

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

STATE OF OKLAHOMA, *ex rel.*,)
 THE OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE AND)
 SUPERVISION,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT CHARLES WELLIVER, SR., M.D.,)
 LICENSE NO. MD 28229,)
)
 Defendant.)

FILED

JAN 20 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION


Case No. 21-04-5985

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Robert Charles Welliver, Sr., M.D. ("Defendant"), Oklahoma medical license no. 28229, who appears in person via videoteleconference, and through counsel Hilary Allen of SpencerFane (collectively, the "Parties"), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, *et seq.*

Defendant, Robert Charles Welliver, Sr., 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 an 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 may be reviewed and discussed with him by legal counsel prior to execution.

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If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

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

1. In Oklahoma, Defendant holds medical license no. 28229, originally issued February 25, 2011.
2. On January 14th, 2022, a Verified Complaint and Citation were each filed by the Board. Defendant was served on January by email by agreement of the parties.
3. On or about March 20, 2021, an online complaint alleged that Defendant's relationship with a patient's family had evolved to the point that it was no longer healthy or professional.
4. Defendant has agreed to retire from his practice at the University of Oklahoma and Children's Hospital. Dr. Welliver further agrees to relinquish his right to engage in direct patient care and further agrees that he will not reapply for privileges of direct patient care once relinquished. However, it is understood that Dr. Welliver can and will continue his practice of research and consulting.

Conclusions of Law

5. The Board has jurisdiction over the subject matter and is the duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
6. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
7. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.

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8. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
9. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
10. Violation of professional boundaries by engaging in a personal relationship with the family of a patient outside the medical setting in violation of 59 O.S. § 509 (13).

Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **ROBERT CHARLES WELLIVER, SR., M.D.**, Oklahoma medical license no. 28229, has retired from his practice at the University of Oklahoma and Children's Hospital and will agree that he will no longer engage in direct patient care pursuant to his Oklahoma Medical License and will not reapply for privileges for providing direct patient care. Dr. Welliver has authority and may continue researching and providing medical consultations without direct patient care.
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
4. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 20th day of January, 2021.

BOARD B.M.

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Billy H. Stout

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

Louis Cox, M.D.

Louis Cox, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Robert Charles Welliver Sr

Robert Charles Welliver, Sr., M.D.
License MD 28229
Defendant

Joseph L. Ashbaker

Joseph L. Ashbaker, OBA 19395
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
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Licensure and Supervision

Hilary Allen

Hilary Allen, OBA# 16979
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Oklahoma City, OK 73114
Attorney for Defendant
Robert Charles Welliver, Sr. M.D

ACKNOWLEDGMENT

STATE OF ^{New York} OKLAHOMA)
COUNTY OF ERIE) ss.

This instrument was acknowledged before me on the 19th day of JANUARY 2022,
_____ by Robert Charles Welliver, Sr.

Melody Giovannucci

Notary Public
Commission Expiration: Sept. 09, 2025

MELODY GIOVANNUCCI
Notary Public - State of New York
No. 01G16288785
Qualified in Erie County
My Commission Expires Sept. 09, 2025

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Certificate of Service

This is to certify that on the 21st day of January, 2022, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Robert Charles Welliver, Sr.M.D.
University of Oklahoma HSC
1200 Childrens Ave. #12112
Oklahoma City, OK 73104-4637
Defendant

E-Mail

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Assistant Attorney General
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*Attorney for Plaintiff,
Oklahoma State Board of Medical
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*Attorney for Defendant,
Robert Charles Welliver, Sr. M.D.*



Nancy Thiemann, Legal Assistant

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