

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR SOUTH
DAKOTA MEDICAL LICENSURE
LICENSURE SUBMITTED BY
LEIGH GILBURN, DO

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

WHEREAS, the investigative review panel of the South Dakota Board of Medical and Osteopathic Examiners having performed due diligence with regard to the application for medical license submitted by Dr. Leigh Gilburn, and the South Dakota Board of Medical and Osteopathic Examiners, being fully advised of the premises, hereby makes and enters its:

FINDINGS OF FACT

1. Leigh Gilburn, DO, hereinafter called Applicant, while practicing medicine in Alaska, pled guilty and was convicted of one count of attempted tax evasion, a felony, on July 28, 2006.
2. On July 16, 2007, Applicant, while practicing medicine in Minnesota, signed Medicare Form CMS-855I for the purpose of applying to participate in and receive reimbursement from Medicare for services provided to Medicare-eligible beneficiaries.
3. Applicant did not disclose her felony conviction on the Medicare form and when her conviction was uncovered by the government, it concluded that Applicant was too unreliable to be entrusted with access to limited Medicare funding.
4. Applicant's Medicare supplier numbers and billing privileges were revoked on May 17, 2008.
5. Applicant submitted an application for South Dakota medical licensure on September 14, 2009, which was placed under investigation, and she met with members of the Board's Investigative Review Panel on October 16, 2009.
6. Applicant met with members of the Board's Investigative Review Panel on October 16, 2009, and she voluntarily signed a statement requesting that she be permitted to withdraw her application while under investigation, and that the Board may proceed with the publishing requirements as necessary.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the application for licensure under the provisions of SDCL Chapter 36-4C.
2. The Applicant has the burden of proving that she is qualified, competent and is of good moral character. Applicant did not meet this burden.
3. The Applicant requested withdrawal of her initial application for medical licensure, which was under investigation.
4. The initial application of Dr. Leigh Gilburn is hereby considered "withdrawn while under investigation".

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law herein are approved.

Dated this 12th day of November, 2009

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, MD
President, SDBMOE

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR A SOUTH
DAKOTA MEDICAL LICENSE
SUBMITTED BY
LEIGH GILBURN, DO

ORDER TO GRANT
WITHDRAWAL OF MEDICAL
LICENSE APPLICATION
WHILE UNDER
INVESTIGATION

The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by members of the Board's Investigative Review Panel due to Dr. Gilburn's unprofessional and dishonorable conduct, her felony conviction for attempted tax evasion, her submission of an application for a South Dakota medical license, and the applicant subsequently requesting that she be allowed to withdraw the initial application for licensure while under investigation; and the Board being fully advised in the premises and having heretofore made and entered its Findings Of Fact And Conclusions Of Law;

IT IS THEREFORE ORDERED that the request from Leigh Gilburn, DO, to withdraw her initial application while under investigation is granted, and

IT IS FURTHER ORDERED that its Findings of Fact and Conclusions of Law and the Order are public documents and shall be reported as the Board deems necessary.

Dated this 12th day of November, 2009

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, MD
President, SDBMOE