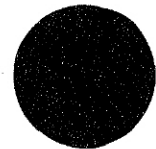


**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**



In the Matter of the
Medical License of
Robert D. Staton, M.D.

Date of Birth: 8-23-38
License Number: 25,212

**STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Robert D. Staton, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Respondent provided medical care to patient #1, a woman, as follows. From April 12, 1990, through July 12, 1993, Respondent prescribed the following medications to patient #1:

<u>Date</u>	<u>Drug</u>	<u>Amount</u>
4/12/90	Prozac 20 mg	#30
6/21/90	Prozac 20 mg	#30
7/31/90	Prozac 20 mg	#30
8/24/91	Prozac 20 mg	#30
11/16/91	Trazodone 50 mg	#12
1/11/92	Flexeril 10 mg	#12
1/11/92	Diazepam 2 mg	#6
3/3/92	Zoloft 100 mg	#30
6/24/92	Nardil 15 mg	#100
1/18/93	Prozac 20 mg	#30
3/6/93	Synthroid 0.1 mg	#30
5/10/93	Synthroid 0.1 mg	#30

b. Respondent stated that on none of the occasions listed above did he evaluate patient #1, formulate a diagnosis of patient #1's illness, or document any of the prescriptions he provided for her.

c. Respondent stated that he viewed patient #1 as a colleague and not as a patient.

d. From July 1991 through August 1994, Respondent and patient #1 were in an intimate, sexual relationship. During this period, Respondent inappropriately prescribed psychiatric medications to patient #1. Respondent did not document these medications in patient #1's medical record.

e. Respondent provided care to patient #2, patient #1's four-year-old daughter. On May 22, 1987, Respondent evaluated patient #2 and diagnosed the patient with atypical depression, atypical attention deficit disorder with hyperactivity, and mixed specific development disorder. Respondent recommended neuropsychological testing, a trial of Amitriptyline or Doxepin 20-40 mg. qhs, and a comprehensive intake evaluation with follow-up evaluation.

f. On March 23, 1988, patient #2 was evaluated by a physician other than Respondent and underwent psychological testing which did not reveal any evidence of attention deficit disorder. The physician recommended no psychostimulant medications.

g. From August 14, 1992, through January 21, 1994, a resident physician being supervised by Respondent prescribed the following medications for patient #2:

<u>Date</u>	<u>Drug</u>	<u>Amount</u>
8/14/92	Desipramine 25 mg	#36
9/16/92	Desipramine 25 mg	#36
12/9/92	Eskalith CR 450	#30
1/29/93	Eskalith CR 450	#30
2/26/93	Eskalith CR 450	#30
3/6/93	Lithonate 300	#60
3/14/93	Depakote 250	#60
4/5/93	Depakote 250	#30
4/29/93	Depakote 250	#60
1/21/94	Methylphenidate 10 mg	#50

Respondent approved all medications prescribed by the resident.

h. Respondent inappropriately approved prescribing Eskalith and Lithonate to patient #2, a child under the age of twelve. The above prescriptions were not documented in the patient's medical record.

i. From April 2, 1994, through February 6, 1995, Respondent provided psychiatric care to patient #3. On November 15, 1994, Respondent prescribed Prozac 20 mg. daily with three refills. Respondent failed to document the prescription in the patient's medical record.

j. From approximately 1993 through 1994, Respondent prescribed Cylert to patient #5, a resident in psychiatry, while Respondent was the director of the residency program at the University of North Dakota.

k. In August 1994, Respondent prescribed Zoloft to patient #6, a resident in psychiatry, while Respondent was the director of the residency program at the University of North Dakota.

l. Respondent inappropriately prescribed to patient #8, a family member. Respondent failed to document the prescription and the reason for the prescription in the patient's medical record.

m. Respondent inappropriately prescribed an antidepressant for patients #9 and #10, both of whom are family members. Respondent failed to document the prescriptions and the reason for prescribing them.

n. Respondent provided care to patient #11, a woman, as follows:

1) In 1989, patient #11 was an internal medicine resident at the same facility in which Respondent was employed. At that time, Respondent diagnosed patient #11 with depression and started treatment with an antidepressant. During the appointment, patient #11 commented that she had lost a fair amount of weight, to which Respondent remarked, "Enjoy it, you would look great in a bathing suit."

2) In May 1994, patient #11 was interviewed for the University of North Dakota Psychiatric Residency program. At that time, Respondent was the director of the program. During the interview, Respondent told patient #11, "You are in unless you fuck it up."

3) In July 1994, patient #11 was accepted as a psychiatry resident.

4) In fall 1994, several staff members, including Respondent and patient #11, met regarding inpatient care issues. At the conclusion of the meeting, Respondent pulled patient #11 into an embrace and hugged her tight, encouraging her not to leave the program.

5) In fall 1995, during a lecture on bipolar disorder, Respondent looked at patient #11 and stated, "Some of you know more about AA than others and [patient #11] you know a lot more about bipolar."

o. On September 27, 1994, Respondent received a memorandum from the chairman of the University of North Dakota School of Medicine, Department of Neuroscience which stated, "Do not assess or provide treatment of any kind to the residents or students assigned to our department without my permission."

p. Respondent made numerous inappropriate comments, some with sexual overtones, to staff and residents while Respondent was the director of the residency program at the University of North Dakota. Specific examples included:

1) In an open lecture, Respondent approached a resident, who was pregnant at the time, patted her stomach, and said, "Are we pregnant again?"

2) Respondent told a resident to go study either his nuts or balls off.

3) While passing a patient in the hall, Respondent stopped and hugged the patient. Respondent then told the resident who was with him that he couldn't help himself because he was practicing to be a male slut.

4) In 1993, during a didactic lecture on adolescence and impulsivity, Respondent told the class that his significant other's daughter was sexually active because of her impulsivity.

5) On one occasion, a number of case workers were discussing one of the worker's new article of clothing. One worker told the other that she looked good in yellow. As Respondent walked by, he commented that she would look good naked.

q. In May 1995, Respondent reported to the University of North Dakota that a complaint had been filed against him with the North Dakota Board of Medical Examiners and that a corrective action would follow. Respondent resigned as Director of the Psychiatric Residency Training program and as interim chairman of the Division of Psychiatry/Behavioral Science, University of North Dakota, but was retained as a faculty member.

r. On May 25, 1995, Respondent resigned his appointment as chief of psychiatry and was reassigned as a staff psychiatrist.

s. On July 28, 1995, the North Dakota State Board of Medical Examiners issued Respondent a stayed suspension based on physician/patient boundary problems. The suspension included the following conditions:

1) Respondent will successfully complete the "Professional Boundaries in the Doctor-Patient Relationship" course taught by John H. Hung.

2) Respondent shall pay an administrative fee of \$5,000.

3) Respondent shall complete an evaluation or examination that the Board deems necessary.

4) During the term of the order, Respondent will not violate any provisions of the North Dakota Practice Act or the Medical Practice Act of any other state.

The stayed suspension was based on conduct involving patients #1 and #2.

t. Subsequent to the action taken by the North Dakota Board, the Veterans Administration Medical Center restricted Respondent's clinical activities and assigned him primarily to administrative duties.

u. From June 9 through July 28, 1995, Respondent met with Dr. John Hung and completed his course on professional boundaries.

v. On October 18, 1995, the South Dakota State Board of Medical and Osteopathic Examiners entered an order suspending Respondent's medical license for three years and staying the order for three years subject to certain conditions being met. The conditions mirrored those set forth in the North Dakota order.

w. In March 1996, Respondent met patient #13, a boy, and his grandmother in the reception area at the Lakeland Mental Health Center and escorted them back to the examination room. Along the way, Respondent picked up his telephone messages. Once in the room, Respondent sat down and telephoned three pharmacies to update a number of patients' medications. Respondent mentioned the patients' names and medications while patient #13 and his grandmother listened.

x. Respondent offered an alcoholic beverage to a physician for whom he was acting as "treating physician" in the North Dakota Commission on Medical Competency's Impaired Physician Program. Respondent was disciplined by the North Dakota Board of Medical Examiners (North Dakota Board) which issued a letter of censure and required Respondent to pay all costs incurred by the North Dakota Commission on Medical Competency in the investigation and prosecution of the matter.

y. Respondent failed to report the action taken by the North Dakota Board.

STATUTES

3. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. §§ 147.091, subd. 1(d), (g), (k), (m), (o), (t) and (u) and 147.111 (1996), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action.

REMEDY

4. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order conditioning and restricting Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

a. Respondent is hereby REPRIMANDED for the conduct referenced in paragraph 2 above.

b. Respondent shall successfully complete the following which have been approved in advance by the Board:

- 1) A records management course;
- 2) A professional boundaries training course which focuses on the treatment of resident physicians and family members, and
- 3) A chemical dependency awareness course.

c. Successful completion of the courses listed in paragraph 4.b., above, shall be determined by the Board and must be accomplished within six months from the date of the order.

d. Respondent shall meet with a supervising physician on a monthly basis to review his progress under the terms of the stipulation and order. The supervising physician shall be licensed in Minnesota and be approved in advance by the Board or its designee. The supervising physician shall provide a quarterly report to the Board and shall specifically note any concerns.

e. Respondent shall meet on a quarterly basis with a designated Board member. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings shall be to

review Respondent's prescribing record and progress under the terms of this stipulation and order.

f. Respondent shall pay to the Board a civil penalty of \$11,000, to be decreased by the cost of course work listed in paragraph 4.b.

g. This Stipulation and Order will remain in effect for a minimum of two years from the date of this Order.

5. Within ten days of the date of this order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges and a list of all states in which Respondent is licensed or has applied for licensure. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue SE, Suite 400, Minneapolis, Minnesota 55414-3246.

6. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this stipulation and order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

7. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

8. In the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

9. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter and has chosen Sara B. Gullickson.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

11. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between

the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: 30 June, 1997

Robert D. Staton
ROBERT D. STATON, M.D.
Respondent

Dated: 12 July, 1997

Dani C. Brochu, M.D.
FOR THE COMMITTEE

Dated: July 2, 1997

Sara B. Gullickson
SARA B. GULLICKSON
Attorney for Respondent

Dated: July 10, 1997

Marcia K. Baran
MARCIA K. BARAN
Attorney for Committee

Gunhus, Grinnell, Klinger,
Swenson & Guy, Ltd.
514 Gate City Building
500 Second Avenue North
PO Box 2783
Fargo, ND 58108-2783
(701) 235-2506

500 Capitol Office Building
525 Park Street
St. Paul, MN 55103
(612) 297-1050

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and
implemented by the Board this 10th day of July, 1997.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: Robert D. Staton

June 25, 1997

AFFIDAVIT OF SERVICE BY MAIL

Re: **In the Matter of the Medical License of Robert D. Staton, M.D.
License No. 25,212**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

TAMMIE L. REEVES, being first duly sworn, deposes and says:

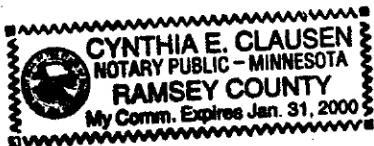
That at the City of St. Paul, County of Ramsey and State of Minnesota, on July 14, 1997, she served the attached STIPULATION AND ORDER by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first-class postage prepaid, and addressed to:

SARA B GULLICKSON
GUNHUS GRINNELL KLINGER
SWENSON & GUY LTD
PO BOX 2783
FARGO ND 58108-2783

Tammie L. Reeves
TAMMIE L. REEVES

Subscribed and sworn to before me
this 14th day of July, 1997.

Cynthia E. Clausen
Notary Public



**TRUE AND EXACT
COPY OF ORIGINAL**

BEFORE THE MINNESOTA

BOARD OF MEDICAL PRACTICE

In the Matter of the
Medical License of
Robert D. Staton, M.D.
Date of Birth: 8/23/38
License Number: 25,212

ORDER OF UNCONDITIONAL LICENSE

The Minnesota Board of Medical Practice ("Board") having convened on July 10, 1999, to review the petition of Robert D. Staton, M.D. ("Respondent"), for reinstatement of an unconditional license to practice medicine and surgery makes the following:

FINDINGS OF FACT

1. By Stipulation and Order, the Board conditioned and restricted Respondent's license to practice medicine and surgery based on improper prescribing practices, failure to document prescribed medications, inappropriate sexual contact with a patient, disciplinary action in North Dakota, and failure to report the North Dakota action. Respondent was ordered to fulfill remedial and monitoring requirements including successfully completing specified coursework, meeting with a supervising physician on a monthly basis, meeting with a designated Board member, and paying a civil penalty.
2. The Board has received notification that Respondent has completed all required coursework, has paid his civil penalty.
3. The Board has received periodic reports from the Respondent's supervising physician and designated Board member. The reports support Respondent's compliance with the Order and support his petition for an unconditional license.

Based on the foregoing, the Board concludes that Respondent has complied with and fulfilled the Order issued by the Board and hereby issues the following:

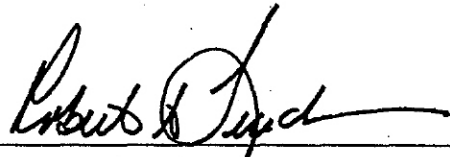
ORDER

IT IS HEREBY ORDERED that an unconditional license to practice medicine and surgery in the State of Minnesota be conferred upon Respondent, such license to carry all duties, benefits, responsibilities and privileges inherent therein through Minnesota statute and rule.

Dated: July 10, 1999

STATE OF MINNESOTA

BOARD OF MEDICAL PRACTICE



AFFIDAVIT OF SERVICE BY U.S. MAIL

**Re: In the Matter of the Medical License of Robert D. Staton, M.D.
License No: 25,212**

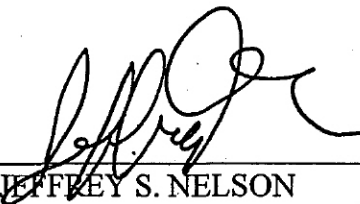
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

JEFFREY S. NELSON, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on July 13, 1999, he served the Order of Unconditional License, by depositing in the United States mail at said city and state a true and correct copy thereof, properly enveloped with prepaid first class postage, and addressed to:


PERSONAL AND CONFIDENTIAL

Robert D. Staton, M.D.
3001 Bohnet Boulevard
Fargo, ND 58102



JEFFREY S. NELSON

Subscribed and sworn to before
me on July 13, 1999.



NOTARY PUBLIC

