

FILED

APR 30 2013

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts *[Signature]*

In the Matter of)
ROBERT R. LADD, D.O.)
Application for Kansas Licensure)
_____)

KSBHA Docket No. 13-HA00060

FINAL ORDER DENYING LICENSURE

NOW on this 12th day of April, 2013, comes before the Kansas State Board of Healing Arts (“Board”) the application of Robert R. Ladd, D.O. (“Applicant”) for a license to practice osteopathic medicine and surgery in the State of Kansas. Licensee appears in person and *pro se*. Seth K. Brackman, Associate Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. On or about May 7, 2012, Applicant submitted an application for a license to practice osteopathic medicine and surgery in the State of Kansas. Such application was complete and filed with the Board on or about March 18, 2013.
2. On or about March 22, 2013, Associate Litigation Counsel filed a Response in Opposition to Application for License to Practice Medicine and Surgery in the State of Kansas (“Response”). The allegations contained in the Response are incorporated by reference herein.
3. Applicant’s Tennessee medical license was suspended in 1989 due to inappropriate prescribing practices. Applicant’s license was later reinstated.

4. Applicant was terminated from participating as a provider with Blue Cross Blue Shield of Tennessee in 2006, due to Applicant having been criminally indicted.

5. Applicant surrendered his Tennessee medical license in 2006, based on findings which generally involved unprofessional conduct, gross malpractice, sexual misconduct, inappropriate prescribing and failure to appropriately supervise nurse practitioners.

6. Applicant has not actively engaged in the practice of osteopathic medicine and surgery since 2006.

7. Applicant surrendered his DEA registration to prescribe controlled substances in 2006.

8. Applicant was excluded from being a Medicare and Medicaid provider in 2006.

9. Applicant was denied a medical license in the State of Nevada in 2008, for failing to disclose the surrender of his DEA registration and for other unprofessional conduct.

10. Applicant's American Medical Association membership was revoked in 2009, for unprofessional conduct.

11. Applicant was convicted of two Class D felony counts of fraudulently obtaining medical assistance benefits in 2011, when he entered a Best Interest Plea to the charges.

12. K.S.A. 65-2836(c) requires that an application for licensure by a person who has been convicted of a felony "shall be denied unless a 2/3 majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust."

13. The Board concludes that once a felony conviction has been established by a preponderance of the evidence, Applicant bears the burden to present clear and convincing

evidence of trustworthiness and rehabilitation in order to overcome the presumptive denial of licensure.

14. Applicant's explanation of his past conduct in his application and Applicant's testimony at the conference hearing were comprised of arguments intended to refute the past findings against him. Applicant did not take responsibility for his actions or present evidence of any remedial efforts.

15. The Board finds that Applicant has not shown the Board any material evidence to indicate he will not pose a threat to the public in the capacity of a physician. Furthermore, Applicant has not shown the Board any material evidence of rehabilitation concerning the numerous unprofessional acts and conduct he previously committed, or with respect to Applicant's professional competence since he last practiced osteopathic medicine and surgery in 2006.

16. The Board concludes that Applicant has failed to meet his burden to show by clear and convincing evidence that he does not pose a threat to the public in his capacity as a physician, and further, that Applicant has not shown that he has been sufficiently rehabilitated to warrant the public trust.

17. The Board concludes that, pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(3), there are grounds to deny Applicant's application in that Applicant is professionally incompetent due to being absent from active practice since 2006.

18. The Board further concludes that, pursuant to K.S.A. 65-2836(c), there are grounds to deny Applicant's application in that Applicant has been convicted of two counts of a Class D felony for fraudulently obtaining medical assistance benefits.

19. The Board further concludes that, pursuant to K.S.A. 65-2836(j), there are grounds to deny Applicant's application in that Applicant had his Tennessee medical license suspended. Applicant was also denied a medical license in Nevada based on his failure to disclose the surrender of his DEA registration and other past conduct.

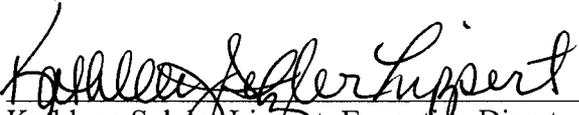
20. The Board further concludes that, pursuant to K.S.A. 65-2836(s), there are grounds to deny Applicant's application in that Applicant has been excluded from being a participating provider in Medicare and Medicaid, Applicant has been terminated as a provider for Blue Cross & Blue Shield of Tennessee and Applicant's American Medical Association membership was revoked due to unprofessional conduct.

21. The Board further concludes that, pursuant to K.S.A. 65-2836(u), there are grounds to deny Applicant's application in that Applicant surrendered his Tennessee medical license due to unprofessional conduct, gross malpractice, repeated malpractice, sexual misconduct, failure to appropriately supervise nurse practitioners, and improper prescribing practices. Applicant also surrendered his DEA registration.

22. Based on Applicant's felony convictions and the other violations set forth above, the Board concludes that Applicant's application for licensure should be denied.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's application for a license to practice osteopathic medicine and surgery in the State of Kansas is hereby DENIED.

IT IS SO ORDERED THIS 29th DAY OF APRIL, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzer Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above foregoing **FINAL ORDER DENYING LICENSURE** was served this 30th day of April, 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Robert R. Ladd, D.O.
Confidential
Portland, TN 37148

And a copy was hand-delivered to:

Seth K. Brackman, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612


Cathy Brown, Executive Assistant