

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

OCT 24 1997

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
Omprakash B. Pillai, M.D.)
Application for)
Licensure in Medicine and)
Surgery)
_____)

Case No. 98-00061

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW ON THIS Eighteenth Day of October, 1997, comes before the Board of Healing Arts (hereinafter "Board") the Application of Omprakash B. Pillai, M.D. (hereinafter "Applicant") for licensure in medicine and surgery. The Board appears through General Counsel Mark W. Stafford. Applicant appears in person and without counsel.

Now having the agency record before it, and hearing the arguments of the parties and evidence presented, the Board finds and concludes as follows:

1. Applicant filed an Application for licensure to practice medicine and surgery in the State of Kansas.
2. On October 3, 1997, General Counsel for the Board filed a Notice of Conference Hearing which includes allegations of grounds for denial of Applicant's application.
3. On October 8, 1997, General Counsel for the Board filed a Motion for Approval of Stipulations.
4. The Stipulations were signed by both the Applicant and the General Counsel

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Omprakash B. Pillai, M.D.

for the Board.

5. (Confidential)

(Confidential)

6. On or about July 1, 1990, Applicant began a first year residency program at the Medical Center of Central Massachusetts. (Stipulations, ¶ 2)

7. In June of 1991, Applicant was made aware of allegations that included: making suggestive remarks to a nurse on duty, demonstrating inappropriate behavior towards nurses on duty, delaying response to patient care, (Confidential)
(Confidential)

8. Based upon these allegations, Applicant was permanently terminated from the first year residency program at the Medical Center of Central Massachusetts. (Stipulations, ¶ 4)

9. Pursuant to K.S.A. 1996 Supp. 65-2836(s), the Board may deny Applicant's application to practice medicine and surgery in the State of Kansas due to the fact that Applicant was terminated from the residency program, and such termination was based upon conduct similar to acts or conduct for which disciplinary action may be taken by the Board.

10. On July 29, 1991, Applicant accepted a conditional appointment for a period

of three months as a second year resident at Providence Hospital, Washington, D.C. At the end of the three month period Applicant's residency was continued for 30 days on a probationary status. The junior residents complained that he was frequently not available. (Stipulations, ¶ 5)

11. Applicant completed that year satisfactorily on June 28, 1992 and was promoted to a third year resident to begin July 29, 1992. (Stipulations, ¶ 6)

12. Between July 29, 1992 and September 25, 1992 Applicant had difficulties regarding interpersonal relationships with his fellow residents causing a disharmonious situation among house staff. After a counseling and discussion session with then chief of medicine, Applicant resigned his residency effective September 25, 1992. (Stipulations, ¶ 7)

13. On or about October 1992, Applicant submitted an application for a full license to the Board of Physician Quality Assurance in Maryland. In that application, Applicant falsely answered the question regarding previous disciplinary action by the Medical Center of Central Massachusetts. Applicant then relocated to Massachusetts to join St. Elizabeth Medical Center as a second year resident beginning July 1, 1993. Applicant attempted to withdraw his application for Maryland licensure. The Maryland Board did not act upon this request and around August 1993 issued a Notice of Initial Denial of his application. The notice stated as its basis of allegations the false statements. (Stipulations, ¶ 8)

14. On November 30, 1993 the Board of Physician Quality Assurance of Maryland issued a Final Order ordering Rescindment of Notice of Initial Denial of Application and ordering Applicant to withdraw his application for Maryland licensure. (Stipulations, ¶ 9)

15. Pursuant to K.S.A. 1996 Supp. 65-2836(s), the Board may deny Applicant's application to practice medicine and surgery in the State of Kansas due to the Board of Physician Quality Assurance of Maryland's Final Order ordering Applicant to withdraw his application for Maryland licensure, which was based upon conduct similar to acts or conduct for which disciplinary action may be taken by the Board.

16. On or about April 1993 Applicant submitted an application for a limited license (for residency purposes) to the Board of Registration in Medicine, Massachusetts. Applicant also submitted a renewal application in June 1994 and an application for full license in August 1994. Applicant failed to accurately disclose the information regarding prior hospital disciplinary action (**Confidential**) (Stipulations, ¶ 10)

17. On December 13, 1995 a Final Decision and Order was issued by the Massachusetts Board of Registration in Medicine revoking Applicant's limited license to practice medicine in the State of Massachusetts. This license expired on June 30, 1995 upon successful completion of residency. Applicant also refers to this action as "Revocation of Massachusetts limited license." (Stipulations, ¶ 11, Respondent Exhibit A).

18. Pursuant to K.S.A. 1996 Supp. 65-2836(s), the Board may deny Applicant's application to practice medicine and surgery in the State of Kansas due to the Massachusetts Board of Registration in Medicine's Revocation of Applicant's limited license to practice medicine in the State of Massachusetts, which was based upon conduct similar to acts or conduct for which disciplinary action may be taken by the Board.

19. On July 1, 1995 Applicant was accepted in the Infectious Diseases fellowship program at Hartford Hospital in Connecticut. On or about June 1995, Applicant submitted

an application for licensure in the State of Connecticut. (Stipulations, ¶ 12)

20. On August 16, 1995 the Department of Public Health in Connecticut issued a Consent Order and Agreement which issued Applicant a license to practice under a probationary status for a period of three years. This Order was based on his previous disciplinary action taken by another Board/Agency. Conditions of probation include therapy, supervision at work, employers report and restriction from engaging in solo practice.

(Stipulations, ¶ 13)

21. Pursuant to K.S.A.1996 Supp. 65-2836(s), the Board may deny Applicant's application to practice medicine and surgery in the State of Kansas due to the fact that the Department of Public Health In Connecticut has placed a limitation on Applicant's license to practice medicine in the State of Connecticut, which was based upon conduct similar to acts or conduct for which disciplinary action may be taken by the Board.

22. From July 1, 1993 to June 30, 1995 applicant held a Massachusetts Controlled Substance Registration for residency purposes. This registration expired on June 30, 1995 upon successful completion of residency. Based upon the disciplinary action taken by the Board of Registration in Medicine, Massachusetts and in accordance with the Massachusetts regulation, Applicant surrendered his Massachusetts Controlled Substance Registration number on January 10, 1996. (Stipulations, ¶ 14)

23. Upon successful completion of the residency programs, Applicant was allowed to appear for the American Board of Internal Medicine Certifying Examination in August 1995. Applicant passed the examination and was certified as a diplomat in Internal Medicine. On March 25, 1996, the American Board of Internal Medicine suspended

Applicant's certification status for a minimum period of two years based upon the disciplinary action taken by the Board of Registration in Medicine, Massachusetts. On March 25, 1998, Applicant can submit an application for reinstatement of his certification status. (Stipulations, ¶ 15)

24. On June 6, 1996 the Department of Health and Human Services (DHHS) excluded Applicant from participating in MEDICAID/MEDICARE and other state programs. This action was based upon the disciplinary action taken by the Board of Registration in Medicine, Massachusetts. On October 9, 1996 Applicant's eligibility to participate in MEDICAID/MEDICARE and other programs was reinstated by DHHS upon licensure in the State of Connecticut. However, the letter states that the states are not obligated to reinstate him in their programs if they have imposed a longer period of exclusion under their own authority. (Stipulations, ¶ 16)

25. The record before the Board demonstrates that Applicant was terminated from a residency program. The record also reflects that licensing agencies in two states have sanctioned and taken disciplinary action against Applicant's license to practice medicine for reasons which would constitute grounds for discipline under the Healing Arts Act, K.S.A. 1996 Supp. 65-2836(a), K.S.A. 1996 Supp. 65-2836(t), and K.S.A. 1996 Supp. 65-2836(b) as further defined in K.S.A. 1996 Supp. 65-2837(b)(12) and 65-2837(b)(17). In addition, Applicant's license in the State of Connecticut has been placed under certain restrictions. The Board's statutory purpose of protecting the public from unprofessional and dishonest practitioners of the healing arts would support the Board's denial of Applicant's application for licensure to practice medicine and surgery in the State of Kansas.

IT IS THEREFORE ORDERED THAT the Motion for Approval of Stipulations is granted.

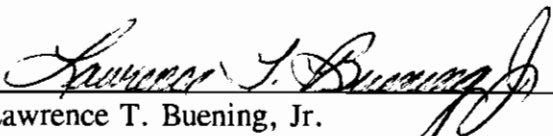
IT IS FURTHER ORDERED THAT Applicant's application for licensure to practice medicine and surgery in the State of Kansas is denied.

IT IS SO ORDERED

ENTERED THIS 24th **Day of October, 1997.**

PLEASE TAKE NOTICE THAT this is a Final Order, which is effective upon service. A party to an agency proceeding may seek relief by requesting reconsideration by the Board. A petition for reconsideration must state its grounds and be filed within 15 days after service of the Final Order. A petition for reconsideration is not a prerequisite to seeking judicial review. A petition for judicial review must be filed with the District Court within 30 days after service of this Final Order. Any petition for reconsideration or for judicial review may be served upon the Board by sending a copy to Lawrence T. Buening, Jr., Executive Director, 235 South Topeka Blvd., Topeka, Kansas 66603.

KANSAS STATE BOARD OF HEALING ARTS



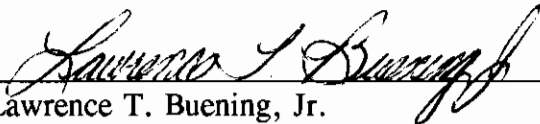
Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Following Conference Hearing was served this

FINAL ORDER FOLLOWING CONFERENCE HEARING
Omprakash B. Pillai, M.D.

24th Day of October, 1997, by depositing the same in the United States mail, postage pre-paid, and addressed to Omprakash B. Pillai, M.D., 8914 East Hurst, Wichita, Kansas 67210 and by delivering a copy to Mark W. Stafford, General Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603.



Lawrence T. Buening, Jr.
Executive Director