

**BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS**

**STATE BOARD OF REGISTRATION)
FOR THE HEALING ARTS,)**

Petitioner,)

v.)

Case No. 2013-005781

CAROL A. RYSER, M.D.,)

Respondent.)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Missouri State Board of Registration for the Healing Arts (“Board”) in accordance with law and pursuant to notice, took up this matter at its regularly scheduled meeting on January 24, 2014 at the Drury Plaza Hotel at the Arch in Saint Louis, Missouri. The Complaint filed on December 9, 2013, alleged that Carol A. Ryser’s (“Respondent”) license is subject to discipline pursuant to Sections 334.103.1, RSMo based on (1) Respondent pleading guilty to the felony offenses of health care fraud and filing a false tax return, and (2) an Order of the Board of Healing Arts of the State of Kansas revoking Respondent’s medical license in that state. The Complaint further stated that the offenses of health care fraud and filing a false tax return are both felony offenses, which are reasonably related to the qualifications, functions, or duties of Respondent’s profession; of which an essential element was fraud or dishonesty; and involved moral turpitude.

The Board's litigation counsel, Glenn Bradford, presented evidence on behalf of the Board. Respondent, though properly and timely served with the Complaint in this case, did not file an Answer and did not appear at the hearing nor did counsel appear on her behalf. Frank

Meyers, Associate General Counsel for the Board, acted as the Board's legal advisor in these proceedings, in the Board's deliberations, and in preparing this order.

Testimony was adduced, exhibits were received into evidence, and the argument of counsel was heard regarding whether discipline should be imposed upon Respondent's license as a physician and surgeon, and if so, what level of discipline was appropriate. The Board took the matter under advisement to deliberate and determine an appropriate disposition. Being fully advised of the above, the Board now enters, by default, its Findings of Facts, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("Board") is an agency of the State of Missouri created and established pursuant to Section 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. Carol A. Ryser, M.D., is licensed by the Board as a physician and surgeon, License Number R3788. Respondent's license is current, and was current and active at all times relevant herein.
3. Respondent's address, as reported to the Board, is 6510 Indian Lane, Mission Hills, Kansas 66208.
4. Respondent was served with a copy of the Complaint in this matter on December 12, 2013.
5. Respondent did not file an Answer or contact the Board regarding the Complaint filed in this matter.
6. Respondent did not appear at the hearing on January 24, 2014.
7. Respondent did not have counsel appear on her behalf at the hearing on January 24, 2014.

8. On or about June 26, 2012, an Indictment was filed against Respondent in the United States District Court, Western District of Missouri, Case Number 12-00189-01-CR-W-DGK. The Indictment charged that Respondent (1) executed a scheme to defraud a health care benefit program pursuant to Title 18 U.S.C. Section 1347 and (2) that Respondent filed a false tax return pursuant to Title 26 U.S.C. Section 7206(1).

9. On March 22, 2013, Respondent pled guilty to health care fraud and filing a false tax return.

10. On October 4, 2013, the United States District Court entered judgment and Respondent was sentenced and placed on probation for a period of three (3) years on each count.

11. Health care fraud and filing a false tax return are both felony offenses.

12. Health care fraud and filing a false tax return are crimes reasonably related to the qualifications, functions, or duties of Respondent's profession.

13. Health care fraud and filing a false tax return are crimes involving fraud, dishonesty and moral turpitude.

14. On July 11, 2013, the Kansas Board of Healing Arts entered an order ("Kansas Order") revoking Respondent's Kansas medical license.

15. The Kansas Order was based on Respondent pleading guilty to the felony charges of health care fraud and filing a false tax return in Case Number 12-00189-01-CR-W-DGK.

16. The Board has determined that this Order is necessary to protect the public.

CONCLUSIONS OF LAW

17. The Board has jurisdiction over this proceeding pursuant to Section 334.103.1, RSMo, which states:

334.103. 1. A license issued under this chapter by the Missouri State Board of Registration for the Healing Arts shall be automatically revoked at such time as

the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense involving fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

18. Section 324.045.1, RSMo states:

1. Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.

19. The Kansas Order constitutes final disciplinary action against Respondent's Kansas medical license for purposes of Section 334.103.1, RSMo.

20. Cause exists to discipline Respondent's license pursuant to Section 334.103.1, RSMo.

21. The proceeding was initiated upon a properly pled writing filed with the Board to initiate the contested case.

22. Proper and timely notice of this proceeding was provided to Respondent.

23. Respondent failed to respond or otherwise defend against this proceeding by the Board.

24. A decision in default is warranted in this case under Section 324.045.1, RSMo.

25. The Board is required to revoke Respondent's license pursuant to Section 334.103.1, RSMo.

26. The Board is authorized to impose a length of revocation following a decision that cause exists to revoke a licensee's license pursuant to Section 334.100.5, RSMo, which states:

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

27. Due to the severity of Respondent's crimes, a revocation of seven (7) years is warranted to protect of the public.

ORDER

28. Pursuant to the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that upon the effective date of this Order, the Respondent's license to practice the healing arts in Missouri, license number R3788, shall be and is hereby REVOKED for a period of seven (7) years.

29. Within fifteen (15) days of the effective date of this agreement, the Respondent shall return her pocket card and license to the Board.


30. If Respondent is licensed in other jurisdictions, then she shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this Order, of Respondent's disciplinary status in Missouri. Respondent shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Respondent is not licensed in other jurisdictions, she shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this Order.

31. Respondent shall notify, within fifteen (15) days of the effective date of this Order, all employers, hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other

facilities where Respondent practices or has privileges, of her disciplinary status. If the Licensee does not have an employer, does not have privileges or does not practice at any facility, she shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this Order.

32. Respondent shall notify any physician assistants or other allied health care professionals she supervises of the disciplinary action imposed within fifteen (15) days of the effective date of this Order. Notification shall be in writing and Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Respondent does not supervise any allied health professionals, she shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this Order.

IT IS SO ORDERED, effective this 13th day of February, 2014.



**Connie Clarkson, Executive Director
State Board of Registration for the Healing Arts**