

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

MISSOURI STATE BOARD OF)
REGISTRATION FOR THE HEALING ARTS)

Petitioner,)

PHILIP D. DEAN, M.D.)

Respondent.)

Case Number: 2018-001631

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

The Missouri State Board of Registration for the Healing Arts (the Board), in accordance with law and pursuant to proper notice, took up this matter against Philip D. Dean, M.D., (Respondent) during its meeting on April 12, 2019, at the Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City, Missouri, for the purpose of determining whether Respondent's physician and surgeon's license is subject to automatic revocation pursuant to section 334.103.1, RSMo.¹

In reaching the decision stated in this Order of Revocation, each member of the Board present at the hearing read and considered the Amended Complaint filed on March 12, 2019. The Amended Complaint alleged Respondent's license is subject to automatic revocation because on or about August 22, 2018, Respondent entered guilty pleas to a felony offense involving fraud and dishonesty and felony offenses related to Respondent's duties as a physician.

Respondent was not present at the hearing but was represented at the hearing by his attorney William Stahlhuth.

All members of the Board participating in the decision were present throughout the hearing.

¹ All citations to Missouri statute are to the Revised Statutes of Missouri (RSMo) (Cum. Supp. 2018), unless otherwise noted.

Board members Jade D. James, MD, Sarah Martin, PhD, and Katherine J. Mathews, MD, were not present and did not participate in the hearing.

During the hearing, the Board admitted to the record the Amended Complaint and exhibits attached to the complaint, as well as exhibits demonstrating the Amended Complaint and notice of institution of the case, including a notice of hearing, were mailed to Respondent pursuant to sections 536.063 and 536.067, RSMo.

Being fully advised, the Board now enters its findings of fact, conclusions of law and disciplinary order as set forth below.

FINDINGS OF FACT

1. The 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. Respondent is licensed by the Board as a physician and surgeon, License No. R6G74, which was first issued on May 4, 1987. Respondent's license lapsed on January 31, 2019, when it was not renewed. Respondent's license was current and active at all relevant periods.
3. Respondent's last known business address is 511 E. Booneslick Road, Warrenton, MO 63383.
4. On or about August 22, 2018, Respondent entered guilty pleas in Case No. 4:18CR220ERW in the U.S. District Court for the Eastern District of Missouri to one count of False Statements Relating to Health Care Matters, a felony offense, in violation of 18 USC § 1035, and one count of Distribution of Codeine without a Legitimate Medical Purpose, a felony offense, in violation of 21 USC § 841(a) and (b).
5. Respondent entered a guilty plea in which Respondent admitted to knowingly and willfully making a false statement by signing a prescription for hydrocodone for PATIENT E.W. and personally retrieving the prescription medication from the pharmacy and giving the hydrocodone to another patient, PATIENT R.W. Respondent admitted the prescription written for PATIENT E.W. was submitted to Medicare.

6. Respondent entered a guilty plea in which Respondent admitted to knowingly and intentionally distributing codeine to PATIENT C.H. for other than a legitimate medical purpose.
7. Respondent entered a guilty plea to the offense of False Statements Relating to Health Care Matters, which is, on its face, a felony offense involving fraud and dishonesty and a felony offense related to Respondent's functions and duties as a physician. Respondent entered a guilty plea to the offense of Distribution of Codeine without a Legitimate Medical Purpose, which is a felony offense related to Respondent's functions and duties as a physician, given Respondent's admitted conduct in distributing codeine to a patient.
8. The Board finds a Complaint was filed in this matter on February 5, 2019, and mailed to Respondent via Respondent's attorney of record on February 5, 2019, along with a notice of hearing for the April 12, 2019, hearing, as required by section 536.067, RSMo.
9. The Board finds an Amended Complaint was filed in this matter on March 12, 2019, which corrected a clerical error and made no substantive change to the allegations against Respondent. Such Amended Complaint was mailed to Respondent via Respondent's attorney of record on March 12, 2019, along with a letter confirming the information previously provided in the notice of hearing.

CONCLUSIONS OF LAW

10. Based on Respondent's guilty pleas in the U.S. District Court for the Eastern District of Missouri, the Board is required to automatically revoke Respondent's physician and surgeon's license, pursuant to section 334.103.1, RSMo. The relevant statutes provide as follows:

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 ... entered a plea of guilty ... in a felony criminal prosecution under ... 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. ... 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.

334.102.7. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

334.100.5. 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.

11. Respondent's conduct, as established by the foregoing facts, falls within the intendments of sections 334.103.1 and 334.102.7(1)(a), RSMo. The Board is required to revoke Respondent's license under section 334.103.1, RSMo.
12. Pursuant to section 334.100.5, RSMo, in any order of revocation, the Board may provide that the licensee may not apply for reinstatement for a period ranging from two to seven years following the date of the order of revocation.

ORDER OF REVOCATION

1. Based on the foregoing findings of fact and conclusions of law, the physician and surgeon's license issued to Respondent, Philip D. Dean, M.D., License No. R6G74, is hereby **REVOKED**.
2. Respondent shall not apply for reinstatement of Respondent's license for a period of seven years from the effective date of this Order of Revocation.
3. Respondent shall immediately cease practicing in the state of Missouri. Respondent shall return Respondent's pocket card and license to the Board within 15 days of the effective date of this order.
4. If Respondent is now licensed in other jurisdictions, Respondent shall forward written notice of this disciplinary action to the licensing authorities of those jurisdictions within 30 days of the effective date

of this order. Respondent shall submit to the Board a copy of the notice at the same time the notice is sent to any relevant licensing authority. If Respondent is not licensed in other jurisdictions, Respondent shall notify the Board of that fact, in writing, within 30 days of the date of this order.

5. Respondent shall, within 30 days of the effective date of this order, forward written notice of this disciplinary action to all employers, hospitals, nursing homes, out-patient centers, clinics and any other facility where Respondent now practices or has privileges. Respondent shall submit to the Board a copy of the notice at the same time the notice is sent to employers and all such facilities. If Respondent does not have an employer, staff privileges or practice at any facility, Respondent shall notify the Board of that fact, in writing, within 30 days of the date of this order.
6. Respondent shall, within 30 days of the effective date of this order, forward written notice of this disciplinary action to any allied health care professionals Respondent now supervises. Respondent shall submit to the Board a copy of the notice at the same time such notice is sent to health care professionals supervised by Respondent. If Respondent does not supervise any allied health professionals, Respondent shall notify the Board of that fact, in writing, within 30 days of the date of this order.
7. All reports, documentation, evaluations, notices or other materials Respondent is required to submit to the Board pursuant to this order shall be submitted to the State Board of Registration for the Healing Arts, Attention: Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.
8. Respondent is advised that compliance with the terms of this order and Respondent's discharge of the professional obligation to transfer the care of patients and patient records to other providers will be assessed by the Board in the event Respondent submits an application for licensure.

9. This document shall be maintained by the Board as an open and public record as provided in Chapters 324, 334 and 610, RSMo, and the Board will report this action to the National Practitioner Data Bank and the Federation of State Medical Boards.

SO ORDERED, EFFECTIVE THIS 3rd DAY OF June, 2019.

Connie Clarkston

Connie Clarkston, Executive Director
Missouri State Board of Registration for the Healing Arts