

Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612



phone: 785-296-7413
fax: 785-368-7102
1-888-886-7205
www.ksbha.org

Kathleen Selzler Lippert
Executive Director

*Commemorating 60 Yrs. of Public Protection
1957 - 2017*

Jeff Colyer, M.D., Governor

Cover Page for Testimony before the Senate Federal and State Affairs Committee:

- #1: Date of Testimony: 3/7/2018
 - #2: SB 421 (2018)
 - #3: Kathleen Selzler Lippert, JD, Executive Director Kansas Board Healing Arts
 - #4: Opposition
- Testimony Oral: PDF delivered to Chair Committee Assistant, 40 written copies stapled delivered
PDF emailed to: Phil.Engelhardt@senate.ks.gov

Contact information for conferee:

Kathleen Selzler Lippert, JD
Executive Director
Kansas State Board of Healing Arts

Email: Kathleen.Lippert@ks.gov
Phone: 785-296-8561 Desk
785-285-0400 Cell

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To: Senate Committee: Senate Federal and State Affairs
Chairperson: Senator Bud Estes

From: Kathleen Selzler Lippert, JD Executive Director
Kansas State Board of Healing Arts

Subject: SB 421, Title: Implementing restrictions on requirements for licensing of professional occupations (limiting use of criminal history information for evaluating licensure credentials)

Date and Position: March 7, 2018 Opponent verbal and written

The Kansas State Board of Healing Arts (KSBHA) appreciates the opportunity to provide testimony on SB 421. KSBHA presently licenses and regulates multiple health care professions. The mission of KSBHA is to safeguard the public and strengthen those who practice the healing arts.

SB 421 impacts all agencies who determine qualifications for any profession. SB 421:

- Provides a felony conviction may be considered; but, shall not operate as a bar to licensure.
- Provides that criminal history shall not disqualify a person for more than 5 years from the date of conviction.
- Requires agency to revise existing qualifications and list only specific disqualifying records that are directly related to protecting the public.
- Prohibits non-specific terms such as moral turpitude or good character as requirements for licensure.

SB 421 attempts to redress concerns that criminal history adversely impacts the ability to obtain professional licensure. This bill utilizes a “one-size-fits-all” approach. The underlying premise and the “one-size-fits-all” approach actually creates barriers to work and significantly reduces public protection.

A “list” of convictions that prohibit licensure creates an automatic bar to licensure. When a statute creates an automatic bar to licensure, it prohibits a person from appearing before the licensure agency to provide information related to their rehabilitation or how they merit public trust. This would create new licensure bars that do not already exist.

Current Kansas laws related to criminal history bar(s) to licensure are extremely rare. This would create more bars to licensure. **See attached KBI report for criminal history and licensure summary; 2016 HB 2677 Testimony.**

SB 421 would decrease the ability for KSBHA to fulfill its mission of public protection. It would prohibit applicants with appropriate character and competence from obtaining licensure – thus, patients would have access to fewer providers. It would require KSBHA to issue a license to applicants who do not have the character and competence to practice – thus, patients would have bad providers. **See Examples on next page.**

SB 421 Examples applied to real world:

1. Georgia medical license example
 - *Georgia medical board licenses doctors' other states won't*; media article. This physician was convicted of solicitation of murder – for – hire of a former patient in Texas. After completing his Texas criminal obligations, he applied and received a medical license in Georgia. The article is attached.
 - SB 421 provides that criminal conviction more than 5 years old shall not be used to disqualify a person for licensure.
 - Pursuant to SB 421, if this person applied for Kansas medical license, his conviction for solicitation of murder – for – hire of a former patient in Texas could not be used to deny Kansas licensure – if the conviction was more than 5 years ago.
 - Under current law, the felony conviction is not an automatic bar to Kansas licensure; the applicant would be required to appear before KSBHA and demonstrate by clear and convincing evidence that they are rehabilitated and warrant public trust.

2. Maryland medical license example
 - Maryland Medical Board licensed a physician who was convicted for a felony and served prison time in Florida. On his Maryland Medical application, the physician told the Maryland Medical Board that his Florida felony conviction was for assault and related to a bar fight while he was intoxicated. The physician later surrendered his Maryland Medical license after sexually assaulting female patients. The Florida felony conviction was actually for rape at gun point. The article is attached.
 - Pursuant to SB 421, if this person applied for Kansas medical license, his felony conviction for rape at gun point in Florida could not be used to deny Kansas licensure – if the conviction was more than 5 years ago.

Articles that illustrate criminal history concerns that need evaluation (all articles attached for review):

3. Medical professional trade drugs for sex: prescribed highly addictive drugs, once patients became dependent on the drugs, he demanded sex in exchange for new prescriptions. The article is attached.
 - Would it matter if this conviction was more than 5 years old?

4. Appeal pending for federal conviction, continues to practice medicine. Federal charges stemmed from reuse of rectal needle guides during prostrate biopsies on his patients, mostly cancer victims. Admits that in hindsight he would not have done what he did. While appeal is pending, practitioner is an internet pitchman for on-line male enhancement products.
 - Criminal History (Federal charges, conviction, and appeal) would alert Kansas Board to look for and obtain underlying evidence to determine whether to license him in Kansas.

5. Ex-Con posing as plastic surgeon left patient with deformed body: Two years in prison after pleading guilty to four felony charges of practicing medicine without a license.

6. Years-long sex abuse of children, released from prison after serving 4 months: Victim's abuse started when 11 years old and a patient of the physician / defendant.
 - Would it matter if this conviction was more than 5 years old?

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7. Driving to work a shift in ER, traffic dodged the swerving vehicle, driving off the road, and nearly hitting sign in the median; doctor was driving and had BAC .235, almost 3 times the legal limit of .08.
 - Should DUI conviction “always” or “never” be a bar to licensure; or does it depend on the facts of a specific case?
 - SB 421 requires agency to list specific crimes. If a crime is listed, then it is a bar to licensure for 5 years. If not listed, then it can’t be used in application evaluation.

8. Physician charged with multiple felonies, including 15 counts of sexually penetrating an unconscious victim, sexual battery and possessing child pornography.
 - Criminal charges are very different from criminal convictions. A license should not be denied because criminal charges are pending; however, it is appropriate to ask additional questions and obtain additional information to make an informed, evidence based decision on whether a Kansas license should be issued.

9. Teacher resigns after Oklahoma Education suspends teaching license. Mr. Hampton Anderson previously was a licensed physician in Kansas. The Kansas Board of Healing Arts revoked his medical license for sexual misconduct.
 - This person did not have a criminal history. He had a professional license revoked for unprofessional conduct.
 - Public protection is founded on obtaining information from multiple sources to verify and ensure a professional has the character and competence to practice.

Medical professionals hold positions of power and trust for the most vulnerable citizens.

- It is important that a licensure board is not blindfolded when discerning whether an applicant holds the character and competence to receive a medical license to practice.
- Constituents would expect the licensure board to know a criminal history when evaluating whether to give a medical license to any medical professionals should they apply in Kansas.

SB 421, other concerns:

- SB 421, if passed, takes effect after publication in the statute book; July 1, 2018.
 - SB 4421 requires agency to revise all existing requirements on this topic within 120 days.
 - 120 days is a very short turn-around to complete a total overhaul of a topic. Current personnel resources are stretched thin to complete existing requirements; thus, it would require additional staff and cost to the agency.
 - A total overhaul on this topic may require modification of statutes or regulations. Statute changes require at least one legislative session to complete. Regulation changes or creation often requires more than 120 days to develop and circulate through the required process.
- SB 421 allows a person to petition for determination “PRE-application” for determination of whether their record will or will not disqualify them from licensure; and, the agency “shall” respond within 30 days of receiving the petition. This will increase agency hearing costs.
 - It does require that details of the record be included with the petition for determination; however, if the person provides their narrative without supporting documentation the information may be flawed.

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- When a topic or category is reduced to a specific codified list, it becomes obsolete the minute some law changes. Theft is a traditional statutory crime and felony theft may be a crime that would be listed as ground for denying professional licensure in a profession that handles money – banking, credit union, real estate or others. Cyber identity theft is relatively new; it doesn't deal with stealing money, like traditional theft, bad check writing, or credit card crimes. If a specific list is codified and criminals create new crimes involving “bit coin” or other types of conduct, they would have a free pass until new legislation could be passed.

Kansas State Board of Healing Arts respectfully requests the Committee carefully consider the collateral consequences of SB 421 which creates new and additional bars to licensure and inhibits public protection.

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Record Check Statutes

Statute	Purpose	Agency	fp	name	Non -CJ		CJ	Juvenile						Adult						Disqualifiers listed in record check statute****
					Fed/State 92-544	KS Only		Arrest Under 12 Mo	Pending Diversion	Adjud.	Completed Diversion	Non-Adjud.***	Expunge	Arrest Under 12 Mo*	Pending Diversion*	Conv.**	Completed Diversion	Non-Conv.**	Expunge	
7-127	Admission to practice law	Supreme Court and State Board of Law Examiners	x			x														None listed
8-2,151	Hazmat endorsement	Dept of Revenue - DMV (no longer in use)	x			x														None listed
9-509	Money transmitter license	State Bank Commissioner	x			x														None listed
9-1722	Trust company employment - acquisition of company	State Bank Commissioner	x			x														None listed
9-1801	Trust company employment - organization of new company	State Bank Commissioner	x			x														None listed
9-2209	Mortgage business application	State Bank Commissioner	x			x														None listed
12-1,120	Chief of Police	city clerk and Attorney General	x																	None listed
12-1679	Merchant police	municipalities	x																	None listed
16a-6-104	Consumer credit lending application	State Bank Commissioner	x			x														None listed
17-2234	Dept or credit union employees	Dept of Credit Unions	x			x														crimes of dishonesty
19-826	Sheriff candidates	county election officer and Attorney General	x																	ksa 19-801b - felony, misd DV, gambling, liquor or narcotics
39-969	Adult care home licensure act	KDADS		x																None listed
39-970	Adult care home employment	KDADS	x			x														capital murder, 1st degree murder, 2nd degree murder, voluntary manslaughter, assisting suicide, mistreatment of a dependent adult or mistreatment of an elder person, human trafficking, agg human trafficking, rape, indecent liberties with a child, agg indecent liberties with a child, agg criminal sodomy, indecent solicitation of a child, agg indecent solicitation of a child, sexual exploitation of a child, sexual battery, agg sexual battery, commercial sexual exploitation of a child, any attempt or conspiracy or solicitation to any crime listed.
40-5504	Public adjusters licensing act	Commissioner of Insurance		x																None listed
41-311b	Liquor control act	Alcohol Beverage Control	x			x														felony convictions
41-2610	Liquor servers at establishments	Alcohol Beverage Control		x																furnishing alcohol to minors,
46-1103	Legislative Post Audit employment	Legislative Post Audit	x			x														None listed
46-3301	Joint Committee on Kansas Security	Legislature		x																None listed
50-1128	Credit service application	State Bank Commissioner	x			x														None listed
50-6,112b	Scrap metal licensing	Attorney General	x			x														21-5801 through 21-5839, perjury, compounding a crime, obstructing legal process, falsely reporting a crime, interference with law enforcement, interference with judicial process, crime involving dishonesty or false statement or any substantially similar offense, any attempt or conspiracy to any crime listed.
50-6,126	Roofing Contractor Licensing	Attorney General		x																felony convictions not truthfully disclosed
58-3039	Real estate brokers and sales person licensing act	Kansas Real Estate Commission	x			x														None listed
58-4127	Real Estate Appraiser licensing	Kansas Real Estate Commission	x			x														None listed
58-4709	Real Estate Appraiser creditalling	Board of Real Estate	x			x														None listed
65-516	Child care facilities	KDHE (not in use)	x			x														Felony convictions for crime against persons, felony violation of uniform control act, conviction of attempt or conspiracy to any crime listed.
65-1120	Licensure by board of nursing	State Board of Nursing	x			x														Fraud or deceit, misdemeanor illegal drug offense, felony crimes against a person, assist suicide.
65-1505	Optometry licensure	Board of Optometry	x			x														felony convictions
65-1696	Licensure by board of pharmacy	State Board of Pharmacy	x			x														None listed
65-2402	Vital statistic employees	KDHE	x			x														None listed
65-2839a	Licensure by board of healing arts	State Board of Healing Arts		x																None listed
65-28,129	Licensure by board of healing arts	State Board of Healing Arts	x			x														None listed
65-3407	Permits to construct, alter or operate solid waste processing facilities and solid waste disposal areas	KDHE		x																None listed
65-3503	Licensure of adult care home administrators	Board of Adult Care Home Administrators		x																None listed
65-4209	Mental health technicians	State Board of Nursing	x			x														Fraud or deceit, felony convictions, misdemeanor illegal drugs conviction, crime against persons.

Record Check Statutes

Statute	Purpose	Agency	fp	name	Non -CJ		CJ	Juvenile						Adult						Disqualifiers listed in record check statute****
					Fed/State 92-544	KS Only		Arrest Under 12 Mo	Pending Diversion	Adjud.	Completed Diversion	Non-Adjud.***	Expunge	Arrest Under 12 Mo*	Pending Diversion*	Conv.**	Completed Diversion	Non-Conv.**	Expunge	
65-5117	Home health agency	KDADS	x		x														capital murder, 1st degree murder, 2nd degree murder, voluntary manslaughter, assisting suicide, mistreatment of a dependent adult or mistreatment of an elder person, human trafficking, agg human trafficking, rape, indecent liberties with a child, agg indecent liberties with a child, agg criminal sodomy, indecent solicitation of a child, agg indecent solicitation of a child, sexual exploitation of a child, sexual battery, agg sexual battery, commercial sexual exploitation of a child, any attempt or conspiracy or solicitation to any crime listed.	
73-1210a	VA employees	Kansas Commission on Veterans Affairs	x		x														Crimes of dishonesty or violence	
74-1112	Licensure for prof nurse, practical nurse or mental health technician	State Board of Nursing	x		x														None listed	
74-2113	Highway patrol appointment	Governor	x															x	Felony convictions	
74-4905	KPERS Board of Trustees	Kansas Senate Committee		x			x												None listed	
74-50,184	Boxing Commissioner	Athletic Commission, Dept of Commerce	x		x														Felony convictions	
74-5605	KLETG applicant	Appointing authority	x																Felony convictions; no misdemeanor of varying convictions	
74-8704	Lottery sensitive employment	Kansas Lottery	x		x														None listed	
74-8705	Lottery major procurement contracts	Kansas Lottery		x															None listed	
74-8763	Expanded Lottery Act	Kansas Lottery		x															None listed	
74-8769	Expanded Lottery Act	Kansas Racing and Gaming Commission		x															None listed	
74-8803	Kansas Racing and Gaming Commission	Governor		x															Felony convictions	
74-8804	Race track employment and licensing	Kansas Racing and Gaming Commission	x		x														None listed	
74-8805	Executive director of Racing and Gaming Commission	Governor		x															Felony convictions	
74-8806	Animal Health Officer	Kansas Racing and Gaming Commission		x															None listed	
74-9804	Executive director of State Gaming Commission	Governor		x															Felony convictions	
74-9805	State Gaming employment or license pursuant to tribal state gaming contract	State Gaming Agency	x		x														None listed	
75-7b04	Private detective or private detective agency licensing	Attorney General	x		x														Felony convictions; or w/in 10 years varying convictions listed	
75-7b21	Private detective gun permits	Attorney General	x		x														Felony convictions; no misdemeanor w/in 10 years	
75-7c05	Personal and Family Protection Act licensing	Attorney General	x		x														None listed	
75-712	Gubernatorial appointments	Attorney General	x		x														None listed	
75-3707e	DISC employee applications	Dept of Administration	x		x														None listed	
75-4315d	Non-gubernatorial appointments subject to confirmation by senate	Appointing authority		x															None listed	
75-5156	Driver's license employee applicants	Department of Revenue - DMV	x		x														None listed	
75-53,105	Employment or participation in DCF and KDADS programs (formerly SRS programs) for placement safety, protection, or treatment of vulnerable children or adults	DCF and KDADS	x		x														None listed	
75-5609a	Biological laboratory employment	KDHE	x		x														criminal history or drug screening	

*** Non-adjudications include dismissals, acquittals, and arrests over 12 months old without a disposition.

* These results are public record
 ** Non-convictions include dismissals, acquittals, and arrests over 12 months old without a disposition.

**** A separate statute may explain disqualifiers

Color Code:

Green - None Listed

Rose - Felony criminal Hx

Orange - Criminal Hx other than felony

HOME / NEWS

Georgia board licenses doctors other won't

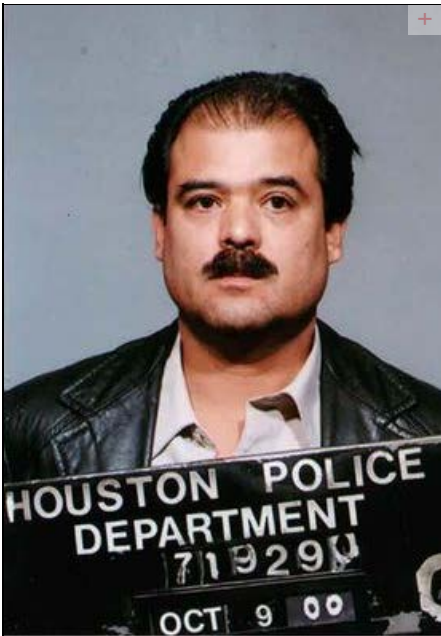
Posted: 12:00 a.m. Saturday, Oct. 4, 2014

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By **Danny Robbins** - The Atlanta Journal-Constitution

In a building that once housed a taxi service, Dr. Armando Sanchez plies his trade.

"Abierto Los 7 Dias" — open seven days — reads the sign out front at the Sanchez Medical Clinic, wedged among the auto insurance agents and pawn brokers on Windy Hill Road in Smyrna.



This is the police mug shot of Dr. Armando Sanchez, who pleaded no contest in Texas in 2002 to solicitation of ... [Read More](#)

Sanchez, 59, has been practicing there since earlier this year.

The question for some is, should he be practicing medicine at all?

Twelve years ago, Sanchez pleaded no contest to solicitation of capital murder after he was accused of trying to hire a hit man to kill a disgruntled patient in Houston.

The medical board in his home state of Texas took away his license and refused to reconsider. The board in California, where he also held a license, did the same.

But in Georgia, the disgraced doctor found a board willing to give him a second chance.

In agreeing to license Sanchez, the Georgia Composite Medical Board was going down a familiar road.

For decades, physicians whose misconduct caused other states to reject them have been given the green light to practice in Georgia, typically through decisions made largely behind

In this Section



Republican debate: What time, what channel, live stream

Q&A on the News



Kasich tries to expand his New Hampshire-only plan to South Carolina



John Lewis on Sanders' civil rights work: 'I never saw him'



Long in Clinton's corner, black voters begin to notice Sanders



Just how harshly has Bernie Sanders criticized President Obama? Let's break it down



Sanders wins on points, but doesn't take any of Clinton's turf



Cruz kills campaign ad featuring former softcore porn star

Delta doles out record profit sharing



The scoop on Friday, Feb. 12: 5 things to know this morning



Dr. Armando Sanchez operates this clinic in Smyrna.

closed doors, an Atlanta Journal-Constitution investigation found.

The AJC examined more than 500 licensing and disciplinary decisions involving Georgia physicians. On nearly two dozen occasions, the newspaper found, the board allowed physicians cited for criminal offenses or other types of improper behavior to practice in Georgia when boards in other states, reviewing the same matters, told them no.

Some committed financial crimes or similar transgressions that likely wouldn't directly affect patients. But others had inappropriate sexual relations with patients or engaged in other types of misconduct that would leave physical or emotional scars.

- [Doctor's troubles began in Tennessee, continued in Georgia](#)
- [Medical board order for Dr. Sanchez](#)
- [Dr. Sanchez court document](#)
- ['Trust system' allows Georgia doctors to omit black marks on records](#)

It's not uncommon for state medical boards to disagree on how certain types of misconduct should be punished, according to people who closely monitor board actions nationally. On occasion, one state will allow a physician to practice when another will not, they said.

But, they said, some of the cases examined by the AJC leave Georgia's board open to criticism.

"When the people in state X are protected from this guy and those in state Z are not, it seems a little strange to me," said Ruth Horowitz, a New York University sociology professor who wrote a book on physician licensing.

When the former chairman of the Texas Medical Board was told that Sanchez had been licensed in Georgia, his first response was, "Wow."

The murder-for-hire plot "just smacked of somebody you wouldn't want to be your doctor," said Dr. Lee Anderson, a Fort Worth ophthalmologist.

Prosecutors in Houston, with evidence that included secretly-recorded conversations, charged Sanchez with arranging to pay a police officer \$20,000 to kill a patient with whom he had a disagreement over a workers' compensation claim.

The plea agreement allowed Sanchez to receive 10 years' deferred adjudication, meaning his case would be dismissed by completing the terms of probation, and it did not require that he surrender his medical license.

Nonetheless, the Texas board revoked his license, ruling that he had "committed unprofessional and dishonorable conduct that was likely to injure the public."

'We just see things differently'

The AJC also found that the Georgia board has given its OK to at least five physicians whose sexual misconduct or serious drug and alcohol problems caused other states to deny them licenses.

In one of those cases, Georgia agreed to reinstate a physician dismissed from the Air Force for having sex with two female patients, one of whom was a teenager. Ohio would not.

Both states revoked the physician's license after his court martial, but the Ohio ruling was permanent. The Ohio board based its decision on a hearing examiner's report that said the physician had not accepted responsibility for his actions.

"The board takes any kind of inappropriate relationship (with a patient) so seriously that it often permanently revokes (a license)," said Aaron Haslem, the former executive director of the Ohio board.

In another case, a physician who was sentenced to prison for exchanging prescription drugs for sex more than 100 times had his license reinstated in Georgia but not in Virginia.

A spokeswoman for the Virginia Board of Medicine declined to comment beyond the board's order denying the physician's reinstatement, which simply recounted the elements of the crime.

"In seeking reinstatement, it is the petitioner's burden to prove he is safe and competent to return to practice," Diane Powers, director of communications for the Virginia Department of Health professions, wrote in an email.

And, in yet another case, an emergency room physician who missed a shift after he was found unresponsive in a hotel room has regained the ability to practice in Georgia but not in Alabama.

The physician, who later admitted to drinking alcohol and taking Ambien to assist in his work, can't practice in Alabama until he submits a detailed practice plan, a requirement that wasn't imposed in Georgia.

"We just see things differently," said Larry Dixon, executive director of the Alabama Medical Board. "When you find an ER physician unresponsive because of alcohol or drugs, you're very careful with letting them back in."

Public Citizen, the nonprofit consumer advocacy organization, has for years ranked state medical boards by calculating the number of serious disciplinary actions per 1,000 doctors. In the group's most recent analysis, published in 2012, Georgia ranked in the bottom fourth.

But no one has evaluated how states view the same forms of misconduct, an area that, according to the director of Public Citizen's health research group, would have major importance to consumers.

"That lack of consistency is certainly cause for concern, particularly when you're talking about significant issues like hiring a hit man," the director, Dr. Michael Carome, said. "I mean, that's just extraordinary. Why would anyone think that person should be a licensed physician anywhere?"

Board: We're careful

No one affiliated with the Georgia board queried for this story would comment on specific cases, citing state law that makes investigations and licensing applications confidential.

However, in a series of interviews, board members and other officials stressed that the board is careful to ensure that the physicians it licenses pose no danger to the public. They further noted that physicians whose pasts include serious misconduct are only licensed with conditions that, at least in the short term, require that their practices be monitored.

"I can't go case by case, but I can give you a scenario," said Dr. David Retterbush, the Valdosta surgeon who currently serves as the board's chairman. "An individual will go to treatment, have advocates who say, 'This person is rehabilitated. He can practice if he does this, does that.'

"If we have any doubt, we'll get more information from the treating professional or have that person come in (for questioning). If we don't think they're safe to practice, we won't grant a license."

Scott Waguespack, a physician who has been practicing in Georgia after losing his license in South Carolina, said he appreciates the Georgia board for recognizing his efforts to overcome substance abuse. But he also pointed out that the board has placed him under heavy scrutiny.

Waguespack, a family practitioner in Hazelhurst, surrendered his license in South Carolina in 2004 rather than take a board-ordered blood test. He later asked to be reinstated, but the board refused.

Since being issued a license by the Georgia board in 2009, Waguespack has practiced under requirements that include random drug and alcohol screens and participation in outpatient therapy and support groups.

"I'm grateful that, after all the mistakes I've made, I'm still allowed to practice," he said. "But there has been a heavy toll. ... I'm not free and clear."

Bare bones

The medical board consists of 15 members, all of whom are appointed by the governor. Thirteen are physicians and two are "consumer" members from the public.

It votes in open session, but much of the work in evaluating whether physicians are worthy of being licensed is conducted in executive session or in committee meetings that are closed to the public.

Licensing decisions involving physicians with disciplinary issues are recorded in public board orders. Orders issued since 2001 are generally available on the board's web site.

However, most of the orders are basically bare bones accounts, typically including only a brief statement of the physician's misconduct and the conditions under which he or she must operate until there is further board review.

Board members and other personnel acknowledged that much of the material they consider isn't available to the public, but they said what's available is still enough for patients to make informed decisions.

"We do tell you, 'This guy's got an order, and it's on the website for you to make a decision,'" said LaSharn Hughes, the board's executive director. "The law limits how much is out there, but, on the positive side, there is information out there."

A decision in 2010

Sanchez, who also has used the names Armando Sanchez-Gonzalez and Armando Sanchez G, applied for a Georgia license in October 2009, two months after a judge in Texas discharged him from probation, records show. The license was approved by the board at its November 2010 meeting.

The order spelling out the board's decision on Sanchez says he pleaded no contest to solicitation of capital murder and that his medical licenses were revoked in Texas, California and Pennsylvania, but it provides no details.

The order also placed Sanchez on probation and set out conditions that included working under a supervising physician for at least two years. According to an **order** issued by the board in February, those conditions have been met and he's no longer on probation.

When asked recently about the decision to license Sanchez, the chairman of the board at the time said he had no recollection of it.

"To be honest with you, I don't recall anything about this at all," said

Dr. Alexander Gross, a Cumming dermatologist.

Sanchez declined to be interviewed, asking that a reporter contact an Atlanta attorney, Melvin Goldstein. However, Goldstein said he didn't represent the physician in his dealings with the Georgia board and couldn't speak to his past.

Ace Pickens, an Austin attorney who represented Sanchez when the physician's case was heard by the Texas board, said the murder-for-hire charge was a misunderstanding. He said Sanchez, seeking protection from a patient who threatened his family, made comments to the police officer that sounded ominous but were not meant as an order to have anyone killed.

Given an opportunity for deferred adjudication, Sanchez agreed to plead no contest, the lawyer said.

"When you say what he was accused of, man, your antenna goes way up," Pickens said. "Solicitation of capital murder — that sounds pretty damn bad. But when you stir it around, you see it really wasn't all of that."

The Texas board "loves to consider itself tough" when that may not be justified, he said.

Secret tapes and \$100 bills

But court documents and other public records reviewed by the AJC paint a picture of a case built on evidence that included an exchange of cash and seven recorded conversations between Sanchez and the officer.

After being approached by Sanchez, the officer went to his superiors, who set up the secret tapings.

In one of the conversations, the officer told Sanchez, "If you want me to kill him, I'll kill him," and asked the physician if he wanted to back out. Sanchez indicated he did not.

Sanchez later provided the officer with \$8,000 in \$100 bills, which, according to the officer, was an initial payment for the killing.

Although the case never went to trial, the evidence was heard by an administrative law judge in Texas when the state board sought to discipline Sanchez. The judge thought Sanchez was guilty.

"After considering the voice tones and inflections and other aspects of these tape-recorded conversations, the ALJ has no doubt that Dr. Sanchez was soliciting (the officer) to kill (the patient)," the judge wrote, recommending that the physician's license be revoked.

Two Texas courts later upheld the decision, knocking down Sanchez's contention that he should retain his license because the criminal proceeding had no bearing on his professional competency.

"Even if not directly related to the practice of medicine, Sanchez's

acts serve to undermine public trust and confidence in the safety of Texas medicine, if not manifesting behaviors that would actually endanger patients," the Texas Court of Appeals said.

Pressed for details on what Georgia saw in Sanchez that Texas didn't, Hughes and Retterbush would not go beyond generalities. They reiterated that every case is reviewed carefully, often with information that isn't available to the public.

"I can assure you we are not an open door," Retterbush said.

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SEX CRIMES

Inspector general blasts Maryland medical board's licensing of doctor who served time for rape

Published November 12, 2014

Associated Press

HAGERSTOWN, Md. — The Maryland Board of Physicians put patients at risk by licensing a physician who had served 3 1/2 years in a Florida prison for raping a woman at gunpoint, according to a report released Wednesday.

Dr. William T. Dando, 60, of Rawlings, permanently surrendered his Maryland license in September to resolve charges he sexually assaulted a female patient at a walk-in clinic in LaVale in April. He is fighting lawsuits alleging he sexually assaulted another woman patient at the same clinic last year, and that he caused the death of a Baltimore County woman who died of a prescription drug overdose in 2010.

The state Board of Physicians knew that Dando was under treatment for alcohol abuse when he applied for a medical license in 1996, said the report by Thomas V. Russell, inspector general of the state Department of Health and Mental Hygiene. The board learned from the University of Miami medical school during the review process that Dando had been "arrested in 1987, charged with a felony and convicted," Russell wrote.

Yet the board accepted Dando's explanation that he had simply committed an "assault while under the influence of alcohol" and granted him a license. The board then failed to investigate information it received from the Georgia State Board of Physicians in 1997 and the Florida Department of Corrections in 2003, detailing Dando's arrest for the Orlando-area assault.

Although it didn't break any laws, "the board should not have issued a license to him without first obtaining all of the relevant information available regarding his 1987 conviction," Russell wrote.

He wrote that he supports the current board's proposal to seek legislative authority next year to conduct criminal background checks on license applicants. Russell said he found it "disturbing" that the board had resisted calls for background checks before the Dando case



His review also detailed two previous cases of physicians who were licensed in Maryland after providing false information about prior criminal convictions. The Associated Press couldn't immediately verify details of those cases.

The Board of Physicians acknowledged in a written response that errors were made during Dando's licensing process. Chairman Devinder Singh and Executive Director Christine Farrelly wrote that board staff should have investigated Dando's application more thoroughly, and that they failed to act on information they received after he was licensed.

"Thus, staff errors, failure to follow requisite procedures, reliance on other entities, and the lack of thorough investigation is troubling and contrary to the mission of the board to protect the public," the board officials wrote.

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Detroit Free Press (Michigan)

September 28, 2015 Monday
1 Edition

SECTION: A; Pg. 4

LENGTH: 316 words

HEADLINE: Doctor who traded drugs for sex faces prison

BYLINE: By, L.L. Brasier

BODY:

A doctor who prosecutors charge got at least two women patients addicted to prescription drugs and then demanded they have sex with him to get refills faces at least five years in prison when he is sentenced Wednesday.

Dr. John Verbovsky, 67, was originally charged with 14 criminal counts, including rape. But in a plea agreement reached earlier this month, he pleaded guilty to one count of running a criminal enterprise, two counts of medical fraud and two counts of criminal sexual conduct in the fourth degree, an admission that he coerced two of his women patients into having sex. Those crimes are felonies of five, 15 and 20 years.

The case was brought by the Michigan Attorney General's Office in February following a months-long investigation.

A spokesperson from that office last week did not provide details of the plea agreement but noted that in addition to the criminal case, Verbovsky's license to practice medicine in Michigan had been permanently revoked.

Verbovsky's attorney, Charles Perlos, also declined to discuss the plea arrangement, except to say: "My client made a decision and we're moving ahead."

Verbovsky, an osteopath, ran the Progressive Family Medicine clinic in Sterling Heights, and the Stout Family Medicine clinic in Detroit.

Investigators say he prescribed highly addictive drugs to at least two of his patients - and perhaps more - and that once they became dependent upon the drugs, he demanded sexual acts and money in exchange for new prescriptions.

He wrote prescriptions for pain medications, prosecutors said, without proof of a medical condition.

When investigators raided his office and confiscated his computers, they found one image of a woman, on her knees, bound and gagged.

Verbovsky was taken into custody when he entered his plea Sept. 3. He will be sentenced in Ingham County Circuit Court.

Contact L.L. Brasier: 248-858-2262 or lbrasier@freepress.com

LOAD-DATE: September 28, 2015



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 Las Vegas Review-Journal
 June 1, 2016 Wednesday

SECTION: 15561, TOPNEWS; Pg. A001

LENGTH: 467 words

HEADLINE: After criminal conviction, Las Vegas urologist Michael Kaplan promoting male enhancement

BYLINE: JEFF GERMAN LAS VEGAS REVIEWJOURNAL

BODY:

Dr. Michael Kaplan gave up his Las Vegas urology practice last year after he was sentenced to four years in prison for reusing equipment meant for single use in medical procedures.

But he's not out of the profession completely while he remains free and appeals his federal conviction.

These days Kaplan is known by his Twitter handle: "@doctorgetbig."

Kaplan, 61, has become an internet pitchman for a line of male enhancement products that he has developed.

His products are built around a dietary supplement called Largagenix, which, according to his website, is "designed to enhance libido and boost pleasure."

For \$129.98, Kaplan's "Largagenix Basic Plan" offers two bottles of Largagenix and several "free gifts," including his "top grade penis stretch device" and a book he wrote called "The Urologist's Guide to Penis Enlargement."

His website says he is "recognized as a leader in male sexual health," and in recent weeks Kaplan has been promoting penis enlargement procedures and pitching his products in short, and sometimes graphic, segments on YouTube.

Kaplan was convicted by a federal jury in September 2014 on one felony count of conspiracy to commit adulteration. The charge stemmed from his reuse of rectal needle guides during prostate biopsies on his patients, mostly cancer victims.

Federal prosecutors argued at his sentencing that he endangered the lives of his patients out of greed and arrogance.

None of Kaplan's 100-plus patients became infected with blood-borne diseases, but Assistant U.S. Attorney Crane Pomerantz said Kaplan showed an "utter lack of remorse" for putting his patients in harm's way.

Kaplan said at his sentencing he always looked out for the well-being of his patients and in hindsight would not have done what he did.

Since his conviction, Kaplan also has been sued for malpractice by the widows of two former patients who died after surgeries performed by him. Trials in both lawsuits are scheduled for next year.

Over a 15-year period, Kaplan had built his urology practice into one of the largest in the Las Vegas area, but his lawyers said at his sentencing that Kaplan gave up his practice after his conviction because he could no longer get insurance. The Nevada Board of Medical Examiners briefly suspended his license in March 2011 during the investigation into his reuse of medical equipment.

Efforts to reach Kaplan for comment Tuesday were unsuccessful. His San Francisco lawyer, Dennis Riordan, said Kaplan was not doing anything illegal in his online business venture.

Riordan said he believes he has a good case to overturn his client's conviction on appeal, which will be heard by the 9th U.S. Circuit Court of Appeals in San Francisco in July.

Contact Jeff German at jgerman@reviewjournal.com or 702-380-8135. Find him on Twitter: @JGermanRJ

LOAD-DATE: June 1, 201



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Washington Post Blogs

August 5, 2015 Wednesday 4:06 PM EST

LENGTH: 715 words**HEADLINE:** Ex-con posing as plastic surgeon left patient with deformed penis, police say**BYLINE:** Peter Holley**BODY:**

By the time the 55-year-old hairstylist approached Mark Schreiber, he was desperate.

Hoping for a bigger penis, the man had recently undergone an enlargement procedure in which "filler" was injected into his penis to make it longer and thicker, according to the Sun Sentinel.

He'd made a terrible mistake.

Within an hour of the procedure, he later told police, his penis looked deformed, according to NBC affiliate WTVJ. Now, he wanted to reverse the procedure.

Schreiber -- a former surgeon who used to compare his skills to artistry -- agreed to help. After paying Schreiber \$1,000 in cash, the patient told police, he remembered little beyond being sedated and passing out, according to the Sun Sentinel.

That's when **Schreiber, 60, went to work, police say. The results were not good, the man told police.**

And the procedure shouldn't have been performed in the first place: Schreiber's license was suspended by the Florida Board of Medicine in 2005, and he permanently surrendered his license in 2008 after repeated run-ins with the board, according to public records. Schreiber also **spent two years in prison after pleading guilty to four felony charges** of practicing medicine without a license.

Though Schreiber had agreed "to continue to refrain from practicing medicine," according to a document he'd filed years earlier with the Board of Medicine, he operated on the hairstylist in January, the Sun Sentinel reported.

The patient awoke to find his worst nightmare between his legs, telling police that his penis had gone from deformed to "mutilated," according to a warrant obtained by the Sun Sentinel.

"The victim's penis was now incredibly small, yet very swollen and the skin around the shaft had been removed and was raw," the warrant said. "The victim stated that his penis had retracted so far that it protruded less than one inch from his body."

The patient reached Schreiber two days later, and the **ex-con who went by the name "Dr. Mark"** told the patient that his swollen, one-inch penis was not unusual. He told the man to "just put two sticks [on] either side of his penis and wrap it up to keep it straight," the warrant said.

The man told police was never able to get in touch with Schreiber again, according to the Sun Sentinel.

Ex-con posing as plastic surgeon left patient with deformed penis, police say Washington Post Blogs August 5, 2015
Wednesday 4:06 PM EST

Investigators told the paper that the victim's penis is "severely deformed," and noted that "he has no sensation during urination and...is unable to engage in sexual relations and spontaneous erection is extremely painful."

Schreiber was arrested at his home on Friday following a multi-agency investigation involving the Florida Department of Health, the Miami-Dade state attorney's office and several local police and sheriff's departments, according to Miami's NBC affiliate. He is being held without bond in the Broward County jail on one count of unlicensed practice of health care causing serious injury, a felony, police told the Sun Sentinel.

Officials are also looking for Nery Carvajal, who they say performed the initial surgery on the patient, the NBC affiliate reported. Citing the warrant, the station added that "Carvajal, like Schreiber, is not licensed to practice medicine in the state of Florida."

During Schreiber's arrest, authorities found breast implants inside his home, investigators told the Sun Sentinel. Sgt. Carl Zogby of the Hialeah Police Department told the newspaper that the former doctor "may have been doing clandestine surgeries on other people who don't know or who don't care about his history."

"He does this sort of gypsy thing, peddling his services to unscrupulous dealers," Zogby said.

Before he lost his license, Schreiber's career was marred by complaints, including the deaths of patients in 1998 and 2002, according to the Sun Sentinel.

During an August 2008 court appearance, Schreiber apologized to patients, according to the paper.

"I truly thought in my heart of hearts I was doing the right thing," he said.

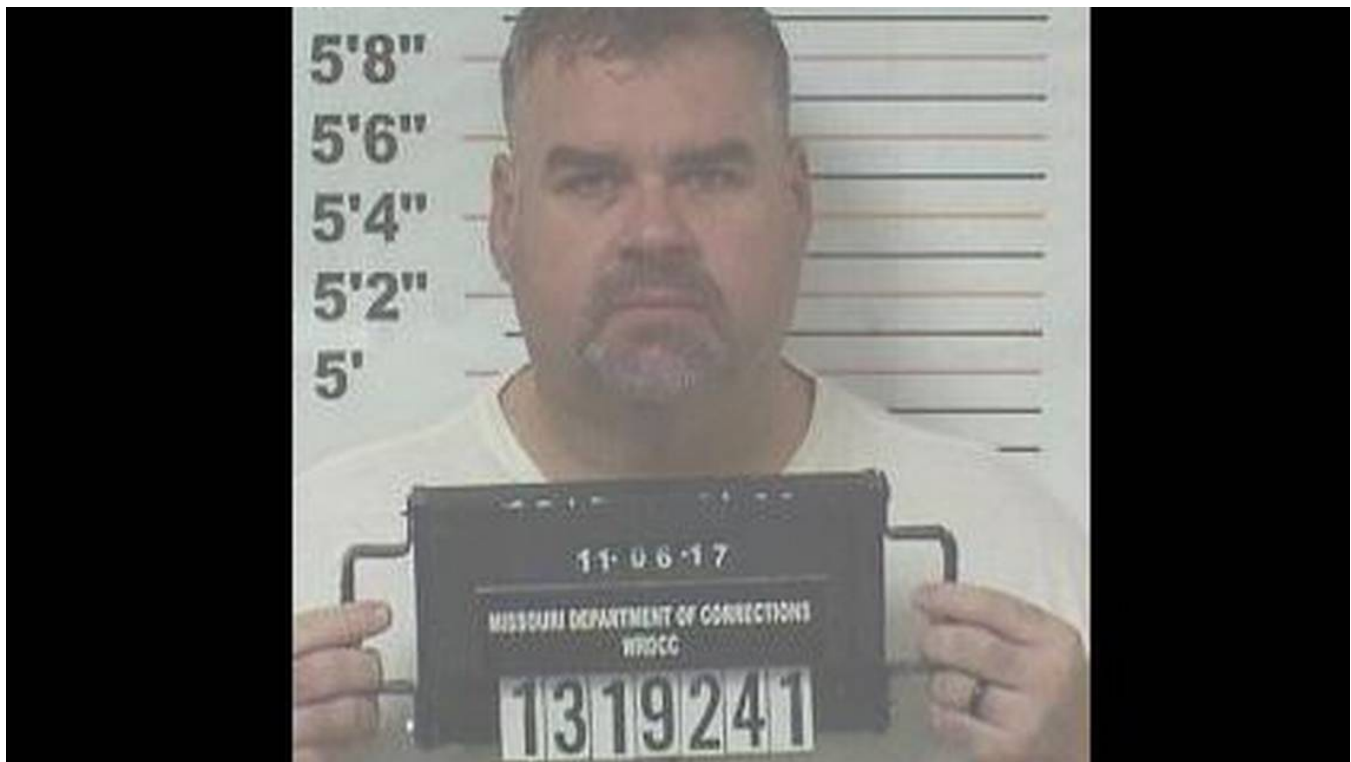
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LOAD-DATE: August 5, 2015



LOCAL

In claim of years-long sex abuse, former Blue Springs doc to be freed after 4 months

BY IAN CUMMINGS
icumings@kcstar.com

March 04, 2018 07:00 AM
Updated March 04, 2018 07:22 AM

Joseph T. Mackey — a former Blue Springs doctor, Boy Scout leader and high school volunteer convicted of sexual abuse — has been ordered released from prison Tuesday after serving four months, according to court records.

Mackey, 45, had been given a five-year sentence in November after pleading guilty to one count of statutory sodomy in the sexual assault of a teenage boy he knew through scouting activities and as a patient. But after completing a 120-day sex offender assessment program in prison, Mackey is to be released on probation, according to an order from Jackson County Circuit Court Judge Marco Roldan.

When Mackey was sentenced in November, the victim read a statement in court saying Mackey was "extremely dangerous" and should be imprisoned "for as long as possible." The man, who alleged in a successful lawsuit that Mackey abused him for years, was one of three victims whose allegations raised since 2011 against Mackey were detailed in court documents related to a state board's action against Mackey's medical license.

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A sex offender program evaluator recommended probation for Mackey "hesitantly," a judge noted.

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Mackey's release after four months is not uncommon but such outcomes sometimes bring complaints from members of the public, said Mike Mansur, a spokesman for the Jackson County prosecutor's office.

The 120-day program evaluates convicted sex offenders for potential risk and advises judges as to whether they are suited for treatment and supervision in the community or if they should serve out their full term in prison.

When the Legislature created the program in the 1990s, Missouri Department of Corrections officials said it was meant to tighten penalties on first-time offenders who at the time could receive 120 days and nothing more. Now, those offenders can be ordered to serve out their whole sentence if they are deemed dangerous.

Ahead of his release, Mackey in February sought through his attorney to modify the conditions of his probation to allow him to live at home with his wife and two sons, aged 9 and 11.

The existing probation conditions prohibit Mackey from living with minors or having unsupervised contact with them, but a motion filed by Mackey's attorney said his wife and family wanted him living at home.

Prosecutors opposed the idea, saying Mackey's sentencing report showed "several areas of concern, including but not limited to, the defendant characterizing his relationship with the victim as a 'father-son' type relationship."

Prosecutors also warned that Mackey had shown an "apparent lack of concern or empathy for his victim, and perhaps even more telling, the defendant's clear minimization of the gravity of this offense as demonstrated by his inconsistent statements as to how many times he had sexual contact with the victim."

On Tuesday a judge sided with prosecutors and rejected Mackey's request, noting that a sex offender program evaluator had recommended probation for Mackey "hesitantly."

Mackey's attorney did not return calls last week seeking comment for this story.

Mackey could have faced a stiffer sentence if convicted on the eight counts of second-degree statutory sodomy that prosecutors originally filed against him in 2015.

But Mansur, the spokesman for the prosecutor's office, said the case would have been difficult for prosecutors to win at trial and the victim, who is now in his early 30s, was in agreement with accepting a guilty plea on the single count.

"The victim was very involved," Mansur said. "These cases are often difficult cases but this one was a good outcome that the victim agreed to and allowed us to get some justice."

According to court records, the victim first met Mackey through a scouting activity when he was 11 years old and also was Mackey's patient at his Blue Springs medical office. Investigators found other victims who said they were abused by Mackey, but those allegations have not led to charges.

At Mackey's sentencing in November, the victim said Mackey had brainwashed him and sexually abused him 150 or 200 times, according to a court record of the statement. He said the abuse had haunted him for years and that he was in therapy to treat his PTSD and anxiety.

"As a seemingly trusted medical professional, Scout and community leader, he knew what I needed as a young child and chose to take whatever he wanted of me," the statement read. "I was robbed of normalcy and a normal adolescence.

"It is my firm belief that if this man is left unsupervised, he will try in some way to manipulate people again," the statement continued.

In October the victim won a \$120 million lawsuit against Mackey.

Allegations against Mackey began surfacing years before he was charged.

In 2013, the Missouri Board of Registration for the Healing Arts informed police they were investigating Mackey.

Mackey lost his medical license after the board's investigation turned up allegations from three of Mackey's patients, including the victim in the criminal case. Those allegations reached back to 2005, according to court documents.

In 2011, the Kansas City area's Heart of America Council of Boy Scouts had severed ties with Mackey after receiving a report of alleged misconduct. For more than 10 years Mackey had volunteered with the organization, serving as a leader of Troop 42 in Jackson County.

Council representatives said they turned their information over to law enforcement, as their policy requires.

Also in 2011, Mackey withdrew from his volunteer activities as a team doctor for Blue Springs High School and Blue Springs South High School, according to school district officials.

The terms of Mackey's probation, in addition to prohibiting him from living with or having unsupervised contact with minors, also bar him from employment or volunteer work with them.

He must successfully complete a sex offender treatment program and register as a sex offender.

He is not allowed to have contact with the victim.

Ian Cummings: 816-234-4633, @Ian_Cummings

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Winter Storm Watch in effect Sunday through Tuesday 2hr

Doctor still on the job after driving drunk on the way to work



By Kristi O'Connor, Multimedia Journalist/News Producer, KOConnor@wcyb.com

POSTED: 2:33 PM Jan 14 2016 | UPDATED: 7:12 PM Jan 14 2016

Text Size:

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Doctor sentenced for DUI while going to work

LEBANON, Va. - A big shock for a concerned citizen, stunning information about who was behind the wheel after she dialed 911. She saw a car swerving, and nearly hitting other cars while driving on U.S. 19 toward Lebanon, Va.

The driver was drunk, and deputies found out he was a doctor on his way to work a shift in the emergency room.

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News 5's Kristi O'Connor was in the courtroom for his sentencing.

This doctor is still on the job, and Thursday's sentencing will not change that. The judge gave him 180 days in jail, with 150 suspended.

"So 30 days to serve," the judge said.



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We Salute You: February, 2016

A Russell County judge sentenced Dr. Robert Evans to spend 30 days in jail after a DUI conviction in September.

"He's working Monday through Friday," Commonwealth's Attorney Brian Patton said.

But Evans will only spend time behind bars on weekends, because he is still working as a doctor.

"That's very unusual because typically a first offense DUI they don't serve any active jail time. So the judge obviously treated this one as very severe," Patton said.

Evans was arrested on April 5, when a concerned citizen, who wishes to remain anonymous, called 911. She called when she saw a Jeep swerving on U.S. 19, driving off the road, and nearly hitting a sign in the median while exiting toward Lebanon.

"Traffic was actually having to dodge the vehicle to get around, to get around him," the caller told News 5.

Court documents say Evans failed three sobriety tests and went to bathroom on himself four different times during the stop. Two breathalyzer tests and a blood draw showed he was well over the legal limit.

"His level at .235 is almost 3 times the normal legal limit of .08," Patton said.

It was when he was in this state, that he told officers he was going to work a shift in the E.R. at the Russell County Medical Center.

"I was horrified," the caller said. "It's scary to know that had he have made it in there, I mean would people have noticed? Would people have relieved him from his shift?"

"So had this citizen not called and the officer not caught him, he would have been the treating physician at the hospital," Patton said.

The Virginia Board of Medicine issued Evans a reprimand for this incident. If he fails to comply with the Board's order to enter and complete the Virginia Health Practitioners' Monitoring Program, his license could be suspended or revoked.

In 2000, his medical license was fully reinstated after he completed a program through the Medical Society of Virginia.

Records show he was suspended at one hospital for treating patients over the phone while impaired. He also admitted to abusing meth and cocaine between 1993 and 1995.

Evans was also arrested out of Smyth County for a drunk in public charge that happened in June, while he was out on bond for the Russell County DUI.

He actually works for a staffing company, Valley Emergency Physicians. A representative with the company said they did not wish to comment.

Late Thursday, Mountain States Health Alliance told News 5 he lost all privileges to practice in their hospitals.

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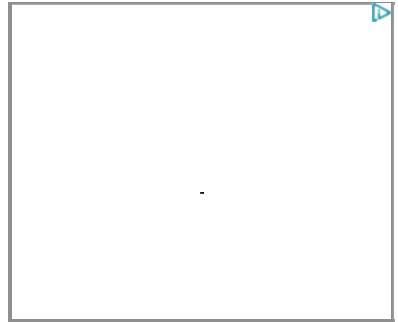
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Associated Press State & Local

November 12, 2014 Wednesday 2:38 PM GMT

SECTION: STATE AND REGIONAL

LENGTH: 139 words

HEADLINE: SD doctor pleads not guilty to patient sex charges

DATELINE: EL CAJON, Calif.

BODY:

EL CAJON, Calif. (AP) - A San Diego County doctor has pleaded not guilty to charges of sexually assaulting women patients - some while they were unconscious.

U-T San Diego reported Tuesday (<http://bit.ly/1wXWUE>) that 67-year-old Jeffrey Abrams is being held on \$1.5 million bail and has been ordered to surrender his passport.

Abrams is charged with 24 felony counts, including 15 charges of sexually penetrating an unconscious victim. He's also charged with sexual battery and possessing child pornography. He entered his plea on Monday.

Authorities say Abrams' cellphone contained hundreds of nude and partially nude photos of women and at least one girl that he apparently examined while volunteering at a free clinic in El Cajon.

His state medical license has been suspended.

—

Information from: U-T San Diego, <http://www.utsandiego.com>

LOAD-DATE: November 13, 2014

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Harrah Middle School Teacher Resigns After State Board Of Education Suspends His License

Posted: May 08, 2017 2:37 PM CDT Updated: May 08, 2017 5:50 PM CDT

BY ADRIANNA IWASINSKI, NEWS 9 [BIO](#) [EMAIL](#)



HARRAH, Oklahoma - A teacher's license was suspended over his questionable past, after a parent alerted education officials.

The State Superintendent Joy Hofmeister confirms as soon as that parent contacted them, they investigated the claim and took immediate action to suspend Hampton Anderson's license within days. Anderson was a science teacher at Harrah Middle School.

The Superintendent at Harrah Schools confirms Anderson was hired in July 2015 and completed the State Department of Education's background check that is required for all new employees. Those background check results did not reveal any criminal wrong doing, Hofmeister confirmed.

“That is something that is certainly not captured in a criminal background check that is done through the OSBI,” Hofmeister said.

News 9's Adrianna Iwasinski checked and before Anderson became a teacher, he used to be a doctor of osteopathic medicine and surgery in Kansas, and practiced family medicine in Idabel, Oklahoma. A quick search on Google reveals Anderson had his medical license revoked in 2010 for sexual misconduct.

Documents found online reveal the Kansas State Board of Healing Arts found Anderson committed acts of unprofessional conduct when he committed three separate acts of sexual misconduct, one of which was not consensual. However, Anderson was still able to get a job at Harrah Middle School.

Hofmeister confirms more should have been done to check Anderson's full background during the hiring process.

“In my opinion that is inexcusable,” said Hofmeister. “We are risking students' safety when we knowingly have an individual who has had an abuse of power in another field and in another profession.”

Hofmeister confirms Anderson will have his suspension reviewed but for now will not be able to teach anywhere in Oklahoma.

The Harrah Superintendent sent the following statement to News 9:



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“ Mr. Anderson was hired in July of 2015 to teach General Science at Harrah Middle School. He held a current Oklahoma teaching license (issued in June 2015) and completed the State Department of Education background check that is required for all new employees.

The results of the background check did not reveal any criminal wrongdoing. The district was made aware on Monday, May 1, 2017 that the State Department of Education had revoked Mr. Anderson’s teaching license at which time he was no longer employed by the district.

During his tenure with Harrah Public Schools, Mr. Anderson had shown himself to be a good teacher with no hints or allegations of any impropriety whatsoever. The Harrah School District is presently conducting an internal review of this matter from beginning to end with the primary goal of student safety and integrity of the vetting process at it’s core.

There is no further information at this time.

---Paul Blessington, Harrah Schools Superintendent

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