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

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS,	)	
Petitioner,	)	
v.	)	Case Number: 2010-004245
BRUCE BAKER, D.O.	)	
Respondent.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Missouri State Board of Registration for the Healing Arts, in accordance with law and pursuant to notice, took up this matter at its regularly scheduled meeting on October 19, 2012. The Board's counsel, Sarah Schappe, presented evidence on behalf of the Board. Earl Kraus, Chief Legal Counsel for the Division of Professional Registration, acted as the Board's legal advisor in these proceedings, in the Board's deliberations, and in the preparation of this order. Dr. Baker, though properly and timely served, did not appear in person or through legal counsel.

Evidence was adduced, exhibits were received, and argument was heard regarding whether Dr. Baker's license as a physician should be revoked pursuant to § 334.103.1, RSMo. The Board took the matter under advisement to deliberate and determine an appropriate disposition. Being fully advised of the above, the Board now enters, by default, its default findings of fact, conclusions of law and order revoking Dr. Baker's license as a physician.

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts (hereinafter the "Board") is an agency of the State of Missouri created and established pursuant to §334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. The Respondent, Bruce Baker, D.O., was licensed by the Board as a physician, license number R9J20. Respondent's license was first issued on July 26, 1989. Respondent's license lapsed on January 31, 2011.

3. On or about January 26, 2011, Respondent entered a plea of guilty in the United States District Court for the Western District of Missouri to violating 21 USC §846, conspiracy to distribute Oxycontin and Oxycodone and 21 USC § 1347, health care fraud.

4. On June 28, 2012, the United States District Court for the Western District of Missouri entered a judgment and sentence committing Respondent to prison for seventy-five months, in federal prison.

5. Both conspiracy to distribute Oxycontin and Oxycodone and healthcare fraud are felonies and are offenses that are reasonably related to the qualifications, functions or duties of a physician, or involve fraud, dishonesty or moral turpitude.

6. On August 28, 2012, the Board, through legal counsel, filed a complaint with the Board initiating this contested case regarding the facts set forth herein.

7. The Board provided Licensee notice of the October 19, 2012 Board meeting by hand delivery of the hearing notice to Licensee's attorney John Osgood on September 10, 2012. Licensee did not appear personally or through legal counsel an did not otherwise respond.

CONCLUSIONS OF LAW

8. This Board has jurisdiction over this proceeding pursuant to § 334.103.1 RSMo, which provides:

> 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 been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or 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, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. 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.

9. Section 324.045, RSMo, provides:

> 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.
>
> 2. 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.

10. The crimes for which Licensee was convicted as set forth herein are reasonably related to the qualifications, functions or duties of Licensee's profession and involve fraud, dishonesty or moral turpitude requiring automatic revocation of Respondent's license as a physician under § 334.103.1, RSMo.

11. The proceeding was initiated upon a properly pled writing filed with the Board to initiate the contested case.

12. Proper and timely notice of this proceeding was provided to Licensee.

13. Licensee failed to respond or otherwise defend against this proceeding by the Board.

14. A decision in default is warranted in this case under § 324.045, RSMo.

15. The Board is authorized to impose a time period during which a revoked licensee may not seek reinstatement with the Board, as set forth in § 334.100, RSMo, which provides, in pertinent part:

> 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[.]

16. The Board has determined that this order is necessary to ensure the protection of the public.

DISCIPLINARY ORDER

Having fully considered all evidence before this Board, it is the **ORDER** of the Board, by default, that Dr. Bruce Baker's license as a physician, license number R9J20, be **REVOKED**. Dr. Baker shall not apply for reinstatement of his license for a period of seven (7) years.

EFFECTIVE THIS 2nd DAY OF NOVEMBER, 2012

Connie Clarkston

Connie Clarkston, Executive Director