

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR SOUTH
DAKOTA MEDICAL LICENSURE
LICENSURE SUBMITTED BY
RICHARD T. GIBBS, MD

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 Richard T. Gibbs, MD 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. Richard T. Gibbs, MD, the Applicant, filed an application for a medical license on or about March 25, 2009.
2. The Application, among other things, required Dr. Gibbs to disclose whether he has been charged by a complaint other than minor traffic offenses and/or plead guilty to any felony or misdemeanor.
3. Applicant did not disclose that he was convicted for driving under the influence in Maine on December 20, 2008.
4. During the verification process, the Board discovered that Applicant was also notified of a complaint regarding his work performance at Down East Community Hospital
5. After he submitted his initial application for licensure, he was again convicted of driving under the influence in Pennsylvania with a .20 BAC.
6. Applicant met with members of the Board's Investigative Review Panel on May 18, 2010, and admitted to making false statement or misrepresentations in his application for initial licensure.
7. That on May 18, 2010 Dr. Gibbs signed a request to withdraw his initial application for a South Dakota physician license while under investigation.

8. That this withdrawal constitutes a withdrawal of application for licensure while under investigation or to avoid the results of an investigation.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the application for licensure under the provisions of SDCL Chapter 36-4.
2. The Applicant has the burden of proving that he is qualified, competent and is of good moral character. Applicant did not meet this burden.
3. The Applicant requested withdrawal of his initial application for medical licensure, which was under investigation or to avoid the results of an investigation.
4. The initial application of Dr. Richard Gibbs is hereby considered withdrawn while under investigation or to avoid the results of an investigation.

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

Dated on June 3, 2010.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Margaret B. Hansen
Executive Director

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR A SOUTH
DAKOTA MEDICAL LICENSE
SUBMITTED BY
RICHARD T. GIBBS, MD

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. Gibbs's unprofessional and dishonorable conduct in making a false statement or misrepresentation in his application for a medical license, and the applicant subsequently requesting to withdraw his initial application for licensure, and the Board finding that this constitutes a withdrawal of application for medical license while under investigation or to avoid the results of an 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 Findings of Fact and Conclusions of Law and the Order are approved, and

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

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS


Margaret B. Hansen, Executive Director

Date: 6/3/2010