

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

FILED

JAN 25 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,)

v.)

CLARENCE ROCHELLE ROBERTS, M.D.)
LICENSE NO. 7039)

Defendant.)

Case No. 97-11-1947

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)

GARFIELD County)

I, Clarence Rochelle Roberts, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma Medical License No. 7039.

2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.

*3. I am the subject of a Complaint and Citation filed by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. *The allegations to which I have plead guilty are as follows:

*A. On or about September 10, 1998, Defendant was charged in Oklahoma County District Court with one (1) count of felony conspiracy to commit Medicaid fraud and one (1) count felony Medicaid fraud.

* = PLEASE refer to my Letter to the Board of 11-10-00,
AS WELL AS THE LETTER OF 11-28-00. CRR

*B. On or about April 8, 1999, Defendant signed his Application for Renewal of Oklahoma Medical License for June 2, 1999 through June 1, 2000. In response to the question "Have you been charged with or convicted of a felony or misdemeanor?" since the last renewal, Defendant answered "No".

*C. By letter dated January 19, 2000, Defendant advised the Board that he was Retiring from the practice of medicine for health reasons effective November 17, 1999. Defendant made no mention of the pending criminal charges against him.

*D. On or about April 14, 2000, a Judgment and Sentence was filed in The State of Oklahoma v. Clarence Rochelle Roberts, Case No. CF-98-5768, in the District Court of Oklahoma County, State of Oklahoma, wherein Defendant pled guilty to the crime of Felony Medicaid Fraud in violation of 56 O.S. §1005(A)(1). Defendant was sentenced to a three (3) year suspended sentence.

*E. On or about April 18, 2000, the Board received Defendant's Application for Renewal of Oklahoma License. In response to the question "Have you been charged with or convicted of a felony or misdemeanor?" since the last renewal, Defendant answered "No".

F. On or about June 30, 2000, the Office of the Inspector for the United States Department of Health and Human Services excluded Defendant from participation in the Medicare, Medicaid and all Federal health care programs as defined in §1128B(f) of the Social Security Act.

*G. Defendant is guilty of unprofessional conduct in that he:

- *1. Was convicted of a felony or of any offense involving moral turpitude in violation of 59 O.S. §509(6) and OAC 435:10-7-4(10).
- * 2. Was convicted or confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(8).
- * 3. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- *4. Committed any act which is a violation of the criminal laws of any state when such act is connected to the physician's practice of medicine in violation of 59 O.S. §509(10).
- *5. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring

periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

- * 6. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- * 7. Obtained a fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance in violation of OAC 435:10-7-4(28).
- * 8. Failed to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).
- * 9. 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 OAC 435:10-7-4(39).

✓ 5. I have previously submitted my wallet card and wall certificate as evidence of my intent to surrender my license.

6. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 30th day of Nov., 2000.



Clarence Rochelle Roberts, M.D.

Subscribed and sworn before me this 30th day of November 2000.


Notary Public

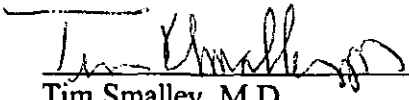
My commission expires on 1-25-03.

ACCEPTED:



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

Date: 1-25-01



Tim Smalley, M.D.
President
Oklahoma State Board of Medical
Licensure and Supervision

Date: 1/25/01

CERTIFICATE OF MAILING

I certify that on the 1st day of February, 2001, I mailed a true and correct copy of the Voluntary Surrender to Clarence Roberts, MD 620 S. Madison Street, #202, Enid, Ok 73701.



Janet Owens

CLARENCE R. ROBERTS, II, M.D., F.A.C.S., Inc.

GENERAL SURGERY

Area Code 405

TO: DIPLOMATE, AMERICAN BOARD OF SURGERY

Phone 233-2861

OKLA. STATE BOARD OF MED. LICENSURE & SUPERVISION

620 South Madison

(Special Attn. to Dr. G. Zumwalt & Dr. Tim Smalley)

Enid Oklahoma 73701

Elizabeth A. Scott, Office of th Atty. General

11-28-00

RE: CHARGED AND CONVICTED OF MEDICAID FRAUD
Please see my letter to the Board of 11-10-00

RE: the validity of this conviction.

In my hearing re: the above charges in April, 2000 I entered a plea of "guilty" as requested by both of my attorneys who felt that if I did so the case would probably be thrown out for lack of evidence. I felt this was wrong in that a false admission of guilty would be perjury on my part; however it was my fault for allowing this plea to be entered. Other reasons given me were that my present health and financial situation would not tolerate a jury trial. I have known all my life that the truth should never be compromised.

Having special certification in Counseling and Addiction Medicine, I was named Counsellor Supervisor for the two counselling agencies in Enid from 1991-1996. There was no procedure code for that title, but I was advised to use the same code that Dr. Frank Adelman & others had used in years past, as their job had been supervision of the counsellors doing the therapy (90844). As of 1998, a code for this type of work has existed. I retired from this type of work in August 1996 after my third angioplasty. I had a quadruple coronary bypass procedure in Nov., 1998 which was 80% successful.

My position as Counsellor Supervisor was an unpaid position for which I volunteered; my motivation was the large no. of children unable to attend school because of untreated Attention Defecit Hyperactivity Disorder. A physician was required because medication was required to get this disease under control to the point where they could stay in their seats at school and actually learn. As Medical director of these two agencies, Insurance Companies and the Dept. of Human Services would send checks made out to me, the Director, in payment for these services, My front office would then deposit these checks in the office account and the write out an office check FOR THE IDENTICAL AMOUNT and mail it to the counsellor who did the work. It never even occurred to me that the State or anyone else would think I KEPT the money, as this type of repayment for services has existed in Enid for decades & has never been contested...until now

My atty. was offered a "deal" in Feb., 2000 which he insisted I "take advantage" because in his experience the court system has seldom ruled against any verdict issued by the office of Atty. Gen. In discussing my situation with attys. within my own family, I was told we now live in a "police state"; this revived some memories I still have from WWII.

I have voluntarily retired my medical license as I am nearing the age of 71; if physical and financial condition improve, I plan to appeal the courts decision because I feel it destroys my integrity as a person as well as a physician-- a reputation I established over 42 years of medical practice and service to our community. This was not an evidence-based conviction; my requests to speak in my own defense were ALL TURNED DOWN BY THE JUDGE. I feel that this false conviction adversely affects the reputation of the medical profession as well as the integrity of our system of justice.

This will be my last attempt to communicate the above facts. I write this with full knowledge of the penalty for perjury or any other distortion of the truth.

Sincerely,
Clarence R. Roberts, MD.

Clarence R. Roberts, MD, FACS, ADM

ENCLOSURES: TWO