

22, 2021.

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

Board members were present and participated in the decision in this case as indicated below:

Katherine J. Mathews, M.D.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Recused
Jeffrey S. Glaser, M.D.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Recused
Jeffrey D. Carter, M.D.	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Not Present	<input type="checkbox"/> Recused
James A. DiRenna, D.O.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Recused
Jade D. James-Halbert, M.D.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Recused
Sarah Martin, PhD, MPP, MPH	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Not Present	<input type="checkbox"/> Recused
Naveed Razzaque, M.D.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Recused
David E. Tannehill, D.O.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Recused
Marc K. Taormina, M.D.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> Recused

During the hearing, the Board admitted into the record the Complaint and took official notice of the statutes and regulations referenced therein. Subsequently, the following exhibits were offered by Petitioner and admitted into evidence: Exhibit 1, records from BNDD pertaining to the denial of Respondent's application for controlled substance registration in the state of Missouri; Exhibit 2, Notice of Intent to Use Affidavit with the Affidavit of James Leggett attached, which stated the basic information of Respondent's Missouri license; Exhibit 3, Notice of Intent to Use Business Records with a business record affidavit as well as sixteen (16) pages of business records attached, which demonstrated the 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; and Exhibit 4, two (2)-page record the Board received from BNDD indicating the BNDD order was delivered to Respondent on September 21, 2018.

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 number R5G79, which was issued on March 9, 1987. Respondent's license was suspended on September 12, 2018 pursuant to section 324.010, RSMo, due to tax delinquency.
3. On September 7, 2018, BNDD denied Respondent's application for a controlled substances registration. Ex. 1.
4. The BNDD Order was based on BNDD's finding that Respondent violated various drug laws and regulations; specifically,
 - a. Respondent unlawfully possessed controlled substances not prescribed to him, in violation of section 195.070.4, RSMo of the Missouri Comprehensive Drug Control Act;
 - b. Respondent failed to use an appropriate form or sign a digital order when taking possession of and distributing schedule II controlled substances, in violation of section 195.050.3, RSMo, and rule 21 C.F.R. § 1305.03, a lawful regulation promulgated by the United States Drug Enforcement Administration;
 - c. Respondent failed to maintain proper records, receipt and/or inventory of the controlled substances he possessed and distributed, in violation of section 195.050.6, RSMo, rules 19 CSR 30-1.042(2) and (3), 19 CSR 30-1.044(1) and 19 CSR 30-1.048(1), lawful regulations promulgated by the BNDD;
 - d. Respondent did not maintain a controlled substance administration and dispensing log that is separate from patients' charts, in violation of section 195.050.6, RSMo and rule 19 CSR 30-1.048(3); and
 - e. Respondent failed to provide adequate controls to detect and prevent the diversion of controlled substances into unauthorized channels, in violation of section 195.040.3(1), RSMo.
5. The BNDD Order, which became effective on October 22, 2018, constitutes a final disciplinary action against Respondent's controlled substance registration by another agency of this state. Ex. 4.
6. The Board finds the discipline imposed herein is necessary to protect the public.
7. The Board also finds a Complaint was filed in this matter on March 22, 2021, and mailed to Respondent on March 22, 2021, along with a Notice of Hearing for the April 23, 2021 hearing, as required by section 536.067, RSMo.
8. The Board finds the Notice of Intent to Use Affidavit was filed and mailed to Respondent on March 22, 2021, along with the Affidavit of James Leggett, pursuant to section 536.070(12), RSMo. Ex. 2

9. The Board also finds the Notice of Intent to Use Business Records was filed and mailed to Respondent on April 21, 2021, along with sixteen (16) pages of business records maintained by the Board, pursuant to section 536.070(10), RSMo. Ex. 3.
10. The Board finds Respondent has submitted no response and has stated no defense to the allegations stated in the Complaint pending before the Board. The Board finds no evidence has been offered constituting good cause for Respondent's failure to respond.

Conclusions of Law

11. The Board has jurisdiction to conduct a disciplinary hearing against Respondent pursuant to section 334.102.7(1)(b), which states:

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:

(b) Evidence of final disciplinary action against the licensee's license, certification or registration issued by any other state, by any other agency or entity of this state or any other state or the United States or its territories, or any other country;

12. Based on the BNDD Order, the Board has cause to discipline Respondent's physician and surgeon's license, pursuant to section 334.100.2(13), RSMo, which states:

334.100. 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 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 the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;

13. Respondent's failure to plead or otherwise defend against the Complaint filed in this matter requires the Board to issue a default order without further proceedings, pursuant to sections 324.045 and 536.067, RSMo:

324.045.1 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.

536.067. (5) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the holder of a license, registration, permit, or certificate of authority without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

14. The Board finds a default decision pursuant to sections 324.045 and 536.067, is required in this matter because a contested case was correctly commenced, pursuant to section 536.063, with the filing of the Complaint, a properly pleaded writing before the Board; notices were provided to Respondent pursuant to sections 536.067 and 536.070, RSMo; and Respondent failed to plead or otherwise respond to the allegations set forth in the Complaint.
15. The Board finds Respondent is in default and no good cause exists why the Board should not proceed to issue an Order.
16. Section 334.102.7(3), RSMo, provides that "Upon a finding that cause exists to discipline a licensee's license the board may impose any discipline otherwise available when disciplining licensees of that same profession."
17. Pursuant to section 334.100.5, RSMo, in any order of revocation, the Board "may provide that

[Respondent] 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."

Order of Revocation

18. Upon the foregoing findings of fact and conclusions of law, it is the ORDER of the Missouri State Board of Registration for the Healing Arts that the physician and surgeon's license issued to Respondent, Gerald F. Slonka, MD, number R5G79, is hereby **REVOKED**.
19. Respondent shall immediately cease practicing in the state of Missouri; and within fifteen (15) days of the effective date of this Order, he shall return his pocket card and license to the Board.
20. If Respondent is licensed in other jurisdictions, he shall forward written notice of this disciplinary action to the licensing authorities of those jurisdictions within thirty (30) days of the effective date of this Order. Respondent shall submit a copy of the written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Respondent is not licensed in other jurisdictions, he shall notify the Board of that fact, in writing, within thirty (30) days of the date of this Order.
21. Respondent shall, within thirty (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 practices or has privileges. 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 have an employer, staff privileges or practice at any facility, he shall notify the Board of that fact, in writing, within thirty (30) days of the date of this Order.
22. Respondent shall, within thirty (30) days of the effective date of this Order, forward written notice of this disciplinary action to any allied health care professionals that Respondent supervises. 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, he shall notify the Board of that fact, in writing, within thirty (30) days of the date of this Order.

23. For purposes of this Order and unless otherwise specified herein, all reports, documentation, evaluations, notices or other materials that Respondent is required to submit to the Board shall be forwarded to the Missouri State Board of Registration for the Healing Arts, Attention: Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.
24. Respondent is advised that his compliance with the terms of this Order and the discharge of his professional obligation to transfer his patients' care and records to other providers will be assessed by the Board in the event he submits an application for reinstatement.
25. 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 26th DAY OF April, 2021.


Katie R. Brenneke, Interim Executive Director
Missouri State Board of Registration for the Healing Arts



Michael L. Parson
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
Chlora Lindley-Myers, Director

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

3605 Missouri Boulevard
P.O. Box 4
Jefferson City, MO 65102-0004
573-751-0098
866-289-5753 TOLL FREE
573-751-3166 FAX
800-735-2966 TTY
Website: <http://pr.mo.gov/healingarts.asp>

Connie Clarkston
Executive Director

September 12, 2018

Gerald F. Slonka, MD

Dear Dr. Slonka:

The Missouri Department of Revenue has notified this agency that despite multiple notices of imminent suspension you are still not in compliance with section 324.010 RSMo., which requires the suspension of the professional license of individuals who have failed to file state tax returns and/or pay their state tax liabilities.

By law, your license was suspended on SEPTEMBER 12, 2018.

You must return your license to this office within ten days of the date of this letter. The continued practice of your profession with a suspended license subjects you to criminal and administrative penalties.

While your license is in a suspended status you are still subject to the statutes and rules regulating your profession, including, but not limited to, informing us of any change of address, paying your renewal fees and maintaining continuing education requirements. Failure to do so could result in your license lapsing or further disciplinary action being taken.

To reinstate your Missouri license it will be necessary for you to obtain a letter of compliance from the Department of Revenue and mail it to our office. Upon receipt, we will take the necessary steps to reinstate your license. You are prohibited from practicing in the State of Missouri until you receive written notification from our office that your license has been reinstated.

Again, the first step to reinstate your license is to obtain a letter of tax compliance from the Department of Revenue. You can reach the Department of Revenue at (573)751-7200.

Sincerely,

A handwritten signature in cursive script that reads "Connie Clarkston".

Connie Clarkston
Executive Director

CC/mh



Eric R. Greitens
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
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Chlora Lindley-Meyers, Director

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Connie Clarkston
Executive Director

Certified Article Number

9414 7266 9904 2097 2143 10

SENDERS RECORD

October 30, 2017

Gerald Slonka, MD
[REDACTED]

Dear Dr. Slonka:

This letter will serve as notification that we have received a letter of tax compliance from the Department of Revenue. Your license was suspended effective September 27, 2017 and reinstated October 26, 2017.

As a reminder to you, during your suspension you were not able to practice as a medical physician and surgeon.

If you have any questions please do not hesitate to contact our office.

Sincerely,

Connie Clarkston
Connie Clarkston
Executive Director

CC/hb



Eric R. Greitens
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

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Connie Clarkston
Executive Director

Certified Article Number

9414 7266 9904 2097 2136 96

SENDERS RECORD

September 27, 2017

Gerald F. Slonka, MD

Dear Dr. Slonka:

The Missouri Department of Revenue has notified this agency that despite multiple notices of imminent suspension you are still not in compliance with section 324.010 RSMo, which requires the suspension of the professional license of individuals who have failed to file state tax returns and/or pay their state tax liabilities.

By law, your license was suspended on September 27, 2017.

You must return your license to this office within ten days of the date of this letter. The continued practice of your profession with a suspended license subjects you to criminal and administrative penalties.

While your license is in a suspended status you are still subject to the statutes and rules regulating your profession, including, but not limited to, informing us of any change of address, paying your renewal fees and maintaining continuing education requirements. Failure to do so could result in your license lapsing or further disciplinary action being taken.

To reinstate your Missouri license it will be necessary for you to obtain a letter of compliance from the Department of Revenue and mail it to our office. You can reach the Department of Revenue at (573)751-7200. Upon receipt, we will take the necessary steps to reinstate your license. You are prohibited from practicing in the State of Missouri until you receive written notification from our office that your license has been reinstated.

Sincerely,

Connie Clarkston
Executive Director

CC/hb



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

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Connie Clarkston
Executive Director

November 17, 2016

Dr. Gerald F. Slonka

RE: Missouri Board of Healing Arts v. Gerald F. Slonka, MD
Case No. 2016-005420

Dear Dr. Slonka:

This letter will serve as notification that we have received a letter of tax compliance from the Department of Revenue. Your license was suspended effective September 17, 2016 and reinstated November 16, 2016.

As a reminder to you, during your suspension you were not able to practice as Physician and Surgeon.

If you have any questions please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "James Leggett".

James Leggett
Associate Executive



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
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Connie Clarkston
Executive Director

September 19, 2016

Dr. Gerald F Slonka


Re: Medical Physician & Surgeon License

Dear Dr. Slonka,

The Board of Registration for the Healing Arts ("Board") has been notified by the Missouri Department of Revenue ("DOR") that you have not satisfactorily responded to the notices regarding your failure to file a state tax return and/or pay your state tax liabilities.

Accordingly, pursuant to section 324.010, RSMo, your Medical Physician & Surgeon's license was automatically suspended by operation of law on September 11, 2016.

You must return your license to this office within ten (10) days from the date of this letter. If you practice in Missouri while your license is suspended, you may be subject to criminal prosecution and/or disciplinary action by the Board pursuant to your profession's practice act. Please be advised, you are still subject to the statutes and rules regulating your profession, including, but not limited to, informing the Board of address changes, paying renewal fees and complying with continuing education requirements.

The suspension will remain in effect until you obtain a Certificate of Tax Compliance from DOR, forward a copy to Board and receive written confirmation that your license has been reinstated. You are prohibited from practicing in the state of Missouri until you receive written notification from the Board.

Tax compliance suspensions must be resolved directly with DOR. The Board cannot intervene in this matter on your behalf. Question concerning your tax delinquency must be directed to the Department of Revenue at (573) 751-7200.

Sincerely,


Connie Clarkston
Executive Director

CC/sm