

RECEIVED

MAR 24 2017

BOARD OF HEALING ARTS

SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND GLENNA C. BURTON, MD

COMES NOW Glenna C. Burton, MD, ("Licensee") and the Missouri State Board of Registration for the Healing Arts ("the Board"), and enter into this agreement for the purpose of resolving the issue of whether Licensee's physician and surgeon's license is subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to section 621.045, RSMo¹.

1. Licensee acknowledges that she understands the various rights and privileges afforded to her by law, including the right to a hearing of the charges; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing; the right to present evidence on her own behalf; the right to a decision based upon the record concerning the charges pending against her; and the right to present evidence in mitigation of discipline at a hearing before the Board. Having been advised of these rights provided to her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights, freely enters into this agreement and agrees to abide by the terms of this document as they pertain to her.
2. Licensee acknowledges that she may, at the time this agreement is effective or within fifteen (15) days thereafter, submit this agreement to the Administrative Hearing Commission to determine whether the facts agreed to by the parties constitute grounds to discipline Licensee's license.
3. Licensee acknowledges that she has been advised of her right to consult legal counsel in this matter.
4. The parties stipulate and agree that the discipline agreed to by the Board and Licensee in the consent order in Part III is based only on the agreement set out in Parts I and II herein. Licensee understands that the Board may take further action against her based on facts or conduct not

¹ All statutory references are to the Revised Statutes of Missouri Cumulative Supplement (2013), unless otherwise stated.

specifically mentioned in this document that is either presently known to the Board or later discovered.

5. Licensee understands and agrees that the Board will maintain this agreement as an open record as required by Chapters 324, 334, and 610, RSMo, and it will report this agreement to the National Practitioner's Data Bank ("NPDB") and the Federation of State Medical Boards ("FSMB").

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and Licensee herein jointly stipulate and agree to the following:

6. 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.
7. Licensee is licensed by the Board as a physician and surgeon, license number R8507, which was first issued on June 2, 1978. Licensee's license is current, and it was current and active at all times relevant herein.

Denial of Licensure by the New Hampshire Board of Medicine

8. On or about October 2, 2013, Licensee submitted an application for a locum tenens license to the State of New Hampshire Board of Medicine ("the New Hampshire Board").
9. In her application for licensure, Licensee provided the following information regarding her disciplinary history to the New Hampshire Board:

"When I moved my office in 2009 I misplaced 2 copies of controlled substance prescriptions. My Missouri [Bureau of Narcotics and Dangerous Drugs] license was placed on probation for two years. After two years the probation was lifted."

10. Licensee failed to disclose that, in addition to the BNDD action, she entered a settlement agreement with the Board on October 26, 2010 based on controlled substance violations, and was placed on probation for a term coinciding with the BNDD action.
11. The above-referenced settlement agreement was a disciplinary action.

12. In a letter dated December 9, 2013, the New Hampshire Board asked Licensee to provide additional information about the Missouri action, stating the explanation Licensee provided in her application was "insufficient and misleading."
13. On March 4, 2014, Licensee submitted an application for a full, unrestricted physician and surgeon's license to the New Hampshire Board, but again failed to disclose the action the Board took against her.
14. In her application for a full and unrestricted license, Licensee responded in negative to the following questions:
 12. Is any investigation or disciplinary action pending or has any investigation or disciplinary action been taken against you in the last ten years by any governmental authority, by any hospital or health care facility or by any professional medical association (international, national, state or local)?
 15. Have you ever been a defendant in a criminal proceeding including driving while under the influence or driving while suspended, which has not been annulled by a court, but not including traffic offenses not classified as misdemeanors or felonies?
15. On August 13, 2014, Licensee appeared before the New Hampshire Board and did not provide a reasonable explanation regarding her failure to disclose the disciplinary action taken against her by the Board in 2010.
16. Furthermore, Licensee did not provide a reasonable explanation regarding her failure to disclose that she pleaded guilty to a misdemeanor charge of theft on November 9, 2006 and was put on unsupervised probation for two (2) years in Boone County, Missouri.
17. On January 4, 2016, the New Hampshire Board entered an order denying Licensee's application for licensure ("New Hampshire Order") wherein the New Hampshire Board determined that she had not demonstrated she is of good professional character; stating, Licensee "has 'knowingly provided false information during [her] application for professional licensure... by making affirmative statements which were false at the time they were made...'"
18. The New Hampshire Order constitutes a final disciplinary action taken against Licensee by another state licensing authority.

19. The above constitutes cause to discipline Licensee's license pursuant to section 334.100.2(8) and 334.102.7(1)(b), RSMo.

False and Misleading Statements

20. On or about February 2, 2016, Licensee filed a licensure renewal application with the Board, wherein Licensee responded in the positive to the following question:

12. Since your last renewal, have you been denied a license, registration or certificate to practice as a physician or any other profession or been denied the privilege of taking an examination administered by a U.S. state, Canadian provincial or international licensing agency?

21. In the subsequent disclosure she submitted to the Board on February 4, 2016, Licensee stated the New Hampshire Board denied her application for licensure because "the Missouri Board put [her] on probation in 2010 for 18 months."
22. In her renewal application and disclosure to the Board, Licensee did not disclose that the New Hampshire Order was based on a finding she knowingly made false statements in her application and failed to provide a sufficient explanation regarding the discipline imposed against her by the BNDD and the Board.
23. Licensee misrepresented the true reason the New Hampshire Board denied her applications for licensure in an attempt to secure a medical license issued by the Board pursuant to Chapter 334.
24. The above is cause to discipline Licensee's license pursuant to section 334.100.2(3), RSMo.
25. Licensee's renewal application and written disclosure are documents executed in connection with the practice of Licensee's profession.
26. Licensee's purposeful misrepresentation regarding the basis of the New Hampshire Board's decision to deny her application for licensure constitutes knowingly making, or causing to be made, a false statement in a document executed in connection with the practice of Licensee's profession.
27. The above is cause to discipline Licensee's license pursuant to section 334.100.2(14), RSMo.
28. Licensee's renewal application and subsequent disclosure were written statements to the Board.

29. By purposefully omitting material facts regarding the New Hampshire Order in the disclosure, Licensee knowingly made a false statement to the Board.
30. The above is cause to discipline Licensee's license pursuant to sections 334.100.2(3), 334.100.2(8), 334.100.2(14), 334.100.2(15) and 334.102.7(1)(b)RSMo.

II. JOINT CONCLUSIONS OF LAW

31. Cause exists to discipline Licensee's license pursuant to sections 334.100.2(3), 334.100.2(8), 334.100.2(14), 334.100.2(15) and 334.102.7(1)(b), RSMo which state:

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:

(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;

(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;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

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;

32. Licensee's conduct, as established by the foregoing facts, falls within the intendments of sections 334.100.2(3), 334.100.2(8), 334.100.2(14), 334.100.2(15) and 334.102.7(1)(b), RSMo.
33. Cause exists for the Board to take disciplinary action against Licensee's license under sections 334.100.2(3), 334.100.2(8), 334.100.2(14), 334.100.2(15) and 334.102.7(1)(b), RSMo.

III. CONSENT ORDER ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of section 621.110, RSMo. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

34. The physician and surgeon's license issued by the Board to Licensee, number R8507, is hereby PUBLICLY REPRIMANDED.
35. Within six (6) months of the effective date of this Order, Licensee agrees to successfully complete a Board-approved ethics course. The Board maintains a list of preapproved courses on its website: <http://pr.mo.gov/boards/healingarts/CMECourses.pdf>. If Licensee wishes to take a course other than those preapproved, Licensee shall obtain the Board's approval to attend a specific course prior to attending that course. Licensee shall forward proof of the successful completion of this course to the Board within thirty (30) days of successful completion.
36. If Licensee is licensed in other jurisdictions, she shall forward written notice of this disciplinary action to the medical licensing authorities of those jurisdictions within thirty (30) days of the effective date of this agreement. Licensee shall submit a copy of the written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Licensee is not licensed in other jurisdictions, she

shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.

37. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to all employers, hospitals, nursing homes, out-patient centers, clinics, and any other facility where Licensee practices or has privileges. 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. If Licensee does not have an employer, staff privileges or practice at any facility, she shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.
38. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to any allied health care professionals supervised by Licensee. 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. If Licensee does not supervise any allied health professionals, she shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.
39. For purposes of this agreement and unless otherwise specified herein, all reports, documentation, evaluations, notices, or other materials Licensee is required to submit to the Board in this agreement shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.
40. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of chapter 334, RSMo by Licensee not specifically mentioned in this document, either currently known to the Board or later discovered.
41. Licensee 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 attorney's fees and expenses, including any claims pursuant to section

536.087, RSMo, or any claim arising under 42 U.S.C. 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

LICENSEE

BOARD

Glenna C. Burton MD 3-17-17
Glenna C. Burton, MD Date
Licensee

Connie Clarkston 3-29-17
Connie Clarkston Date
Executive Director

Attorney for Licensee Date
Missouri Bar No. _____

Chen 3-29-2017
Hong Chen Date
Associate General Counsel
Missouri Bar No. 67602

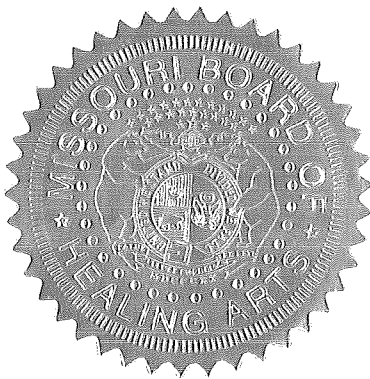
EFFECTIVE THIS 29th DAY OF March, 2017

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

State Board of Registration)
For the Healing Arts,)
Petitioner)
v.) Case number: 2009-006994
Glenna C. Burton, M.D.)
Respondent)

ORDER

It is hereby ordered that effective April 5, 2012, the Probation issued on October 26, 2010, upon Respondent's license to practice medicine, number R8507 is hereby terminated and the said license is hereby returned to its full privileges free and clear of all restrictions.



Tina Steinman

Tina Steinman
Executive Director

April 5, 2012
Date

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND GLENNA C. BURTON, M.D.**

COMES NOW Glenna C. Burton (Licensee) and the State Board of Registration for the Healing Arts (the "Board") and enter into this Agreement for the purpose of resolving the question of whether Licensee's license as a physician or surgeon will be subject to discipline. The Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to her.

2. Licensee acknowledges that she may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitutes grounds for discipline of Licensee's license.

3. Licensee acknowledges that she has been informed of her right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part III herein is based only on the Agreement set out in Parts I and II herein. Licensee understands that the Board may take further disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. Licensee understands and agrees that the Board will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo 2008, as amended.

I. JOINT STIPULATION OF FACTS

Based on the foregoing, the Board and Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts 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.

7. The Licensee is licensed by the Board as a physician and surgeon, License Number R8507. This license was first issued on June 2, 1978.

COUNT I

8. Herein incorporated by reference are paragraphs 1 through 7.

9. Licensee issued prescriptions on 7/25/08 and 7/28/09 to J.M. for Adderall, 20 mg, #60 and did not document the patient's address. Adderall is a brand name for a drug product containing amphetamine, which is a schedule II controlled substance pursuant to § 195.017.4(3)(a) RSMo 2008.

10. Licensee issued prescriptions on 5/6/09 and 6/4/09 to A.A. for Adderall 30 m.g. #30 and did not document the patient's address. Adderall is a brand name for a drug product containing amphetamine, which is a schedule II controlled substance pursuant to § 195.017.4(3)(a) RSMo 2008.

11. Licensee did not maintain a record of the quantity of flurazepam prescribed to R.B. on 9/29/09. Flurazepam is a controlled substance pursuant to 195.017.8(2)(V) RSMo 2008.

12. Licensee did not maintain a record of the quantity of Xanax prescribed to W.A. on 6/2/09. Xanax is a schedule IV controlled substance pursuant to § 195.017.8(2)(a) RSMo 2008.

13. Licensee did not maintain a record of the quantity of VyVanse prescribed to W.A. on 3/14/09.

14. Licensee did not maintain a record of the quantity of lorazepam prescribed to R.B. on 2/2/09. Lorazepam is a schedule IV controlled substance pursuant to § 195.017.8(2)(aa) RSMo 2008.

15. Licensee did not maintain a record of the quantity of Xanax prescribed to D.B. on 1/14/09. Xanax is a schedule IV controlled substance pursuant to § 195.017.8(2)(a) RSMo 2008.

16. Writing a controlled substance prescription without keeping a record of the patient's address and the quantity prescribed violates § 195.050.6 and 19 CRS 30-1.048(2) and constitutes cause to discipline licensee's license pursuant to 334.100.2(13).

COUNT II

17. Herein incorporated by reference are paragraphs 1 through ~~22~~ 16.

18. Licensee used duplicate, serially numbered prescription pads. Her prescription pad shows that prescription number 12378, 12380 and 12381 were written on 5/6/09 for patient A.A. Prescription number 12379 written for patient A.A. for Adderall was post-dated to 6/4/09.

19. Licensee's patient records show that she wrote prescription number 12848 for W.A. for VyVanse on 3/14/09. She post-dated the prescription for 3/29/09.

20. Post dating a prescription violates Title 21 CFR 1306.05(a) and Title 21 CFR 1306.12 and constitutes cause to discipline licensee's license pursuant to 334.100.2(13).

COUNT III

21. On or about April 5, 2010, License entered into a Settlement Agreement with the Missouri Bureau of Narcotics and Dangerous Drugs.

22. The Settlement Agreement stipulated that Licensee's Missouri Controlled Substances Registrations would be issued under probation.

23. This limitation constitutes cause to discipline licensee's license pursuant to §334.100.2(23).

II. JOINT CONCLUSIONS OF LAW

24. Based on the foregoing, cause exists to discipline Licensee's license pursuant to Section 334.100.2(13) and (23) RSMo, which states:

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 surrender the person's certificated 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, any other state or the federal government;

....

(23) Revocation, suspension, limitation or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not;

.....

25. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of §334.100.2, RSMo.

26. Cause exists for the Board to take disciplinary action against the Licensee's license under §334.100.2, RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of §621.110 RSMo 2008. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

27. License number R8507, issued by the Board to the Licensee, is hereby placed on probation until April 5, 2012 (hereinafter the "disciplinary period").

28. During the disciplinary period, the Licensee shall be entitled to engage in the practice of medicine under Chapter 334 RSMo, provided she adheres to all of the terms of this agreement.

29. Licensee shall follow all conditions of probation imposed by the Missouri Bureau of Narcotics and Dangerous Drugs.

30. During the disciplinary period, the Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor her compliance with the terms and conditions of this disciplinary agreement.

31. If the Licensee 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 settlement agreement, of the Licensee's disciplinary status in Missouri. The Licensee

shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.

32. During the disciplinary period, the 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.

33. During the disciplinary period, the Licensee shall keep the Board informed of her current work and home telephone numbers and addresses. The Licensee shall notify the Board in writing within ten (10) days of any change in this information.

34. During the disciplinary period, the Licensee shall timely renew her license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain the Licensee's license in a current and active state.

35. The Licensee shall notify, within fifteen (15) days of the effective date of this settlement agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where the Licensee practices or has privileges, of her disciplinary status. The Licensee shall notify any physician assistants or other allied health care professionals she supervises of the disciplinary action imposed. Notification shall be in writing and the 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.

36. 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.

37. In the event The State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation. The Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to §620.153, RSMo.

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

39. Upon the expiration of the disciplinary period, the Licensee'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 the Licensee has violated any term or condition of this agreement, the Board may, in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate.

40. No additional order shall be entered by this Board pursuant to the preceding paragraph of this agreement 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 agreement 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. The Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this agreement has occurred.

41. The Licensee 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 agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

LICENSEE

BOARD

Glenna C. Burton MD 10-20-10
 Glenna C. Burton, M.D. Date

Tina Steinman 10/26/10
 Tina Steinman Date
 Executive Director

Julia Avo 49727 10/25/10
 Attorney for the Licensee Date

Sarah Schappe 10/26/10
 Sarah Schappe, MO #32011 Date
 General Counsel for the Board

EFFECTIVE THIS 26 DAY OF October, 2010.