BEFORE THE
MISSOURI STATE BOARD OF PODIATRY

STATE BOARD OF PODIATRY, )
     Petitioner, )

v. )

ANTHONY L. HALINSKI, D.P.M., )
     Respondent. )

Case No. 89-000518CF

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

Findings of Fact

1. On January 18, 1990, the Administrative Hearing Commission of the State of Missouri entered its Findings of Fact and Conclusions of Law, in the case of State Board of Podiatry v. Anthony L. Halinski, D.P.M., Case No. 89-000518CF. In that Findings of Fact and Conclusions of Law, the Administrative Hearing Commission found that Respondent's Missouri podiatrist's license is subject to disciplinary action by this Board for violations of § 330.160.2(5), (13) and (15), RSMo.

2. This Board has received the record of the proceedings before the Administrative Hearing Commission and the Findings of Fact and Conclusions of Law.
3. This Board set this matter for hearing and served notice of this disciplinary hearing upon Respondent in the proper and timely fashion.

4. Pursuant to notice and § 621.110, RSMo 1986, this Board held a hearing on June 9, 1990, at the Lodge of the Four Seasons, Lake Road HH, Lake Ozark, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. Respondent was present and was represented by J. Martin Hadican, Esq., of St. Louis, Missouri.

5. All of the members of this Board were present throughout the disciplinary hearing. Further, each member of this Board has read the Administrative Hearing Commission's Findings of Fact and Conclusions of Law.

6. At all times material, Respondent, Anthony L. Halinski, D.P.M. was licensed by the Missouri State Board of Podiatry, numbered 391.

7. The Findings of Fact and Conclusions of Law issued by the Administrative Hearing Commission in Case No. 89-000518CP is incorporated by reference as if fully set forth in this document.

Conclusions of Law

1. This Board has jurisdiction to take disciplinary action against Respondent's license pursuant to the provisions of Chapters 330 and 621, RSMo.
2. Respondent's license is subject to revocation, suspension or probation by this Board pursuant to § 330.160.3, RSMo 1986.

Order

Therefore having fully considered all of the evidence before this Board, and giving full weight to the Findings of Fact and Conclusions of Law, it is the ORDER of this Board that:

1. The Respondent's podiatrist's license is suspended for six (6) months. The Board hereby stays said suspension and places the Respondent on probation for five (5) years (hereinafter referred to as the "disciplinary period"). During the period of probation, the Respondent shall be entitled to engage in the practice of a podiatrist provided he adheres to all of the terms of this Order.

2. During the disciplinary period, Respondent shall pay all fees required for licensing and shall maintain his license in a current and active state.

3. During the disciplinary period, Respondent shall keep the Board apprised of his current work and home telephone numbers and addresses.

4. During the disciplinary period, Respondent shall at all times comply with the provisions of Chapter 330, RSMo, the regulations promulgated pursuant thereto, and Respondent shall comply with all federal and state laws.

5. During the disciplinary period, Respondent shall comply with all of the terms and conditions of his Memorandum of
Understanding entered into with the Bureau of Narcotics and Dangerous Drugs, Missouri Department of Health, on or about May 25, 1990. Any violations of that Memorandum of Understanding shall be deemed to be a violation of this Disciplinary Order.

6. Respondent shall continue his treatment for chemical dependency by a chemical dependency professional approved by the Board. Respondent shall direct the chemical dependency professional to forward an evaluation report to the Board detailing the professional's findings, diagnosis, prognosis and treatment recommendations. Respondent shall follow any recommendations for treatment.

7. During the disciplinary period, Licensee shall abstain from the personal use or possession of controlled substances as defined in the "Missouri Narcotic Drug Act", Chapter 195, RSMo, and any rules and regulations promulgated by the Department of Health, and dangerous drugs as defined by law or any drugs requiring a prescription unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom the Licensee has a bona fide relationship as a patient. The Licensee shall provide the Board with documentation of any such prescription upon request.

8. During the disciplinary period, Respondent shall abstain completely from the use of ethyl alcohol.

9. During the disciplinary period, Respondent shall cause a letter of evaluation from the chemical dependency professional
or from the rehabilitation program to be submitted to the Board every three months. The letter shall include an evaluation of the Respondent's current status in the treatment and the current prognosis. The letter shall be addressed to:

State Board of Podiatry
P. O. Box 423
Jefferson City, MO 65102

10. During the disciplinary period, Respondent shall participate at least weekly in Alcoholics Anonymous, Narcotics Anonymous or the Caduceus Program. It shall be deemed a violation of this Order if Respondent terminates his participation in the program(s) without the written authorization of the chemical dependency professional.

11. If the treatment of Respondent is successfully completed during the disciplinary period, Respondent shall cause the chemical dependency professional or director of the program to submit a letter of evaluation stating that Respondent has successfully completed treatment and the arrangements for appropriate follow-up.

12. During the disciplinary period, Respondent shall execute a medical release or other appropriate release or authorization which shall cover the entire period of this Order authorizing the State Board of Podiatry to obtain records of the Respondent's treatment for chemical dependency or his participation in the program(s) mentioned above in paragraph 10. Respondent shall not take any action to cancel the release(s).
13. During the disciplinary period, Licensee shall, at Respondent's cost, submit to biological fluid testing as required by the State Board of Podiatry. Respondent shall allow the Board's designated representative to obtain random biological fluid samples upon request and shall cooperate with the Board's designated representative in obtaining the samples. The presence of any prescription drug not supported by a valid prescription, or the presence of any alcohol, shall constitute a violation of this Order.

14. Upon the expiration of the disciplinary period, Respondent's license shall be fully restored provided he has met all conditions of this Order and provided all other requirements of law have been satisfied.

15. Should Respondent violate any term or condition of this Order, the Petitioner, in its discretion, may vacate and set aside this Order and impose such other discipline as Petitioner deems appropriate.

16. No additional orders shall be entered by this Board pursuant to paragraph 15 without notice and an opportunity for hearing before this Board in accordance with the provisions of Chapter 536, RSMo.

17. This Order does not bind the Board or restrict the remedies available to it concerning any future violation of Chapter 330, RSMo, by the Respondent.
So ordered this 17th day of July 1990.

State Board of Podiatry

Sharlene Rimiller
Sharlene Rimiller
Executive Director