BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS

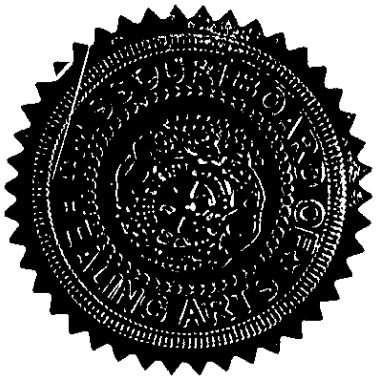
State Board of Registration For the Healing Arts, Petitioner	)	
	)	Case Number: HA01015239
v.	)	
Richard J. Leahy, D.O. Respondent	)	

ORDER

It is hereby ordered that effective March 13, 2000 the agreement issued on March 13, 1998 upon Respondent's license to practice medicine and surgery, number DOR8J43 is hereby terminated and the said license is hereby returned to its full privileges free and clear of all restrictions.

T. Steinman
Tina Steinman
Executive Director

April 17, 2000
Date



ORDER
OF THE STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
REGARDING ISSUANCE OF A PROBATED LICENSE

Comes now the State Board of Registration for the Healing Arts (the "Board") and hereby issues its ORDER granting a PROBATED license, license no. DOR8J43, to Richard Leahy, Jr., D.O., pursuant to the provisions of §334.100.1, RSMo. As set forth in §334.100.1, RSMo, either the Board or Dr. Leahy may submit written requests for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Dr. Leahy. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of the Board's order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Rm. 604, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be considered as waived.

Should Dr. Leahy file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an order contrary to this Order.

I.

Based upon the foregoing, the Board hereby states:

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

2. Pursuant to the provisions of §334.100.1, RSMo, the Board hereby issues license no. 00R8343 to Dr. Leahy. License no. 00R8343 is issued subject to the terms and conditions set forth herein below.

3. On or about July 12, 1996, Dr. Leahy was pled guilty to one (1) count of knowingly distributing in interstate commerce via computer a visual depiction of a person under the age of eighteen engaging in sexually explicit conduct and to one (1) count of criminal forfeiture of property in a proceeding styled *United States of America v. Richard John Leahy, Jr., 4:96CR00202ERW* in the United States District Court, Eastern District of Missouri, Eastern Division.

4. On May 19, 1997, Dr. Leahy's medical license was revoked by the Board based upon the provisions of 334.103, RSMo.

5. In November 1997, Dr. Leahy was released from prison.

6. Upon his release from prison, Dr. Leahy was placed on probation for his conviction. The probation is scheduled to continue for a period of two years.

7. In January 1998, two months after his release from prison, Dr. Leahy filed an application for reinstatement of his medical license.

8. On or about January 30, 1998, Dr. Leahy appeared before the Board to discuss his request for reinstatement of his medical license.

9. Dr. Leahy indicated to the Board that he plans to work in a family practice clinic if his medical license was restored.

10. In family practice settings physicians see male and female patients of all ages.

11. Based upon the information provided, the Board determined that Dr. Leahy is qualified to engage in the practice of medicine. However, given the recent nature of Dr. Leahy's conduct and conviction and given that he is currently on probation as a result of his conduct, the Board determined that the following terms and conditions are necessary to ensure that the public health, safety and welfare is protected.

12. Cause exists for the Board to deny Dr. Leahy's request for a license to practice the healing arts pursuant to the provisions of §334.100.1 and .2(2), RSMo, which provides:

> 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.
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> 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit

> or license for any one or any combination of the following causes:
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> . . .
>
> (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
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> . . .

13. The Board hereby issues this ORDER in lieu of denying Dr. Leahy's request for a permanent license to practice the healing arts in Missouri.

II.

TERMS AND CONDITIONS

A. Based on the foregoing, the license issued to Richard Leahy Jr., D.O., license no. DoR8J43, is subject to the following terms and conditions:

14. License no. DoR8J43 is placed on PROBATION for a period of two years (the disciplinary period). During Dr. Leahy's probation he shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all of the terms of this Order.

15. The license to practice the healing arts, number DoR8J43, issued to Dr. Leahy is hereby RESTRICTED in that Dr. Leahy cannot provide medical care and treatment to female patients under the age of eighteen (18).

16. During the disciplinary period, Dr. Leahy shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

17. During the disciplinary period, Dr. Leahy shall keep the Board informed of his current work and home telephone numbers and addresses. Dr. Leahy shall notify the Board in writing within ten (10) days of any change in this information.

18. During the disciplinary period, Dr. Leahy shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain his license in a current and active state.

19. During the disciplinary period, Dr. Leahy shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

20. During the disciplinary period, Dr. Leahy shall appear in person for interviews with the Board or its designee upon request.

21. Dr. Leahy shall submit written reports to the Board by no later than January 1, April 1, July 1, and October 1 during each year of the disciplinary period on forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this Order. It is Dr. Leahy's responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve Dr. Leahy of the obligation to make the required reports.

22. Periods of residency or the practice of medicine outside Missouri will not apply to the reduction of the disciplinary period. Dr. Leahy shall notify, in writing, the medical licensing authorities of the jurisdiction in which he/she is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Dr. Leahy's disciplinary status in Missouri. Dr. Leahy shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. In the event Dr. Leahy should leave Missouri to reside or practice medicine outside the state during the disciplinary period, he shall notify the Board in writing of the dates of departure and return no later than ten (10) days before his departure. Furthermore, Dr. Leahy shall, no later than ten (10) days after the commencement of any residence or practice outside this state, notify in writing the medical licensing authorities in the jurisdiction in which Dr. Leahy is residing or practicing of his disciplinary status in Missouri.

23. Dr. Leahy shall notify, within fifteen (15) days of the effective date of this Order, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where he practices or has privileges of his disciplinary status. Notification shall be in writing and he 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.

24. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted

to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

B. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Dr. Leahy not specifically mentioned in this document.

C. Upon the expiration of the disciplinary period, Dr. Leahy's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that he has violated any term or condition of this Order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

D. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. The Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

E. If the Board determines that Dr. Leahy has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding

before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this Order in its election of remedies concerning that violation.

SO ORDERED EFFECTIVE THIS 13 DAY OF MARCH, 1998

Tina Steinman

Tina Steinman, Executive Director
State Board of Registration for the Healing Arts

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

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS	)	
Petitioner,	)	
v.	)	No. HA01012455
RICHARD LEAHY, JR, D.O.	)	
Respondent.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

Findings of Fact

1. The State Board of Registration for the Healing Arts ("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 1994.

2. Richard Leahy, Jr., D.O., Respondent, is licensed by the Board, license number DOR8J43. Respondent's certificate of registration is current.

3. On or about July 12, 1996, Respondent pled guilty to one (1) count of knowingly distributing in interstate commerce via computer a visual depiction of a person under the age of eighteen engaging in sexually explicit conduct and to one (1) count of criminal forfeiture of property in a proceeding styled *United States of America v. Richard John Leahy, Jr.*, case number 4:96CR00202ERW in the United States District Court, Eastern District of Missouri, Eastern Division ("*USA v. Leahy*").

4. Knowingly distributing in interstate commerce via computer a visual depiction of a person under the age of eighteen engaging in sexually explicit conduct and criminal forfeiture of property are felony offenses involving moral turpitude, and offenses reasonably related to the qualifications, functions or duties of a physician.

5. Pursuant to § 334.103, RSMo, this Board set this matter for Automatic Revocation hearing on April 25, 1997 and served notice of this hearing upon Respondent in a proper and timely fashion by certified mail no. P 331 179 908.

6. Respondent was not present for the hearing but was represented by counsel, Lori Levine. The Board was represented by Assistant Attorney General Lawrence G. Rebman.

7. All the members of this Board, except Dr. Nicholas Robinson, were present throughout the automatic revocation hearing and all members, except Dr. Nicholas Robinson, participated in the Board's deliberation, vote and order.

8. The Board finds that Respondent's pleas of guilty in the case styled *USA v. Leahy*, case number 4:96CR00202ERW, in the United States District Court, Eastern District of Missouri, Eastern Division are grounds for which revocation is authorized in Missouri pursuant to § 334.103, RSMo 1994.

Conclusions of Law

1. This Board has jurisdiction over this proceeding pursuant to § 334.103, RSMo 1994.

2. Respondent pled guilty to felonies of knowingly distributing in interstate commerce via computer a visual depiction of a person under the age of eighteen engaging in

sexually explicit conduct and criminal forfeiture of property, which are felony offenses involving moral turpitude, and offenses reasonably related to the qualifications, functions or duties of a physician.

3. Respondent's pleas of guilty in the case styled *USA v. Leahy*, case number 4:96CR00202ERW, in the United States District Court, Eastern District of Missouri, Eastern Division are grounds for which revocation is authorized in Missouri pursuant to § 334.103, RSMo 1994.

Order

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that upon the effective date of this Order the license of Respondent, numbered DOR8J43, to practice the healing arts in the State of Missouri shall be and is hereby REVOKED. The State Board of Registration for the Healing Arts further ORDERS that Respondent may apply for reinstatement of his license upon providing the Board with evidence of successful completion of his incarceration. The Board may, at its discretion, deny Respondent's request for reinstatement. In no event shall the period of revocation exceed seven (7) years. Prior to applying for a license to practice medicine, Respondent shall personally appear before the Board. Respondent is directed to immediately return to the Board his wall-hanging certificate, license and pocket card, and all other indicia of licensure.

This Order shall be maintained as an open record of the Board.

IT IS SO ORDERED, effective May 19, 1997

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

Tina M. Steinman

Tina M. Steinman
Executive Director

(SEAL)