


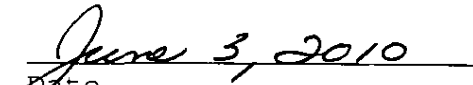
BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS

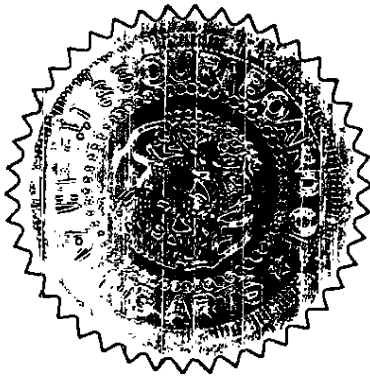
State Board of Registration)
For the Healing Arts,)
Petitioner)
)
) Case Number: 2005-002701
)
)
)
Dorsey W. Dysart, M.D.)
Respondent)

ORDER

It is hereby ordered that effective June 7, 2010 the Order issued on June 7, 2005 upon Respondent's license to practice medicine and surgery, number R6D13 is hereby terminated.


Tina Steinman
Executive Director


Date



**ORDER OF THE STATE BOARD
OF REGISTRATION FOR THE HEALING ARTS REGARDING ISSUANCE
OF A PROBATED LICENSE TO DORSEY W. DYSART, M.D.**

Comes now the State Board of Registration for the Healing Arts (the "Board") and hereby issues its ORDER granting a PROBATED license, license no. R6D13 to Dorsey W. Dysart, M.D. ("Dr. Dysart") pursuant to the provisions of §334.100.1, RSMo. As set forth in §334.100.1, RSMo, either the Board or Dr. Dysart may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Dr. Dysart. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of this Order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Rm. 604, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be considered as waived.

I.

STATEMENT OF FACTS AND BASIS FOR DECISION

1. The State Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri created and established pursuant to the provisions of § 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. Dr. Dysart was licensed by the Board as a physician and surgeon, license number MDR6D13.

3. On or about January 2, 1998, pursuant to a Joint Stipulation entered into by Dr. Dysart and the Board, Dr. Dysart's license was placed on seven (7) years probation for violation of § 334.100.2 (2), (3), (5), and (8), RSMo. Specifically, Dr. Dysart was convicted of driving while intoxicated, voluntarily surrendered his Kansas medical license and suffered two relapses while in treatment for alcoholism.

4. On or about August 31, 1999, Dr. Dysart's license was placed on three (3) additional years probation for violation of the terms of the probation as established in the Joint Stipulation. Specifically, Dr. Dysart failed to participate in and follow all recommendations of the Missouri Physician's Health Program and failed to notify the Board of changes in his home address.

5. On or about June 12, 2001, Dr. Dysart's license was revoked based on the violation of his probation. Specifically, Dr. Dysart consumed alcohol, pled guilty to driving while intoxicated, failed to be evaluated at the Harrington Recovery Center, failed to participate in the Missouri Association of Osteopathic Physicians and Surgeons Impaired Physician Program, failed to renew his license, failed to keep the Board informed of his home and work addresses and telephone numbers, failed to submit to biological fluid testing, failed to submit declaration of compliance documents to the Board and failed to cause a letter of evaluation from his chemical dependency professional to be submitted to the Board.

6. Cause exists for the Board to deny Dr. Dysart's request for a license to practice the healing arts pursuant to the provisions of §334.100.1 and .2 (1), (2), (4)(o) and (4)(p), RSMo, which provide:

1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

.

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

.

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

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(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physician's current residence and business address;

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7. The Board hereby issues Dr. Dysart a **PROBATED LICENSE** in lieu of denial of his request for a license to practice the Healing Arts in Missouri. Such license is issued subject to the terms and conditions set forth herein below.

II.

TERMS AND CONDITIONS

8. License no. R6D13 is hereby issued subject to PROBATION for a period of TEN (10) YEARS (the "disciplinary period"). During the disciplinary period Dr. Dysart shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all of the terms of this Order.

9. At all times during the disciplinary period, Dr. Dysart shall participate in the MAOPS Physicians Health Program, the Missouri Physicians Health Program, or another chemical dependency treatment program as approved by the Board. Dr. Dysart shall follow all recommendations for treatment and/or aftercare made by said program, and shall comply with each and every requirement to remain in the program. Within fifteen (15) days of the effective date of this Order, Dr. Dysart shall cause the program in which he is participating to send written notification to the Board confirming Dr. Dysart's participation in the program.

10. During the disciplinary period, Dr. Dysart shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Dr. Dysart's discipline.

11. During the disciplinary period, Dr. Dysart shall, at Dr. Dysart's cost, submit to biological fluid testing as required by the State Board of Registration for the Healing Arts. Dr. Dysart shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid samples and shall cooperate fully and completely with

the Board's designated representative in providing such samples. The presence of any drug or a prescription drug not supported by a valid prescription or by a prescription documentation of which has not been forwarded to the Board as provided in this Order shall constitute a violation of Dr. Dysart's discipline.

12. During the disciplinary period, Dr. Dysart shall cause a letter of evaluation from the chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1, and October 1. The letter shall include an evaluation of Dr. Dysart's current status in the treatment, including Dr. Dysart's compliance with all the recommendations for treatment, and the current prognosis.

13. Within ten (10) days of the effective date of this Order, Dr. Dysart shall execute and deliver to the Board a written medical release(s) or other appropriate release(s) which shall cover the entire period of this Order authorizing the State Board of Registration for the Healing Arts to obtain records of Dr. Dysart's treatment for chemical dependency. Dr. Dysart shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

14. If the treatment of Dr. Dysart is successfully completed during the disciplinary period, Dr. Dysart shall cause the treating chemical dependency professional or director of the chemical dependency treatment program to submit a letter of evaluation to the Board stating that Dr. Dysart has successfully completed treatment and the arrangements for

appropriate follow-up or aftercare. Dr. Dysart shall follow all recommendations for follow-up and/or aftercare and shall document compliance with all such recommendations.

15. During the disciplinary period, Dr. Dysart shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

16. During the disciplinary period, Dr. Dysart shall keep the Board informed of his current work and home telephone numbers and addresses. Dr. Dysart shall notify the Board in writing within ten (10) days of any change in this information.

17. During the disciplinary period, Dr. Dysart shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain her license in a current and active state.

18. During the disciplinary period, Dr. Dysart shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

19. During the disciplinary period, Dr. Dysart shall appear in person for interviews with the Board or its designee upon request.

20. Dr. Dysart shall notify, in writing, the medical licensing authorities of any jurisdiction in which he resides during the disciplinary period of Dr. Dysart's disciplinary

status in Missouri. Dr. Dysart shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.

21. Dr. Dysart shall notify, within fifteen (15) days of the effective date of this Order or within fifteen (15) days of his affiliation with such organization, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Dr. Dysart practices or has privileges of Dr. Dysart's disciplinary status. Notification shall be in writing and Dr. Dysart 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.

22. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

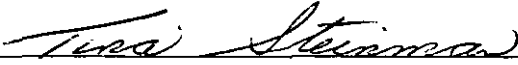
23. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Dr. Dysart not specifically mentioned in this document.

24. Upon the expiration of the disciplinary period, Dr. Dysart's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that Dr. Dysart has violated any term or condition of this Order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

25. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Dr. Dysart agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

26. If the Board determines that Dr. Dysart has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this Order in its election of remedies concerning that violation.

SO ORDERED EFFECTIVE THIS 7 DAY OF June, 2005.



Tina Steinman, Executive Director
State Board of Registration for the Healing Arts

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

STATE BOARD OF REGISTRATION)	
FOR THE HEALING ARTS,)	
)	
)	
Petitioner,)	
)	Case No. 2000-000047
v.)	2000-000372
)	
DORSEY DYSART, M.D.)	
)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

This matter comes before the State Board of Registration for the Healing Arts (hereinafter referred to as the "Board") pursuant to a Complaint filed with the Board in the above-styled case. Pursuant to a Notice of Hearing on Violation of Disciplinary Agreement properly served upon Respondent, a hearing was held on Friday, April 27, 2001, at the Lodge of the Four Seasons, State Road HH, Lake Ozark, Missouri. The Board was represented by James O. Ertle, Assistant Attorney General. Charissa Watson, Assistant Attorney General, served as the Board's legal advisor. Respondent was present for the hearing and was not represented by an attorney.

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo

1994, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Dorsey Dysart, M.D. ("Respondent"), is licensed by the Board as a physician and surgeon, license number MDR6D13. Respondent's license was current and active until January 31, 2000, when the license expired.

3. On or about March 7, 2001, Notice of Hearing on Violation of Disciplinary Agreement was hand-delivered to Respondent.

4. At the April 27, 2001 hearing, Dr. Dysart and the Board, through counsel, stipulated and agreed to each of the following findings of fact, as pled in the Board's complaint, with the additional stipulation to the findings of fact in paragraph 19 herein.

5. Dr. Dysart entered into a "Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law" ("Joint Stipulation") with the Board that became effective January 2, 1998, upon the issuance of a Consent Order by the Administrative Hearing Commission. ("Consent Order"). A copy of the Consent Order and Joint Stipulation is attached as Exhibit 1 and incorporated by reference.

6. Under the terms of the Joint Stipulation, Dr. Dysart's license, number MDR6D13, was placed on probation for a period of seven (7) years beginning on January 2, 1998 ("the disciplinary period"). During the disciplinary period, Dr. Dysart

was entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adhered to all of the terms of the Joint Stipulation.

7. On July 15, 1999, Dr. Dysart appeared before the Board for a probation violation hearing.

8. On August 31, 1999, the Board issued its Findings of Fact, Conclusions of Law and Disciplinary Order ("Board Order"). A copy of the Board Order is attached as Exhibit 2 and incorporated by reference.

9. Under the terms of the Board Order, Dr. Dysart is entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all of the existing terms of the Joint Stipulation. The Board Order placed Dr. Dysart's license on an additional three (3) years probation. The Board Order also required Dr. Dysart to be evaluated at the Harrington Recovery Center in Milwaukee, Wisconsin, within three (3) months of the effective date of the Board Order, and to adhere to all recommendations made by the program. The Board Order further required Dr. Dysart to participate in the Missouri Association of Osteopathic Physicians and Surgeons Impaired Physician Program ("MAOPS").

10. Dr. Dysart failed to be evaluated at the Harrington Recovery Center in Milwaukee, Wisconsin, within three (3) months of the effective date of the Board Order.

11. Dr. Dysart failed to participate in the MAOPS program.

12. Dr. Dysart's failure to be evaluated at the Harrington Recovery Center constitutes a violation of the Board Order.

13. Dr. Dysart's failure to participate in the MAOPS program constitutes a violation of the Board Order.

14. Dr. Dysart's failure to participate in the MAOPS program and follow its recommendations constitutes a violation of paragraph II.1.B. of the Joint Stipulation, as incorporated by the Board Order.

15. During the disciplinary period, Dr. Dysart shall completely abstain from the use or consumption of alcohol pursuant to paragraph II.1.D. of the Joint Stipulation.

16. On or about October 23, 1999, Dr. Dysart was arrested by officers of the Springfield, Missouri, police department and issued summonses for driving while intoxicated, possession of a container of alcohol in a motor vehicle, failure to drive in the designated lane, and improper lane use.

17. Dr. Dysart was taken by ambulance to St. John's Regional Hospital in Springfield, Missouri, where Dysart's blood alcohol content was determined to be .292.

18. Dr. Dysart's consumption of alcohol as described in paragraphs 16-17 above constitutes a violation of paragraph II.1.D. contained in the Joint Stipulation, the terms of which remain in effect under the Board Order and are incorporated by the Board Order, which requires that Dr. Dysart shall completely abstain from the use or consumption of alcohol during the disciplinary period.

19. On December 5, 2000, Dr. Dysart pled guilty to the crime of driving while intoxicated in the Municipal Court of Springfield, Missouri.

20. During the disciplinary period, Dr. Dysart shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain his license in a current and active state pursuant to paragraph II.1.K of the Joint Stipulation.

21. On or about January 31, 2000, Dr. Dysart's license as a physician and surgeon expired and he has failed to take steps to renew the license or pay the fees associated with the renewal of his license.

22. Dr. Dysart's conduct, as described in paragraph 21 above, constitutes a violation of paragraph II.1.K of the Joint Stipulation, as incorporated by the Board Order.

23. During the disciplinary period, Dr. Dysart is required to keep the Board informed of his current work and home telephone numbers and addresses, and to notify the Board in writing within ten (10) days of any change in this information pursuant to paragraph II.1.J of the Joint Stipulation.

24. On or about February 1, 2000, an investigator for the Board attempted to call Dr. Dysart and discovered that Dr. Dysart's phone number had been disconnected.

25. On or about February 16, 2000, an investigator for the Board attempted to locate the last known address of Dr. Dysart and discovered that the home at the address was vacant.

26. Dr. Dysart's failure to inform the Board of changes to his current home address and phone number constitutes a violation of paragraph II.1.J of the Joint Stipulation, as incorporated by the Board Order.

27. During the disciplinary period, Dr. Dysart is required to submit to biological fluid testing, to allow the Board's representative, upon demand and without delay, to obtain witnessed biological fluid samples and cooperate fully and completely with the Board's representative in providing such samples, pursuant to paragraph II.1.E of the Joint Stipulation.

28. Dr. Dysart has not provided the Board with his current telephone number or home and/or work addresses, making it impossible for the Board to require Dr. Dysart to submit to biological fluid testing.

29. On or about May 3, 2000, a Board investigator mailed a letter to Dr. Dysart at his last known address.

30. The Board investigator received no response from Dr. Dysart with regard to the May 3, 2000 letter.

31. On or about May 25, 2000, a Board investigator sent another letter to Dr. Dysart at his last known address.

32. The Board investigator received no response from Dr. Dysart with regard to the May 25, 2000 letter.

33. On or about May 26, 2000, a Board investigator sent a letter to Dr. Dysart at his parents' home address in Springfield, Missouri.

34. The Board investigator received no response from Dr. Dysart with regard to the May 26, 2000 letter.

35. Dr. Dysart's failure to cooperate fully and completely in the submission of biological fluid samples, as evidenced by his conduct in paragraphs 28-34 above, constitutes a violation of paragraph II.1.E. of the Joint Stipulation, as incorporated by the Board Order.

36. During the disciplinary period, Dr. Dysart is required to accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of the Board Order pursuant to paragraph II.1.L of the Joint Stipulation.

37. Dr. Dysart has not provided the Board with his current telephone number or home and/or work addresses, making it impossible for the Board, or its representative, to make unannounced visits to Dr. Dysart to monitor his compliance with the terms and conditions of the Board Order.

38. On or about February 16, 2000, a Board investigator attempted to contact Dr. Dysart at his last known address, but discovered that the residence at his last known address was vacant.

39. Dr. Dysart's failure to accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the Board Order, as evidenced by his conduct in paragraphs 36-37 above, constitutes a violation of paragraph II.1.L. of the Joint Stipulation, as incorporated by the Board Order.

40. During the disciplinary period, Dr. Dysart is required to submit written reports to the Board by no later than January 1, April 1, July 1, and October 1, during each year of the disciplinary period, stating truthfully whether there has been compliance with all the conditions of the Board Order, pursuant to paragraph II.1.N. of the Joint Stipulation.

41. Dr. Dysart did not submit written reports to the Board, pursuant to paragraph II.1.N. of the Joint Stipulation, on January 1, 2000, April 1, 2000, July 1, 2000 and October 1, 2000.

42. Dr. Dysart's failure to submit written reports to the Board, as evidence by his conduct in paragraph 41 herein, constitutes a violation of paragraph II.1.N. of the Joint Stipulation, which is incorporated by the Board Order.

43. During the disciplinary period, Dr. Dysart is required to cause a letter of evaluation from his chemical dependency professional or from his rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1, and October 1, during each year of the disciplinary period, pursuant to paragraph II.1.F of the Joint Stipulation. The letter shall include an evaluation of his current status in treatment, including his compliance with all the recommendations for treatment, and the current prognosis.

44. Dr. Dysart did not cause to be submitted, and the Board did not receive, letters of evaluation from a chemical dependency professional or from a rehabilitation

or aftercare program, as required pursuant to paragraph II.1.F. of the Joint Stipulation, on January 1, 2000, April 1, 2000, July 1, 2000 and October 1, 2000.

45. Dr. Dysart's failure to cause letters of evaluation from a chemical dependency professional or rehabilitation or aftercare program to be submitted to the Board, as evidence by his conduct in paragraph 44 herein, constitutes a violation of paragraph II.1.F. of the Joint Stipulation, which is incorporated by the Board Order. ..

46. In the event that Dr. Dysart violates any term or condition of the Joint Stipulation, paragraph II.5 of the Joint Stipulation provides that the Board may revoke Dr. Dysart's license or may take such other or additional disciplinary action against Dr. Dysart as the Board deems appropriate.

CONCLUSIONS OF LAW

47. The Board has jurisdiction over this proceeding in that the Complaint presents a case in which the Board must determine whether or not a licensee has violated a condition or conditions of a disciplinary order. Section 620.153, RSMo Supp. 1998; *State Board of Registration for the Healing Arts v. Masters*, 512 S.W.2d 150, 160-161 (Mo.App., K.C.D. 1974).

48. Respondent's conduct is in violation of the terms of discipline set forth in the Joint Stipulation and Board Order.

49. The Joint Stipulation and Board Order entitle the Board to take such disciplinary action as the Board deems appropriate if Respondent fails to comply with the terms and conditions of the Joint Stipulation and Board Order.

50. The findings of fact as set forth herein show cause for this Board to impose such further or other disciplinary action as this Board deems appropriate.


DECISION AND DISCIPLINARY ORDER

It is the decision of the State Board of Registration for the Healing Arts that Respondent has violated the terms and conditions of the Joint Stipulation and Board Order and that Respondent's license is, therefore, subject to further disciplinary action.

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that Respondent's license, numbered MDR6D13, to practice the healing arts in the State of Missouri is REVOKED. Respondent is directed to immediately return to the Board his wall-hanging certificate, license and pocket card, and all other indicia of licensure.

IT IS SO ORDERED, effective this 12 day of June, 2001.

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS


Tina Steinman
Executive Director

BEFORE THE
MISSOURI STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

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

Petitioner,)

DORSEY W. DYSART, M.D.)

Respondent.)

Case No. HA01016662

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

STATEMENT OF THE CASE

This matter appears before the State Board of Registration for the Healing Arts pursuant to a Complaint filed in the above-styled case. Pursuant to a Notice of Hearing on Violation of Disciplinary Agreement properly served upon Respondent, a hearing was held on Thursday, July 15, 1999, at the Chateau on the Lake, 415 North State Hwy. 265, Branson, Missouri. The Board was represented by Laura Krasser, Assistant Attorney General. Respondent was present for the hearing and was represented by Attorney Johnny K. Richardson. Attorney Edward F. Walsh, IV, served as the Board's Legal Advisor.

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Dorsey W. Dysart, M.D., (“Respondent”) is licensed by the Board as a physician and surgeon, license number MDR6D13. Respondent’s license is current and active and was so at all relevant times stated herein.

3. On or about June 7, 1999, Notice of Hearing on Violation of Disciplinary Agreement was hand-delivered to Respondent.

4. Respondent and the Board filed a Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law (“Joint Stipulation”) with the Administrative Hearing Commission which became effective on January 2, 1998 upon the issuance of a consent order by the Administrative Hearing Commission. (“AHC Consent Order”).

5. Under the terms of the Joint Stipulation, Respondent’s license was placed on probation for a period of seven (7) years beginning on January 2, 1998 (“the disciplinary period”).

6. During the disciplinary period, Respondent was required pursuant to paragraph II.1.J of the Consent Order contained in the Joint Stipulation to keep the Board informed of his current work and home telephone numbers and addresses, and to notify the Board in writing within ten (10) days of any change in this information.

7. During or about June of 1998, Respondent moved from his home at 2702 E. Alameda, Springfield, Missouri, to a home located at 1420 S. Kings, Springfield, Missouri.

8. Respondent did not inform the board of the change in his home address until on or about January 11, 1999, which constitutes a violation of paragraph II.1.J of the Consent Order contained in the Joint Stipulation.

9. During the disciplinary period, Respondent was to participate in the Missouri Physician's Health Program (MPHP) and to follow all recommendations for treatment or aftercare made by MPHP, pursuant to paragraph II.1.B of the Consent Order contained in the Joint Stipulation.

10. On January 19, 1999, the Board received a letter from MPHP informing the Board that Respondent was not in compliance with the MPHP recommendations due to his failure to attend monthly monitoring meetings for January, February, March, April and December, 1998. In addition, Respondent failed to provide required notification prior to his vacation out of the country from December 11, 1998, to January 3, 1999, and his failure to respond to calls for drug screens on three occasions scheduled during the time he was out of the country on vacation.

11. Respondent's non-compliance with the recommendations of MPHP constitutes a violation of paragraph II.1.B of the Consent Order contained in the Joint Stipulation, which requires that Respondent follow all recommendations for treatment and aftercare made by MPHP.

12. Respondent is not in compliance with the Joint Stipulation.

CONCLUSIONS OF LAW

13. The Board has jurisdiction over this proceeding in that the Complaint presents a case in which the Board must determine whether or not a licensee has violated a condition or conditions of a disciplinary order. Section 621.110, RSMo 1994; *State Board of Registration for the Healing Arts v. Masters*, 512 S.W.2d 150, 160-161 (Mo.App., K.C.D. 1974).

14. Respondent's conduct is in violation of the terms of discipline set forth in the Joint Stipulation.

15. The Joint Stipulation pursuant to paragraphs II.4, II.5, and II.6, entitles the Board to take such disciplinary action as the Board deems appropriate if Respondent fails to comply with the terms and conditions of the Joint Stipulation.

16. The findings of fact as set forth herein show cause for this Board to impose such further or other disciplinary action as this Board deems appropriate.

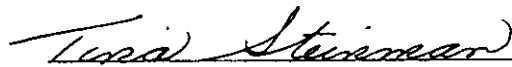
DECISION AND DISCIPLINARY ORDER

It is the decision of the State Board of Registration for the Healing Arts that Respondent has violated the terms and conditions of the Joint Stipulation and that Respondent's license is, therefore, subject to further disciplinary action.

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that upon the effective date of this Order, Respondent's license, numbered MDR6D13, to practice the healing arts in the State of Missouri shall be and is hereby

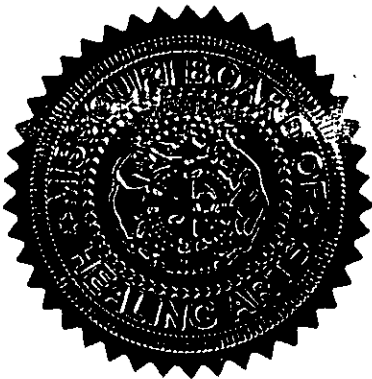
placed on PROBATION for a period of three (3) years in addition to the existing seven (7) years of probation which became effective January 2, 1998. Respondent shall be evaluated at the Harrington Recovery Center in Milwaukee, Wisconsin, within three (3) months of the effective date of this Order. Respondent shall comply with all aftercare recommended by the Harrington Recovery Center. During the period of probation, Respondent shall participate in the Missouri Association of Osteopathic Physicians and Surgeons ("MAOPS") Impaired Physician Program. All other terms and conditions of the Joint Stipulation effective January 2, 1998 shall remain in full force and effect during the entire period of probation.

Entered this 31 day of August, 1999.



Tina Steinman
Executive Director

State Board of Registration
for the Healing Arts



BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

DEC 15 1997

ADMINISTRATIVE HEARING
COMMISSION

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

Petitioner,

v.

Case No. 97-001798HA

DORSEY W. DYSART, M.D.

Respondent.

**JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE THE
ADMINISTRATIVE HEARING COMMISSION AND
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS,
AND CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the State Board of Registration for the Healing Arts under § 621.110, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against Respondent's license, No. MDR6D13, for violations of statutes set forth below.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the State Board of Registration for the Healing Arts in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon him by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided Respondent by operation of law, Respondent, Dorsey W. Dysart, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

Based upon the foregoing, Petitioner and Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to §334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. Dorsey W. Dysart, M.D., is licensed by the Board as a physician and surgeon, license number MDR6D13, which was first issued on December 13, 1983. Licensee's certificate of registration is current, and was current and active at all times mentioned herein.
3. On or about November 5, 1995, Licensee was arrested in Cass County, Missouri, for driving while intoxicated, operating a motor vehicle without a valid license and operating a motor vehicle with defective equipment.
4. On or about June 26, 1996, Licensee pled guilty in the Associate Circuit Court, Cass County, Missouri, to driving while intoxicated, operating a motor vehicle without a valid license and operating a motor vehicle with defective equipment.
5. On or about November 5, 1995, Licensee was arrested in Clinton, Missouri, for driving while intoxicated.

6. On or about August 14, 1996, Licensee pled guilty in the Municipal Court of Clinton County, Missouri, to driving while intoxicated.

7. On or about December 22, 1995, Licensee submitted a renewal application to the Board.

8. In response to Question 17 of the renewal application which asks in pertinent part, "Have you been arrested, [or] charged. . . in a criminal prosecution under the laws of any state. . .", Licensee answered "No."

9. On or about January 26, 1996, Licensee submitted a letter to the Board supplementing his application which stated that he had been involved in a DWI incident on November 5, 1995.

10. On or about June 24, 1996, Licensee entered into a Stipulation Agreement and Enforcement Order with the Kansas Board of Healing Arts; wherein, Licensee agreed to the voluntary surrender of his Kansas medical license.

11. During August 1996, Licensee consumed alcoholic beverages to excess while on a business trip to the San Francisco, California area. Such consumption was contrary to his ongoing treatment for alcoholism and constituted a relapse in such treatment. During this incident of consumption, Licensee was not in contact with any patients, there was no involvement with law enforcement and no persons were harmed or threatened to be harmed by such consumption.

12. During August 1997, Licensee again consumed alcoholic beverages to excess while on a business trip to the San Francisco, California area. Such consumption was

contrary to his ongoing treatment for alcoholism and constituted a relapse in such treatment. During this incident of consumption, Licensee was not in contact with any patients, there was no involvement with law enforcement and no persons were harmed or threatened to be harmed by such consumption.

JOINT PROPOSED CONCLUSIONS OF LAW

13. Based on the foregoing, Licensee's license is subject to discipline pursuant to §334.100.2 (2), (3), (5), and (8), RSMo 1994, which provides in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a

patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

.....

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility; branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

.....

II.

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of § 621.110, RSMo 1994. This disciplinary order will be effective immediately upon the issuance of the consent order of the Administrative Hearing Commission approving this Agreement without further action by either party.

1. Effective the date the Administrative Hearing Commission issues its consent order, Respondent's license, numbered MDR6D13, is hereby placed on PROBATION for a period of SEVEN YEARS (the disciplinary period). During Licensee's probation, Licensee shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided Licensee adheres to all of the terms of this Agreement as set forth below:

- A. Within sixty (60) days of the effective date of this Agreement, Licensee shall, at Licensee's cost, undergo an evaluation for chemical dependency by Missouri State Medical Association's Physician Health Program (MPHP) or Missouri Association of Osteopathic Physicians and Surgeons (MAOPS). Licensee shall direct MPHP or MAOPS to forward an evaluation report to the Board detailing the professional's findings, diagnoses, prognosis, and treatment recommendations within fifteen (15) days of completing the evaluation. Licensee shall follow all recommendations for treatment or aftercare made by the chemical dependency professional.
- B. Within thirty (30) days of the effective date of this Agreement, and continuing through the duration of the disciplinary period, Licensee shall participate in the MPHP or MAOPS program. Licensee shall follow all recommendations for treatment or aftercare made by MPHP or MAOPS, and shall comply with each and every requirement to remain in the program. Within fifteen (15) days of entering the MPHP or MAOPS program,

Licensee shall cause MPHP or MAOPS to send written notification to the Board confirming that Licensee has joined the program.

- C. During the disciplinary period, Licensee shall abstain completely from the personal use or possession of controlled substances and dangerous drugs as defined by state and federal law or any drugs requiring a prescription unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom the Licensee has a bona fide physician/patient relationship. The Licensee shall forward to the Board written documentation of any such prescription within ten (10) days of the date of issuance of the prescription.
- D. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee's discipline.
- E. During the disciplinary period, Licensee shall, at Licensee's cost, submit to biological fluid testing as required by the State Board of Registration for the Healing Arts. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any drug or a prescription drug not supported by a valid prescription or by a prescription documentation of which has not been forwarded to the Board

as provided in this Agreement shall constitute a violation of Licensee's discipline.

- F. During the disciplinary period, Licensee shall cause a letter of evaluation from the chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1, and October 1. The letter shall include an evaluation of the Licensee's current status in the treatment, including Licensee's compliance with all the recommendations for treatment, and the current prognosis.
- G. Within ten (10) days of the effective date of this Agreement, Licensee shall execute and deliver to the Board a written medical release(s) or other appropriate release(s) which shall cover the entire period of this Agreement authorizing the State Board of Registration for the Healing Arts to obtain records of the Licensee's treatment for chemical dependency. Licensee shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.
- H. If the treatment of Licensee is successfully completed during the disciplinary period, Licensee shall cause the treating chemical dependency professional or director of the chemical dependency treatment program to submit a letter of evaluation to the Board stating that Licensee has successfully completed treatment and the arrangements for appropriate follow-up or aftercare.

- Licensee shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.
- I. During the disciplinary period, Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.
 - J. During the disciplinary period, Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) days of any change in this information.
 - K. During the disciplinary period, Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Licensee's license in a current and active state.
 - L. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor Licensee's compliance with the terms and conditions of this disciplinary Agreement.
 - M. During the disciplinary period, Licensee shall appear in person for interviews with the Board or its designee upon request.
 - N. Licensee shall submit written reports to the Board by no later than January 1, April 1, July 1, and October 1 during each year of the

disciplinary period on forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this Agreement. It is the Licensee's responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve the Licensee of the obligation to make the required reports.

- O. Periods of residency or the practice of medicine outside Missouri will not apply to the reduction of the disciplinary period. Licensee shall notify, in writing, the medical licensing authorities of the jurisdiction in which he is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Licensee's disciplinary status in Missouri. Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. In the event Licensee should leave Missouri to reside or practice medicine outside the state during the disciplinary period, Licensee shall notify the Board in writing of the dates of departure and return no later than ten (10) days before Licensee's departure. Furthermore, Licensee shall, no later than ten (10) days after the commencement of any residence or practice outside this state, notify in writing the medical licensing authorities in the jurisdiction in which Licensee is residing or practicing of Licensee's disciplinary status in Missouri.

P. Licensee shall notify, within fifteen (15) days of the effective date of this Agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Licensee practices or has privileges of Licensee's disciplinary status. Notification shall be in writing and Licensee 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.

Q. For purposes of this Agreement, unless otherwise specified in this Agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Agreement shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

2. Upon the expiration of the disciplinary period, Licensee's license shall be fully restored if all requirements of law have been fully satisfied.

3. The parties to this Joint Stipulation understand that the State Board of Registration for the Healing Arts will maintain this Joint Stipulation as an open and public record of the Board as provided in Chapters 334, 610, and 620, RSMo.

4. This Joint Stipulation does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Respondent not specifically mentioned in this document.

5. Upon the determination of the Board that Respondent has failed to comply with the terms of this Joint Stipulation, the Board may revoke Respondent's license or may take such other or additional disciplinary action against Respondent or Respondent's license as the Board deems appropriate. No order shall be entered by the State Board of Registration for the Healing Arts pursuant to this paragraph of this consent order without notice and an opportunity for hearing before the State Board of Registration for the Healing Arts in accordance with the provisions of Chapter 536, RSMo.

6. If the State Board of Registration for the Healing Arts determines that Respondent has violated a term or condition of this Joint Stipulation, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the State Board of Registration for the Healing Arts may elect to pursue any lawful remedies or procedures afforded it and is not bound by this stipulation in its determination of appropriate legal actions concerning that violation.


7. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by Petitioner in the above-styled action.

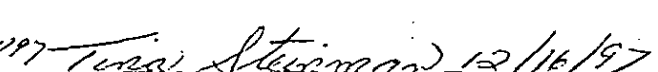
8. Respondent hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees,

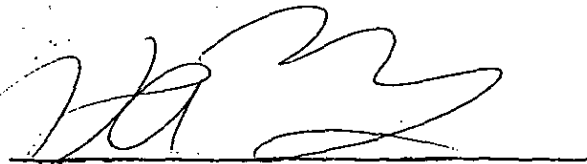
agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this Litigation, or from the negotiation or execution of this Settlement and Release Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement and Release Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement and Release Agreement or any portion thereof void or unenforceable.

RESPONDENT

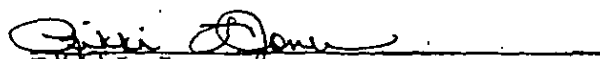
PETITIONER


Dorsey W. Dysart, M.D. date


Tina Steinman date
Executive Director


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