



**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

In the Matter of)	
F. Scott Dattel, M.D.)	Docket No.: 23-HA00027
)	
Kansas License No. 04-26711)	
)	

FINAL ORDER

On this 5th day of February 2025, the Kansas State Board of Healing Arts (“Board”) enters this Final Order. On December 13, 2024, the Board conducted a formal hearing in this matter. Disciplinary Panel #38 (“DP#38”) (“Petitioner”) appeared by C. Sebastian Orosco, Associate Litigation Counsel, and Todd Hiatt, Litigation Counsel. F. Scott Dattel, M.D. (“Respondent”), appeared in person and was represented by counsel of record, Nancy E. Musick of Foulston Siefkin LLP.

DP#38 members Dr. Abebe, Dr. Bradbury, Dr. Durrett, Dr. Gould, and Ms. Wolfe Moore and Deputy General Counsel Brad Taylor were recused from participating in this matter. Board vice president, Sherri Wattenbarger, J.D., served as chair pro tem considering Board president, Dr. Bradbury’s recusal.

I. Summary of Proceedings

On November 10, 2022, Dr. F. Scott Dattel, M.D., was convicted of a Class D felony arising from false statements related to health care matters. On May 4, 2023, the Board issued a Summary

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Order revoking Dr. Dattel's license as required by K.S.A. 65-2836(c). Prior to the Summary Order becoming a Final Order, Dr. Dattel timely filed a Request for Hearing seeking Board review of the Summary Order.

II. Findings of Fact

1. Dr. Dattel was first issued Kansas active license no. 04-26711 to practice medicine and surgery on February 15, 1997. As of the date of the Summary Order in this case, May 4, 2023, Dr. Dattel held a current active Kansas license to practice medicine and surgery. Summary Order, p. 1.
2. Dr. Dattel's Kansas medical license was not renewed in 2024, but he testified that he submitted paperwork to the Board to apply for a license. Transcript, p. 17 and Exhibit BB.
3. The agency record contains no evidence that the information Dr. Dattel submitted to the Board to apply for a license constitutes a completed license application deemed filed with the Board's Licensing Department. *Id.*
4. On or about November 10, 2022, in U.S. District Court for the Western District of Missouri Southwestern Division, Dr. Dattel plead guilty to one count of making False Statements Relating to Health Care Matters, a Class D felony, pursuant to 18 U.S.C. Section 1035(a)(2). Summary Order, pp. 1-2, Exhibit X, pp. 1-3 and Exhibit Y.
5. Between August 2017 and February 2018, Dr. Dattel worked as a physician for a telemedicine company, RediDoc, LLC ("RediDoc"). During this time, Dr. Dattel unlawfully caused to be submitted 1,075 false and fraudulent claims to health care benefit programs, including

Medicare, for prescriptions for durable medical equipment (“DME”) and compounds without examining or speaking to patients and without a physician-patient relationship. Exhibit X, pp. 1-3 and Exhibit Y.

- a. Dr. Dattel engaged in these consults from his office at Kansas City Pediatrics and elsewhere. *Id.*
 - b. Dr. Dattel knew almost the entirety of his orders and prescriptions were used to submit false and fraudulent claims to health care benefits programs, including Medicare. *Id.*
 - c. During this time, Medicare was billed at least \$312,392.54 for DME and compounds and paid at least \$211,542.00 for the orders. At the same time, RediDoc, LLC deposited a total of \$22,270.00 in thirteen payments into three bank accounts owned by Dr. Dattel. *Id.*
6. Dr. Dattel’s fraudulent activity resulted in Medicare payments for the false and fraudulent orders, Dr. Dattel has paid \$211,542.00 in restitution for these Medicare payments. *Id.* and Exhibit JJ.

Note: In response to the Board’s request during the hearing, counsel for Dr. Dattel filed Exhibit JJ with the Board as a supplemental exhibit on December 17, 2024. Counsel for DP#38 had no objection. Exhibit JJ was admitted to the agency record for this case.

7. On May 4, 2023, the Board issued a Summary Order finding: (1) Dr. Dattel violated K.S.A. 65-2836(c) by being convicted of a felony; and (2) revoking Dr. Dattel’s license to practice medicine and surgery in Kansas. Summary Order, pp. 2-3.

8. On or about May 18, 2023, prior to the Summary Order becoming a Final Order, Dr. Dattel timely filed a Request for Hearing seeking Board review of the Summary Order.
9. The hearing in this matter was delayed from May 2023 to October 2024 by multiple requests from the Parties seeking additional time for: (1) Dr. Dattel to obtain legal counsel; (2) counsel to evaluate/investigate new information; and (3) delays in sentencing in the federal proceeding against Dr. Dattel. Exhibits F to U.
10. On November 21, 2024, and December 4, 2024, the Board issued a Hearing and Scheduling Notice providing the Parties notice that a hearing was scheduled for December 13, 2024.
11. At the hearing, evidence and testimony were received regarding:

Dr. Dattel's Felony Conviction

- a. Dr. Dattel testified that in 2017, RediDoc contacted him by email and telephone asking him to join thousands of other doctors working for RediDoc to help patients that needed back pain medication but were unable to get an appointment with a physician to sign the order for the medication. Transcript, pp. 32-33 and Exhibit A.
- b. RediDoc told Dr. Dattel his job would be to review patient information after it had initially been reviewed by a registered nurse and determine if the patient should be approved for medication. If approved by Dr. Dattel, the patient would receive the medication as a pharmacy or healthcare plan benefit and there would be no billing. RediDoc explained there was no physician-patient

encounter and that Dr. Dattel would be paid from the money health insurance companies saved from patients receiving medication through RediDoc instead of patients visiting the emergency room. *Id.* at pp. 33-36.

- c. Dr. Dattel started working for RediDoc in August 2017 and ended his work for RediDoc when a Florida pharmacy called his office to confirm a refill prescription on one of his patients. When Dr. Dattel looked up the refill request in his electronic medical records: the person was not his patient; he had never seen the patient; and he had never reviewed the patient's medical records. Concluding that the RediDoc system was doing "sloppy" work, he discontinued his work for RediDoc in February 2018. *Id.* at pp. 19-20.
- d. Two years after quitting work for RediDoc, Dr. Dattel was approached by the federal government with evidence that Dr. Dattel had billed Medicare a couple hundred thousand dollars. Dr. Dattel was shocked and quickly started to help the federal government on multiple similar cases. Dr. Dattel learned that RediDoc had taken his approvals for patient medication, created prescriptions for medication, and then submitted these prescriptions to Medicare for reimbursement. *Id.* at pp. 20-21 and 26-27.
- e. Dr. Dattel's fraudulent activity resulted in Medicare payments for false and fraudulent orders. On February 29, 2024, Dr. Dattel paid in full the restitution amount of \$211,542.00. Exhibits Y and JJ.

Present Moral Fitness

- f. The single felony conviction is the sole basis of the disciplinary action against his Kansas medical license. Transcript, p. 24.
- g. Exhibits EE, FF, GG, HH, and II are copies of letters to the Federal District Judge asking for leniency in sentencing for Dr. Dattel based on his many years of providing professional and caring medical care to: his patients; the community; charities; and schools, and his kindness and concern for others. The Board finds these letters to be credible (believable) but notes their persuasiveness is impacted by the long-time friendship of the authors with Dr. Dattel.

Consciousness of Wrongful Conduct

- h. Dr. Dattel admits: (1) he made a “terrible mistake”; (2) he is guilty of the felony crime of allowing another company to use his license; (3) that his conduct was totally and 100% wrong; (4) he accepts responsibility; and (5) knows that the only way he can make it right is to do ten times more good than what was done. Transcript, pp. 22-23, 36, and 41.

Extent of Dr. Dattel’s Rehabilitation

- i. Since he left RediDoc in 2018, the Board has had no additional concerns related to his practice of medicine. *Id.*, p. 30.

- j. Dr. Dattel has helped the federal government on multiple similar cases across the country. *Id.* at pp. 20-21.
- k. On February 29, 2024, Dr. Dattel was sentenced to probation for a term of three years and payment of restitution. Exhibit Y, pp. 1-5.
- l. On February 29, 2024, Dr. Dattel paid in full the restitution amount of \$211,542.00. Exhibits Y and JJ.
- m. Dr. Dattel testified that from this situation he has learned that when he is told something is done a certain way, don't trust people. Transcript, p. 47.

Seriousness of the Original Conduct

- n. Dr. Dattel's original misconduct in this case was serious as demonstrated by: (1) his lack of judgment and diligence in determining how RediDoc operated and his participation in same; (2) the large number of patients involved (1,000+); (3) the significant dollar amounts paid by Medicare for fraudulent/false claims (\$211,542.00); and (4) the significant dollar amounts received by Dr. Dattel for his participation (\$22,270.00). Such was the seriousness of these events that Dr. Dattel plead guilty to one count of making False Statements Relating to Health Care Matters, a Class D felony under federal law. Summary Order, pp. 1-2, Exhibit X, pp. 1-3, Exhibit Y, and Transcript, pp. 19-21, 26-27, and 32-36.

Time Elapsed and Conduct Subsequent to Discipline

- o. After Dr. Dattel quit working for RediDoc in 2018, he testified that he called all the pharmacies that could have been involved with him and canceled all refills. Two years after quitting work for RediDoc, Dr. Dattel was approached by the federal government with evidence that Dr. Dattel had billed Medicare a couple of hundred thousand dollars. Dr. Dattel was shocked and quickly started to help the federal government on multiple similar cases. Transcript, pp. 20-21, and 26-28.
- p. On February 29, 2024, Dr. Dattel was sentenced to probation for a term of three years and payment of restitution. Exhibit Y, pp. 1-5.
- q. On February 29, 2024, Dr. Dattel paid in full the restitution amount of \$211,542.00. Exhibits Y and JJ.
- r. Dr. Dattel testified that he intended to make up for the wrongs that he did by going back to practicing indigent care in Kansas City, including working with charities and inner-city schools. In the past his pediatric practice was the third largest indigent clinic in Kansas City serving the indigent and Medicaid population. Transcript, pp. 31 and 37-39.
- s. Since he left RediDoc in 2018, the Board has had no additional concerns related to his practice of medicine. *Id.*, p. 30.

*Dr. Dattel's Character, Maturity, and Experience
at the Time of Discipline*

- t. The original acts occurred between August 2017 and February 2018 and at that time, Dr. Dattel had been licensed and practicing medicine for 20 years. Summary Order, p. 1.

*Dr. Dattel's Present Competence
in Medical Skills*

- u. Dr. Dattel testified that he is currently practicing telemedicine in Ohio and California and is up to date on his continuing medical education requirements. Transcript, pp. 29-30.
- v. Dr. Dattel's Kansas medical license was not renewed in 2024, and he testified that he submitted paperwork to the Board to apply for a license. The agency record contains no evidence that the information Dr. Dattel submitted to the Board constitutes a completed license application. When Dr. Dattel has submitted all materials required for a license application and his application is deemed complete and filed with the Board, the Board will conduct a review of his application and make a decision on licensure. Transcript, p. 17 and Exhibit BB.
12. The Board finds Dr. Dattel's testimony to be credible (believable) and persuasive.

III. Statements of Law

K.S.A. 65-2836(c) provides that a licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding that the licensee has been convicted of a **felony or class A misdemeanor**, or substantially similar offense in another jurisdiction, whether or not related to the practice of the healing arts.

In addition to the range of sanctions for violations listed above, K.S.A. 65-2836(c) goes on to specifically require the Board to **revoke** a license when the licensee is convicted of a felony **unless** a 2/3 majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

The definition of clear and convincing evidence is that the factfinder (the Board) believes that the truth of the facts presented is highly probable. *In re B.D.-Y.*, 286 Kan. 686, 697-698, Syl. ¶ 3, 187 P.3d 594 (2008).

K.S.A. 77-537 lists the characteristics of a summary order:

“(a) A state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be

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supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and

(4) the order does not take effect until after the time for requesting a hearing has expired.”

“(c) If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.”

The Kansas Court Appeals explains the difference between a summary order and a final order as follows:

“Unlike a Final Order, Summary Orders do not arise out of a review conducted by or a hearing held before the entire Board. Rather, Summary Orders emerge from an administrative determination which finds simply that facts exist to support an order for sanctions under the Kansas Healing Arts Act.

In essence, a Summary Order is best described as a “proposed order” that only acquires force and effect if there is no objection to the order. See K.S.A. 77-537. If a party requests a hearing, however, the Summary Order becomes a nullity because the matter proceeds to a de novo (new) hearing before the full Board without deference to the findings or sanctions proposed in the Summary Order.” *Sajadi v. Kansas Board of Healing Arts*, 61 Kan. App.2d 114, 126-127, 500 P.3d 542 (2021).

K.S.A. 65-2838(a) grants the Board jurisdiction to implement a disciplinary proceeding if the person was a licensee of the Board practicing under the act at the time of the alleged misconduct. Jurisdiction does not depend on the status of a person's license on the date a disciplinary proceeding is filed. *Friedman v. Kansas State Bd. of Healing Arts*, 296 Kan. 636, 643, 294 P.3d 287 (2013).

IV. Legal Analysis & Conclusions

The undisputed evidence in the agency record proves that on November 10, 2022, Dr. Dattel plead guilty to one count of making False Statements Relating to Health Care Matters, a Class D federal felony in violation of K.S.A. 65-2836(c).

Under K.S.A. 65-2836(c) after Dr. Dattel was convicted of a felony, the Board is **required** to revoke Dr. Dattel's license **unless** a 2/3 majority of the Board members present and voting determine by clear and convincing evidence that Dr. Dattel: (1) will not pose a threat to the public in his capacity as a licensed physician; and (2) has been sufficiently rehabilitated to warrant the public trust. If the Board determines the evidence overcomes this mandatory revocation requirement, the discretionary sanctions listed in K.S.A. 65-2836 (a licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions) remain available to be levied against Dr. Dattel for violating the healing arts act by being convicted of a felony.

The Board unanimously finds that facts in the agency record provide by clear and convincing evidence that Dr. Dattel's will not pose a threat to the public as a licensed physician as follows:

Present Moral Fitness of Dr. Dattel. The felony conviction that is the subject of this case is Dr. Dattel's single criminal offence and single disciplinary action against his Kansas medical license. The evidence shows Dr. Dattel provided professional medical care to his patients: the community; charities; and schools.

Consciousness of Wrongful Conduct. Dr. Dattel admits he is guilty of the felony crime of allowing another company to use his license and accepts complete responsibility for his mistake.

Extent of Dr. Dattel's Rehabilitation. Since he left RediDoc in 2018, the Board has not been presented with additional complaints or concerns related to his practice of medicine. Dr. Dattel has helped the federal government on multiple similar cases across the country. Dr. Dattel has paid in full the restitution amount of \$211,542.00.

Seriousness of the Original Conduct. Dr. Dattel's original misconduct in this case was serious as demonstrated by: (1) his lack of judgment and diligence in determining how RediDoc operated and his participation in same; (2) the large number of patients involved (1,000+); (3) the significant dollar amounts paid by Medicare for fraudulent/false claims (\$211,542.00); (4) the significant dollar amounts received by Dr. Dattel for his participation (\$22,270.00); and (5) his pleading guilty to a Class D federal felony.

Time Elapsed and Conduct Subsequent to Discipline. After Dr. Dattel quit working for RediDoc in 2018, he testified that he called all the pharmacies that could have been involved with him and canceled all refills. Dr. Dattel helped the federal government on multiple similar cases. Dr. Dattel paid in full the restitution amount of \$211,542.00. Dr. Dattel testified that he intended to make up for the wrongs that he did by going back to practicing indigent care in Kansas City, including working

with charities and inner-city schools. In the past his pediatric practice was the third largest indigent clinic in Kansas City serving the indigent and Medicaid population.

Dr. Dattel's Character, Maturity, and Experience at the Time of Discipline. The original acts occurred between August 2017 and February 2018 and at that time, Dr. Dattel had been licensed and practicing medicine for 20 years.

Dr. Dattel's Present Competence in Medical Skills. Dr. Dattel testified that he is currently practicing telemedicine in Ohio and California and is up to date on his continuing medical education requirements.

The Board unanimously finds that facts in the agency record provide by clear and convincing evidence that Dr. Dattel has been sufficiently rehabilitated to warrant the public trust as follows:

Present Moral Fitness of Dr. Dattel. The felony conviction that is the subject of this case is Dr. Dattel's single criminal offence and single disciplinary action against his Kansas medical license. The evidence shows Dr. Dattel provided professional medical care to his patients: the community; charities; and schools.

Consciousness of Wrongful Conduct. Dr. Dattel admits he is guilty of the felony crime of allowing another company to use his license and accepts complete responsibility for his mistake.

Extent of Dr. Dattel's Rehabilitation. Since he left RediDoc in 2018, the Board has not been presented with additional complaints or concerns related to his practice of

medicine. Dr. Dattel has helped the federal government on multiple similar cases across the country. Dr. Dattel has paid in full the restitution amount of \$211,542.00.

Seriousness of the Original Conduct. Dr. Dattel's original misconduct in this case was serious as demonstrated by: (1) his lack of judgment and diligence in determining how RediDoc operated and his participation in same; (2) the large number of patients involved (1,000+); (3) the significant dollar amounts paid by Medicare for fraudulent/false claims (\$211,542.00); (4) the significant dollar amounts received by Dr. Dattel for his participation (\$22,270.00); and (5) his pleading guilty to a Class D federal felony.

Time Elapsed and Conduct Subsequent to Discipline. After Dr. Dattel quit working for RediDoc in 2018, he testified that he called all the pharmacies that could have been involved with him and canceled all refills. Dr. Dattel helped the federal government on multiple similar cases. Dr. Dattel paid in full the restitution amount of \$211,542.00. Dr. Dattel testified that he intended to make up for the wrongs that he did by going back to practicing indigent care in Kansas City, including working with charities and inner-city schools. In the past his pediatric practice was the third largest indigent clinic in Kansas City serving the indigent and Medicaid population.

Dr. Dattel's Character, Maturity, and Experience at the Time of Discipline. The original acts occurred between August 2017 and February 2018 and at that time Dr. Dattel had been licensed and practicing medicine for 20 years.

Dr. Dattel's Present Competence in Medical Skills. Dr. Dattel testified that he is currently practicing telemedicine in Ohio and California and is up to date on his continuing medical education requirements.

Having found that the evidence in the agency record overcomes the mandatory revocation of Dr. Dattel's license directed by K.S.A. 65-2836(c), the discretionary sanctions listed in K.S.A. 65-2836 (a license may be suspended or limited, or the licensee may be publicly censured or placed under probationary conditions) remain available as discipline to be levied against Dr. Dattel for violating the healing arts act by being convicted of a felony.

The Board applies K.S.A. 65-2836 to the findings of fact and unanimously determines that Dr. Dattel shall be publicly censured for violation of K.S.A. 65-2836(c) for his felony conviction.

Dr. Dattel's Kansas medical license was not renewed in 2024, and he testified that he submitted paperwork to the Board to apply for a license. The agency record contains no evidence that the information Dr. Dattel submitted to the Board constitutes a completed license application. When Dr. Dattel has submitted all materials required for a license application and his application is deemed complete and filed with the Board, the Board will conduct a review of his application and make a decision on licensure.

V. Order

The Board applies K.S.A. 65-2836(c) to the findings of fact and unanimously determines that Dr. Dattel has committed a violation of this statute by being convicted of a felony.

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The Board applies the mandatory revocation of license requirement stated in K.S.A. 65-2836(c) to the findings of fact and unanimously determines that Dr. Dattel's license **SHALL NOT BE REVOKED** based on clear and convincing evidence that Dr. Dattel: (1) will not pose a threat to the public in his capacity as a physician licensee; and (2) has been sufficiently rehabilitated to warrant the public trust.

The Board applies K.S.A. 65-2836 to the findings of fact and unanimously determines that Dr. Dattel shall be **PUBLICLY CENSURED** for violation of K.S.A. 65-2836(c) by being convicted of a felony.

Dr. Dattel's Kansas medical license was not renewed in 2024, and he testified that he submitted paperwork to the Board to apply for a license. The agency record contains no evidence that the information Dr. Dattel submitted to the Board constitutes a completed license application. When Dr. Dattel has submitted all materials required for a license application and his application is deemed complete and filed with the Board, the Board will conduct a review of his application and make a decision on licensure.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS



Susan Gile, Executive Director

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NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the Final Order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing by depositing the same in the United States mail, postage prepaid, on this 5th day of February 2025, addressed and emailed to:

F Scott Dattel, M.D.

CONFIDENTIAL

Respondent-Licensee

Amanda M. Wilwert (Nancy E. Musick withdrew as counsel of record on January 23, 2025)
Foulston Siefkin LLP
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Overland Park, KS 66210
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Attorney for Respondent

And a copy was hand-delivered to:

Sebastian Orosco, Associate Litigation Counsel
Todd Hiatt, Litigation Counsel
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Licensing Coordinator
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and the original filed with the office of the Executive Director.

Alexandria Diaz

Staff Signature

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