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AUG 26 2010

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
Mireille Desgranges, M.D.)
Applicant for Kansas License)
_____)

Docket No. 10-HA00139

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Pursuant to the action of the Board at the August 20, 2010 Board Meeting, the Findings of Fact, Conclusions of Law and Public Policy of the Default Order effective July 10, 2010 are hereby incorporated into this Final Order.

I. Findings of Fact

The Board has been shown the following facts:

1. Mireille Desgranges (“Applicant”) (confidential) , East Meadow, NY 11554, submitted an Application for Institutional License in Medicine and Surgery (“Application”) in the State of Kansas on December 24, 2009.
2. Applicant stated in her Application that she held a limited permit to practice medicine in the State of New York which expired in 2001.
3. Applicant stated in her Application that she held a full and unrestricted license to practice medicine issued by the Commonwealth of Puerto Rico on July 19, 2005 and having an expiration date of June 30, 2010.
4. Board records indicate Applicant has never practiced in the Commonwealth of Puerto Rico.

5. Board records indicate Applicant has not practiced in the State of New York but as an observer she examined patients and participated in case discussion under the supervision of an attending physician.

6.

(confidential)

7. Applicant checked the “No” box in response to question (t) of Section 12.

8. Applicant checked the “No” box on all questions relating to discipline on the Application.

9.

(confidential)

10. On May 25, 2010, Applicant was served with a Notice of Conference Hearing informing her of the Conference Hearing that was to be held in this matter on June 18, 2010.

11. The Notice of Conference Hearing also stated that, “[a]ny party who fails to attend or participate in the Conference Hearing or other stage of a proceeding may be held in default under the Kansas Administrative Procedure Act.

12. Applicant did not appear before the Board at the Conference Hearing held on June 18, 2010.

13. On June 29, 2010, a Proposed Default Order was issued against Applicant.

14. Applicant failed to file a Motion to Vacate the Proposed Default Order.

Accordingly, the Proposed Default Order became effective as a Default Order on July 10, 2010.

15. On August 20, 2010, the Board took action to adopt the Default Order as a Final Order incorporating the Findings of Fact, Conclusions of Law and Public Policy of the Default Order into this Final Order.

II. Applicable Law

K.S.A. 65-2801 states:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

K.S.A. 65-2836 states, in pertinent part:

A licensee's license may be revoked, suspended, or limited....or an application for a license may be denied upon a finding of the existence of any of the following grounds:

- (a) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

K.S.A. 77-520 states, in pertinent part:

- (a) If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of grounds.
- (b) Within seven days after service of a proposed default order, the party against whom it was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon....

- (c) The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time....
- (d) After a default order becomes effective, the presiding officer shall conduct any further proceedings necessary to complete the adjudication without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party...

II. Public Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

III. Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #15, the

Applicable Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

16. Pursuant to the authority granted by the Healing Arts Act, specifically K.S.A. 65-2836(a), the Board is authorized to deny licensure to Applicants for fraud or misrepresentation in applying for an original license.

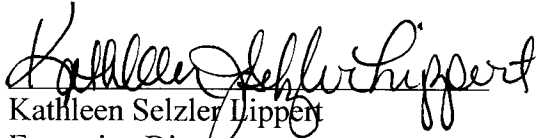
17. Applicant's failure to disclose (confidential)
 (confidential) in her Application
 constitutes fraud and/or misrepresentation in violation of K.S.A. 65-2836(a).

18. Based on Applicant's limited experience in the State of New York and Commonwealth of Puerto Rico, Applicant has not provided sufficient evidence to the Board to show Applicant is qualified to practice surgery and medicine in the State of Kansas pursuant to K.S.A. 65-2801 et seq. .
19. Applicant failed to appear at the Conference Hearing on June 18, 2010 pursuant to the directive in the Notice of Conference Hearing. Pursuant to K.S.A. 77-520, Applicant was in default for her failure to appear.
20. On June 29, 2010, a Proposed Default Order was issued against Applicant.
21. Applicant did not file a Motion to Vacate the Proposed Default Order.
22. On July 10, 2010, the Proposed Default Order became effective as a Default Order.
23. On August 20, 2010, the Board adopted the Default Order as a Final Order incorporating the Findings of Fact, Conclusions of Law, and Public Policy of the Default Order into the Final Order.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:

24. Pursuant to the authority granted to the Board by the Healing Arts Act, including, but not limited to, K.S.A. 65-2801 and K.S.A. 65-2836 and K.S.A. 77-501 *et seq.*, and for the reasons set forth above, Applicant's Application is hereby **DENIED**.
25. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 26 DAY OF August, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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 Kathleen Selzler Lippert, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 26th day of August, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Mireille Desgranges, M.D.
(confidential)
East Meadow, NY 11554

And a copy was hand delivered to the office of:

Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

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The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603

A handwritten signature in cursive script that reads "Cathy A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Cathy Brown
Executive Assistant