

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS,

Appellant,

v.

CHRISTINE A. TRUEBLOOD, M.D.,

Respondent.

DOCKET NUMBER WD73875

Date: April 3, 2012

Appeal from:
Cole County Circuit Court
The Honorable Daniel R. Green, Judge

Appellate Judges:
Division One: Alok Ahuja, P.J., Thomas H. Newton and James E. Welsh, JJ.

Attorneys:
Glenn E. Bradford and Robert G. Groves, Kasnas City, MO, for appellant.
Nicole L. Sublett, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

v.

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Following her graduation from medical school in 2002, Christine Trueblood abused her Drug Enforcement Administration (“DEA”) license and wrote false prescriptions to feed her own addiction to opiate painkillers. Over the course of the next several years, Trueblood confessed her substance abuse, was placed on medical leave from her residency program, participated in a drug rehabilitation program, resumed her residency program, and relapsed into drug use. In November 2006, Trueblood was arrested and charged with writing false prescriptions and identity theft. She was again placed on leave from her residency program. Trueblood completed further drug rehabilitation programs, as well as a diversion program through the state court, and in 2008 was given permission to complete her residency program. She completed her psychiatry residency on October 19, 2008.

Trueblood submitted an application for licensure as a physician in Missouri on March 3, 2009. On May 11, 2009, the Board issued its Order granting her a license subject to a five-year probationary period, based on her past history of drug abuse and deception. Trueblood petitioned for review by the Administrative Hearing Commission (the “AHC” or “Commission”). Following an evidentiary hearing, the Commission agreed with the Board that cause existed to issue Trueblood a probated license, but modified Trueblood’s license by reducing the period of probation from five years to fifteen months. Given the time that had passed since the Board’s decision, Trueblood’s license was unrestricted as of the date of the AHC’s Decision.

The Board petitioned for judicial review in the Circuit Court of Cole County, which affirmed the Commission’s decision. The Board now appeals to this Court.

AFFIRMED.

Opinion Holds:

The Board first contends that the AHC erred by conducting a *de novo* review of the Board's decision, rather than a more deferential review under which the Board's Order could only be modified if the Board had abused its discretion, or its decision was arbitrary, capricious, unreasonable, or unlawful. Prior decisions of this Court, beginning *State Board of Registration for the Healing Arts v. Finch*, 514 S.W.2d 608 (Mo. App. 1974), support the Commission's exercise of *de novo* review. Those decisions hold that, although the Board may have the initial discretion in such licensing matters, once a petition for review is filed, the AHC determines the issues anew, exercising all of the authority and discretion previously granted to the Board. The Board is mistaken in arguing that the AHC's review must be conducted under §§ 536.140 and 536.150; those provisions apply to *judicial* review of final agency actions *by a court*; they do not apply to AHC administrative review proceedings.

The Board also argues that the AHC erred by ordering that Trueblood be issued an unrestricted license as of the date of the AHC's decision, "because the Board had legal cause to grant [Trueblood] only a probated license to practice medicine." But the issue on judicial review is not whether substantial evidence supported *the Board's* initial decision, but instead whether substantial evidence supports the decision *of the AHC*, which rendered the final agency decision in this case. Further, the Board's argument ignores that the AHC in fact *found* "legal cause to grant [Trueblood] only a probated license"; where the Commission differed from the Board was with respect to the *duration* of that probation. Substantial evidence supported the AHC's determination that the fifteen-month probation it ordered was adequately protective of the public's interests, given Trueblood's continuous – and verified – sobriety for almost four years; her candid and credible testimony acknowledging her past misconduct and explaining her commitment to sobriety; the "enthusiastic and unequivocal" testimony of multiple mental-health and substance-abuse professionals as to Trueblood's rehabilitation and future prospects; and the mechanisms in place to monitor her continued compliance with her recovery program, and to alert the Board in the event that Trueblood should relapse.

Before: Division One: Alok Ahuja, P.J., Thomas H. Newton and James E. Welsh, JJ.

Opinion by: Alok Ahuja, Judge

April 3, 2012

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