SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF PODIATRIC MEDICINE AND TALIA A. HYDE-PERSON, D.P.M.

Come now Talia A. Hyde-Person, D.P.M. ("Licensee") and the Missouri Board of Podiatric Medicine ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's license as a podiatrist will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

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.

Licensee acknowledges that she has received a copy of the investigative report and other documents relied upon by the Board in determining there was cause to discipline her license, along with citations to law and/or regulations the Board believes was violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's license, numbered 2012023302 is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 330, RSMo.

¹ All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.
Joint Stipulation of Fact and Conclusions of Law

1. The Missouri Board of Podiatric Medicine ("Board") is an agency of the State of Missouri created and established pursuant to § 330.100, RSMo, for the purpose of executing and enforcing the provisions of Chapter 330.

2. Licensee Talia A. Hyde-Person, D P M, is licensed by the Board as a podiatrist, License No. 2012023302.

3. On or about October 9, 2013, Licensee sent the Board a letter stating that she was going through a period "of unforeseen hardship" both personally and professionally. She stated her employer had "out of the blue" closed its doors without any communication to her because he was charged with Medicare fraud. She stated she was in a bind as a result of not receiving any additional payment for services rendered. She requested a "grace period" to complete the required continuing education hours.

4. On or about May 27, 2014, Licensee submitted her application for reactivation/late renewal. On her application, Licensee answered question 8 "no" regarding completion of twenty-four hours of continuing education between March 1, 2012 and February 28, 2014. Licensee also submitted an e-mail message to the Board on June 4, 2014, stating she had not completed any continuing education hours because she was not working during the period and was not able to financially complete the education. Licensee also stated she planned to attend a conference in October and would be working once her license was renewed.

5. Section 330.070, RSMo, states, in relevant part:

(4) Each applicant shall give with the application for biennial license renewal satisfactory evidence of completion of twenty-four hours of postgraduate study for each renewal period since the last issuance or renewal of the license. The postgraduate study shall be that presented by a college of podiatric medicine accredited by the American Podiatric Medical Association or a course of study approved by the board.]

6. Board regulation 20 CSR 2230-2.030 states, in relevant part:

(2) Each applicant for license renewal shall certify to the board that s/he has attended twenty-four (24) hours of board-approved continuing medical education (CME) for the biennial renewal period immediately preceding the biennial license renewal date. Applicants who qualify under section 330.010.2, RSMo, to perform surgery of the ankle must certify that s/he has attended an additional twenty-six (26) hours of board-approved CME for the biennial renewal period immediately
preceding the biennial license renewal date. Prior to January 2005, a copy of Foot & Ankle Board Certification or certificate of a twenty-four (24)-month postgraduate clinical residency program in podiatric surgery shall be on file with the state board for acceptance of the additional CMEs, before the endorsement of “Ankle Surgery Certified” will be added to their biennial renewal license. After January 2005, a certificate of completion of a twenty-four (24)-month postgraduate clinical residency program in podiatric surgery is required for acceptance of the additional CMEs and the “Ankle Surgery Certified” endorsement.

(3) The reporting period for satisfying the CME requirements shall be the twenty four (24)-month period immediately preceding the biennial license renewal date, which is February 28 of each even-numbered year. All CME hours shall be board approved. CME hours earned after the biennial renewal date (February 28 of even-numbered years) shall apply to the next reporting cycle. A renewal license will not be issued until all renewal requirements have been met[1].

7. As a result of Licensee’s failure to obtain the required twenty-four (24) hours of continuing education for the 2012-2014 renewal period, cause exists for the Board to deny Licensee’s reactivation/renewal application pursuant to § 330.070 and 20 CSR 2230-2.030(3).

Joint Agreed Disciplinary Order

8. Based upon 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 § 621.045.3, RSMo:

9. The terms of discipline shall include that the podiatrist license shall be renewed and placed on PROBATION for a period of one (1) year (“disciplinary period”). During Licensee’s probation, Licensee shall be entitled to engage in the practice of podiatric medicine under Chapter 330, RSMo, provided Licensee adheres to all of the terms of this Settlement Agreement.

I. EDUCATION REQUIREMENTS

A. Licensee shall complete the twenty-four (24) hours of continuing education required pursuant to § 330.070, RSMo, and 20 CSR 2230-2.030 for the 2012-2014 renewal cycle. Licensee shall complete the twenty-four (24) hours of continuing education for the 2012-2014 renewal cycle within six months of the disciplinary period.

B. The twenty-four (24) hours of continuing education for the 2012-2014 renewal cycle shall not be counted toward the required continuing education for the 2014-2016 renewal cycle.

II. GENERAL REQUIREMENTS

A. Licensee shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
B. Licensee shall submit written compliance reports to the Missouri Board of Podiatric Medicine, P.O. Box 7005, Jefferson City, Missouri 65102, no later than January 1 and July 1 of each year, but no compliance report shall be filed more than 14 days before it is due. These compliance reports shall contain all other information required by this Settlement Agreement and shall be filed on forms supplied by the Board. If Licensee fails to receive the form from the Board, Licensee shall have the duty to contact the Board to request the form. Licensee shall complete each compliance report truthfully, completely and accurately.

C. Licensee shall keep the Board apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Board within ten days of any change of home or work address or work or home telephone number.

D. Licensee shall comply with all provisions of the Chapter 330, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

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

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

G. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).

H. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 330, RSMo, by Licensee not specifically mentioned in this document.

III. ADDITIONAL REQUIREMENTS

A. Licensee shall notify, within 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 Licensee practices or has privileges of Licensee's disciplinary status. Notification shall be in writing and 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.

10. The parties to this Agreement understand that the Missouri Board of Podiatric Medicine will maintain this Agreement as an open record of the Board as provided in Chapters 330, 610, 324, RSMo.

11. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.
12. Licensee, together with her heirs and assigns, and his attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective 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 § 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 case, its settlement, or from the negotiation or execution of this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

13. If no contested case has been filed against Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement agreement constitute grounds for denying or disciplining the license of the licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to:

Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O.,
Box 1557, Jefferson City, Missouri 65101.

14. If Licensee has requested review, Licensee and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of act and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.
Date: July 14, 2014

Sandy Sebastian
Executive Director
Missouri Board of Podiatric Medicine

Date: 7.28.14

EFFECTIVE DATE
8.12.14
STATE BOARD OF PODIATRIC EXAMINERS