007, Defendant shall complete a Prescribing Class at Case Western, UCSD PACE, Vanderbilt or another facility approved in advance by the Board Secretary on prescribing and required record keeping. Defendant shall provide to the Board Secretary proof of completion of said class.

R. Prior to September 2007, Defendant shall complete a Boundaries Class at Case Western, UCSD PACE, Vanderbilt or another facility approved in advance by the Board Secretary. Defendant shall provide to the Board Secretary proof of completion of said class.


S. Defendant shall continue individual counseling at least one (1) time per week with John L. O'Donnell, PhD or another counselor approved in advance 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. Defendant shall additionally submit quarterly reports from his counselor to the Board Secretary for his review. Defendant will remain in treatment until both the counselor and the Board Secretary authorize his release from counseling.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

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 22 day of September, 2006.

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

**CERTIFICATE OF SERVICE**

I certify that on the 22 day of September, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Probation to Laura Haag McConnell, Hartzog, Conger, Cason & Neville, 1600 Bank of Oklahoma Plaza, 201 Robert S. Kerr Avenue, Oklahoma City, OK 73102 and to James Brett Krablin, 401 W. Bowman, Kingfisher, OK 73750.

  
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Janet Swindle