

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of

No. 00-I-052

GARY F. ROBERTS, M.D.
(Certificate No. 014203)

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**CONSENT
ORDER**

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information relating to Gary F. Roberts, M.D. ("Dr. Roberts"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of medicine in the state of Texas and who has also been licensed by the Board to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 014203.¹ Such information revealed, more particularly, that by Agreed Order ("Order") issued on August 28, 1999, the Texas State Board of Medical Examiners (the "Texas Board") placed Dr. Robert's license to practice medicine in the state of Texas on probation for a period of five (5) years and imposed various terms, conditions and restrictions on his continued ability to practice medicine in that state, as a result of his having engaged in inappropriate sexual contact with a male patient and having self-prescribed Prozac and Desyrel.² In disposition of its investigation the Texas Board ordered, among other items, that Dr. Roberts submit to evaluation and treatment on a monthly basis by a psychiatrist approved by the Board, follow such psychiatrist's recommendations respecting continuing care and treatment, have a chaperone present during the examination of any patient who is directly capable of observing the physician, and not treat or otherwise serve as the physician for his immediate family or prescribe controlled or dangerous substances to himself or his immediate family.

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending

¹Although Dr. Roberts has not renewed his license since December 31, 1998, the fact that he is entitled to do so for a period of four (4) years from the date of last renewal provides the Board with continuing jurisdiction. La. Adm. C. 46:XLV §419.

²Agreed Order, Texas State Board of Medical Examiners, In the Matter of The License of Gary F. Roberts, M. D., Case No. J-1371 (Aug. 28, 1999).

that a formal Administrative Complaint be filed against Dr. Roberts, charging him with violations of the Louisiana Medical Practice Act.³

By his subscription hereto, Dr. Roberts acknowledges the substantial accuracy of the foregoing information as recited hereinabove and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate, on his right or entitlement to reinstatement of his license to practice medicine in the state of Louisiana.

Recognizing his right to have administrative adjudication of the charges which have been asserted, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.*, Dr. Roberts, nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Roberts also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Roberts also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Roberts expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges, should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

³La. Rev. Stat. §37:1285A(29) provides that the Board may take action against the license of a physician as a result of '[T]he refusal of a licensing authority of another state to issue or renew a license . . . or the revocation, suspension, or other restriction imposed on a license . . . issued by such licensing authority which prevents or restricts practice in that state.'

IT IS ORDERED that the right or entitlement of Gary F. Roberts, M.D., to reinstatement of licensure to practice medicine in the state of Louisiana, as evidenced by Certificate No. 014203, shall be, and the same is hereby **INDEFINITELY SUSPENDED** *provided, however*, that Dr. Roberts's continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following minimum terms, conditions and restrictions:

(1) PRACTICE OF MEDICINE IN LOUISIANA PROHIBITED/COMPLIANCE WITH TEXAS BOARD'S ORDER. Dr. Roberts shall not engage in the practice of medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written order reinstating his license to practice in this state. As express conditions to the issuance of such an order, Dr. Roberts shall have successfully completed all aspects of the Order imposed upon his medical license by the Texas Board, and he shall have obtained an unrestricted license to practice medicine in that or any other state in which he may hold a medical license.

(2) NOTICE OF RELOCATION TO LOUISIANA AND PERSONAL APPEARANCE BEFORE THE BOARD OR DESIGNATED COMMITTEE. Following the satisfaction of those terms set forth in the paragraph (a) above, and in the event that Dr. Roberts should at any time in the future decide to seek reinstatement of his license and/or relocate to Louisiana for the purpose of practicing medicine, he shall contact the Board at least sixty (60) days in advance of his desired return to Louisiana to arrange an appearance before the Board or its designee at its next regularly scheduled meeting. At such meeting, Dr. Roberts shall demonstrate his compliance with each and all of the terms and conditions imposed upon him by the Order of the Texas Board and by this Order, and he shall discuss with the Board his intended plans for the practice of medicine in this state.

(3) ADDITIONAL TERMS. In addition to such other terms and conditions as are placed upon his right or entitlement to reinstatement of his Louisiana license by this Order, Dr. Roberts hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, which, in the sole discretion of the Board, it may deem necessary or appropriate to impose upon his Louisiana license should he at any time in the future decide to relocate to the state of Louisiana for the purpose of engaging in the practice of medicine.

(4) VERIFICATION OF COMPLIANCE/PROBATION OFFICER. Dr. Roberts shall immediately notify the Board's Compliance/Probation Officer of any change in his personal and professional addresses and telephone numbers and he shall direct all matters, requests or inquiries relating to this Order to the attention of the Compliance/Probation Officer.


IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by the Texas Board Order, or by this Order by Dr. Roberts, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Roberts's right or entitlement to seek reinstatement to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 20th day of March, 2001.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:


TRENTON L. JAMES, II, M.D.
President

STATE OF TEXAS
COUNTY OF DALLAS

**ACKNOWLEDGMENT
AND CONSENT**

I, GARY F. ROBERTS, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 1st day of March, 2001.

Gary F. Roberts
GARY F. ROBERTS, M.D.

WITNESSES:

Sheri L. Snyder
Signature

SHERI L SNYDER

Typed Name

902 Rachel Dr
Bedford TX 75154
Address

Karen S. Knowles
Signature

KAREN S. Knowles

Typed Name

707 Ponderosa Forney Tx
75126
Address

Sworn to and subscribed before me at Mesquite, Texas, this 1 day of March, 2001, in the presence of the two stated witnesses.

Vicki L. Solae

Notary Public

