

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-16-6188.MD
TEXAS MEDICAL LICENSE NO. G-5125

IN THE MATTER OF THE
COMPLAINT AGAINST
ROBERT HADLEY GROSS, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

FINAL ORDER

During an open meeting at Austin, Texas, the Texas Medical Board (Board) finds that the above-styled case was assigned to and presided over by Administrative Law Judge (ALJ) Wendy K. L. Harvel of the State Office of Administrative Hearings. The hearing on the merits was convened on February 2, 2017. The ALJ issued a Proposal for Decision (PFD) on March 24, 2017 that contained Findings of Fact and Conclusions of Law. The PFD was properly served on all parties, and all parties were given an opportunity to file exceptions and replies as part of the record herein. Neither party filed exceptions.

The Board, after review and due consideration of the PFD, adopts the Findings of Fact and Conclusions of Law of the ALJ.

FINDINGS OF FACT

1. Robert Hadley Gross, M.D. is a Texas physician and holds a license issued by the Texas Medical Board (Board).
2. In Cause No. 6:14-CR-00038-J-BG(1), on December 17, 2015, the United States District Court, Northern District of Texas, San Angelo Division, entered a Judgment in a Criminal Case for Health Care Fraud against Dr. Gross. The offense date was June 20, 2014. The judgment imposed punishment of 71 months' confinement in the Bureau of Prisons.
3. Dr. Gross is currently imprisoned following his felony conviction and is scheduled to be released on December 11, 2018.

4. Dr. Gross has four prior Board orders from May 2002, December 2004, February 2013, and November 2014.
5. On September 1, 2016, the staff the Board (Staff) mailed its Complaint and Notice of Hearing to Dr. Gross by first class and certified mail. They contained the date, time, and location of the hearing, a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the applicable rules and statutes; and a short, plain statement of the factual matters asserted.
6. The hearing on the merits was held on February 2, 2017, at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Staff was represented by Barbara Jordan and Nancy Elmilady. Dr. Gross did not appear. The record closed on February 14, 2017, with the court reporter's submission of the exhibits and transcript.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. Tex. Occ. Code ch. 164.
2. SOAH has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. Respondent received timely and adequate notice of the hearing. Tex. Gov't Code §§ 2001.051-.052.
4. Dr. Gross is subject to mandatory revocation pursuant to Texas Occupations Code § 53.021(b).

ORDER

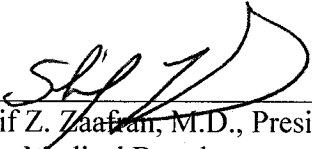
Based upon the Findings of Fact and Conclusions of Law as determined by the Administrative Law Judge and adopted by the Board, the Board ORDERS the following:

1. Respondent's Texas medical license is hereby REVOKED.
2. Respondent shall immediately cease practice in Texas. Respondent's practice in the state of Texas after the date of entry of this Final Order shall constitute a violation of this Order, subjecting Respondent to disciplinary action by the Board or prosecution for practicing without a license in Texas.

3. Respondent shall comply with all the provisions of the Medical Practice Act and other statutes regulating the Respondent's practice.

4. Respondent may petition the Board for reissuance of his Texas medical license after one year's time from the effective date of this Final Order. Respondent may apply for reissuance of his Texas medical license pursuant to applicable Board Rules and Statutes, including but not limited to Sections 164.151 and 164.152, and Board Rules 163 and 167. The Board may inquire into the request for reissuance and, may in its sole discretion, grant or deny the petition without further appeal to or review by the Board. Petitions for reissuance may be filed only once a year thereafter. Respondent does not waive and specifically reserves his right to appeal any final decision of the Board regarding re-licensure to the State Office of Administrative Hearings.

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
16 day of June, 2017.



Sherif Z. Zaafan, M.D., President
Texas Medical Board