

LICENSE NO. G-0424

IN THE MATTER OF
THE LICENSE OF
ROBERT JAMES HARDEN, M.D.

BEFORE THE DISCIPLINARY
PANEL OF THE
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITHOUT NOTICE OF HEARING)

On January 20, 2021, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of Sherif Z. Zaafran, M.D., Michael Cokinos, and Ada L. Booth, M.D., members of the Board duly in session, the matter of the Application for Temporary Suspension (Without Notice of Hearing) of the license of Robert James Harden, M.D. (Respondent). Barham A. Richard represented Board Staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension (Without Notice of Hearing):

FINDINGS OF FACT

1. Respondent is 69 years of age and is engaged in the practice of psychiatry.
2. Respondent is employed as a Psychiatrist IV by the Denton State Supported Living Center.
3. Respondent's primary job functions include providing psychiatric care to individuals with intellectual and developmental disabilities.
4. Respondent's public physician profile lists his primary practice address as a private psychiatric practice in Plano.
5. The alleged victim is related to Respondent and is an elderly individual as defined by Texas Penal Code Section 22.04(c)(2).
6. The alleged victim suffers from late-stage Alzheimer's, is currently on hospice, and is unable to walk or speak, and at the time of the alleged conduct, resided with Respondent.
7. On or about the early morning hours of November 11, 2021, Respondent was witnessed standing over the alleged victim with his erect penis in the victim's mouth.
8. The witness contacted their psychiatrist who reported the incident to Adult Protective Services. The Adult Protective Services contacted the Plano Police Department.

9. Respondent was arrested on or about the afternoon of November 11, 2021 by the Plano Police Department for Aggravated Sexual Assault: Texas Penal Code § 22.021(a)(1)(A)(iii) Aggravated Sexual Assault- Causes Sex Organ to Contact/Penetrates Mouth/Anus/Sex Organ, a first degree felony.

10. Respondent is currently out on bond.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the temporary suspension or restriction of a person's medical license upon a determination by a Disciplinary Panel that the person would, by the person's continuation in practice, constitute a continuing threat to the public welfare.

2. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent violated various sections of the Medical Practice Act, specifically:

- a. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited by §164.052 of the Act.
- b. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public as provided by Section 164.053 of the Act, or injure the public, and further defined by: Board Rule 190.8(2)(R), commission of the following violations of federal and state laws whether or not there is a complaint, indictment, or conviction: (i) a felony; specifically Texas Penal Code Section 22.021(a)(1)(A)(iii) Aggravated Sexual Assault- Causes Sex Organ to Contact/Penetrates Mouth/Anus/Sex Organ; (ii) any offense in which assault or battery, or the attempt of either is an essential element; and (v) any misdemeanor involving moral turpitude.

3. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

1. Respondent's Texas Medical License No. G-0424 is hereby TEMPORARILY SUSPENDED.

2. This Order of Temporary Suspension (Without Notice of Hearing) is effective on the date rendered.

3. Notice of this Order of Temporary Suspension (Without Notice of Hearing) shall be given immediately to Respondent.

4. A hearing on the Application for Temporary Suspension (With Notice of Hearing) will hereby be scheduled before a Disciplinary Panel of the Board at a date to be determined as soon as practicable, at the offices of the Board, unless such hearing is specifically waived by Respondent.

5. This Order of Temporary Suspension (Without Notice of Hearing) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (With Notice of Hearing) is conducted and a Disciplinary Panel enters an order, or until superseded by a subsequent order of the Board.

Signed and entered this January 20, 2022.



Sherif Z. Zaafran, M.D.
Chair, Disciplinary Panel
Texas Medical Board