

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

In the Matter of)	
Obed N. Saint Louis, M.D.)	
)	KSBHA Docket No. 11-HA00071
Kansas License No.: 04-32846)	
_____)	

JOURNAL ENTRY

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and the applicable statutes and otherwise being duly advised in the premises, makes the following determinations:

1. Obed N. Saint Louis, M.D. (“Licensee”) has, since approximately December 8, 2007, maintained License No. 04-32846 to engage in the practice of medicine and surgery in the State of Kansas.
2. Pursuant to K.S.A. 65-28,126(a), Licensee maintained an affirmative duty to notify the Board, in writing, within 30 days of any change in Licensee's mailing address.
3. Licensee’s mailing address of record with the Board is 400 confidential confidential Gardner, Kansas 66030.
4. The Agency record reflects that, on February 8 2011, a letter and subpoena duces tecum were sent to Licensee, by certified mail, to Licensee’s address of record.
5. The Agency record reflects that, on February 15, 2011, the letter and subpoena duces tecum were returned to the Board marked “Return to Sender,” with a forwarding address label affixed by the United States Postal Service, for 390 confidential Palm Bay, Florida 32909-8373.

6. The Agency record reflects that, on March 23, 2011, Licensee informed Harvey Harris, Special Investigator II for the Board that Licensee's new mailing address was at 873 confidential Palm Bay, Florida 32905.
7. On or about March 23, 2011, a petition was filed with the Board which alleged multiple violations by Licensee of the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, as amended. The Petition requested the revocation of Licensee's license to practice medicine and surgery in the State of Kansas.
8. The Agency record reflects that the Petition was served on Licensee by mailing a copy of the petition by United States mail, first class postage prepaid, to Licensee's last known address of record, and to 873 confidential Palm Bay, Florida 32905.
9. The Agency record reflects that, on March 24, 2011, a Notice of Conference Hearing was mailed to Licensee which notified Licensee of a conference hearing scheduled for April 15, 2011, at 11:00 a.m., at 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
10. Pursuant to K.S.A. 2010 Supp. 77-531, the Notice of Conference Hearing was served upon Licensee by mailing a copy of the notice via United States Mail, first-class postage prepaid, to Licensee's last known address of record, and to 873 confidential NE, Palm Bay, Florida 32905.
11. Pursuant to K.S.A. 77-520, the Notice of Conference Hearing provided Licensee notice that any party who fails to attend or participate in the conference hearing or other stage of a proceeding may be held in default.
12. Licensee did not appear at the scheduled conference hearing on April 15, 2011.

13. Pursuant to K.S.A. 77-516 and K.S.A. 2010 Supp. 77-520, Licensee was in default for his failure to appear at the conference hearing on April 15, 2010. Upon review of the agency record and after being fully advised, the Board found and concluded that the allegations against Licensee, as stated in the Petition, were deemed undisputed.

14. On April 22, 2011, a Proposed Default Order was issued against Licensee, and true copies of the Proposed Default Order were mailed to Licensee's address of record with the Board.

15. Board mail to Licensee had resulted in a forwarding address slip stating Licensee's mailing address as 390 confidential Palm Bay, Florida 32909-8373. On April 22, 2011, a copy of the Proposed Default Order was mailed to Licensee at this address.

16. The Agency record reflects that, on April 27, 2011, the Proposed Default Order mailed to Licensee's address of record with the Board was returned to the Board marked "Return to Sender," with a forwarding address label affixed by the United States Postal Service for 390 confidential , Palm Bay, Florida 32909-8373.

17. The Agency record reflects that, on April 27, 2011, the Proposed Default Order mailed to 390 confidential Palm Bay Florida 32909-8373 was returned to the Board marked "Return to Sender," with a forwarding address label affixed by the United States Postal Service for 873 confidential Palm Bay, Florida 32905-5710.

18. Pursuant to K.S.A. 2010 Supp. 77-520, the Proposed Default Order notified Licensee that the order would become effective as a Final Order of the Board seven (7) calendar days following service of the order, unless within that seven (7) day period

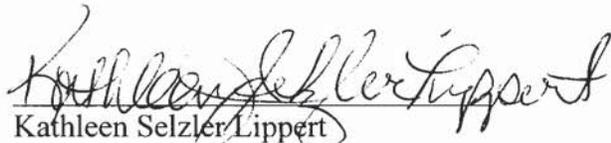
Licensee filed a written motion with the Board requesting that the proposed default order be vacated.

19. Pursuant to K.S.A. 2010 Supp. 77-520 and 77-531, **the Proposed Default Order became effective as a Final Order on May 2, 2011, and Licensee's license to practice medicine and surgery in the State of Kansas was revoked.**

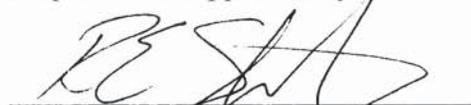
20. On April 27, 2011, David Steed filed an entry of appearance on behalf of the Licensee.

21. On May 23, 2011, Licensee filed a written Motion to Vacate the Proposed Default Order and Motion to Set Aside the Final Order. Pursuant to K.S.A. 2010 Supp. 77-520 and 77-531, this motion was out of time.

IT IS SO ENTERED THIS 26 DAY OF May, 2011, IN
THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Randy E. Stookey, #21885
Associate General Counsel
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

27th I hereby certify that a true copy of the foregoing Journal Entry was served this day of May, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Obed N. Saint Louis, M.D.
400 confidential
Gardner, Kansas 66030

Obed N. Saint Louis, M.D.
390 confidential
Palm Bay, Florida 32909-8373

Obed N. Saint Louis, M.D.
873 confidential
Palm Bay, Florida 32905

David W. Steed
Klenda, Mitchell, Austerman & Zuercher, LLC
1605 SW 37th Street
Topeka, KS 66611
Attorneys for Licensee

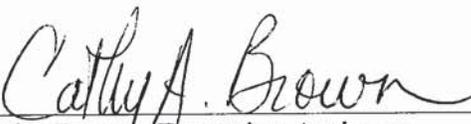
A copy was hand-delivered to the following:

Lori D. Dougherty, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown, Executive Assistant
Kansas State Board of Healing Arts

FILED
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KS State Board of Healing Arts

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

In the Matter of)
Obed N. Saint Louis, M.D.)
)
Kansas License No.: 04-32846)
_____)

KSBHA Docket No.: 11-HA00071

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

NOW on this 15th day of April 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Petitioner’s Petition alleging, Obed N. Saint Louis, M.D. (“Licensee”), committed multiple standard of care violations of the Kansas Healing Arts Act. Lori D. Dougherty, Associate Litigation Counsel, appears on behalf of the Petitioner Board. Licensee Obed N. Saint Louis, M.D. does not appear.

Pursuant to the authority granted to the 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 Proposed Default Order in the above-captioned matter.

The Board finds that Licensee is in default by his non-appearance at the scheduled Conference Hearing. The allegations stated in the Petition dated March 23, 2011 are deemed undisputed. Based upon the undisputed facts, the Board finds, concludes and orders as follows:

I. Findings of Fact

The Board has been shown the following facts:

1. Obed N. Saint Louis, M.D. (“Licensee”) is licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-32846, and has been so licensed since approximately December 8, 2007.

2. Licensee's last known mailing address provided to the Board is: confidential
confidential Gardner, Kansas 66030. Additionally, recent Board mail to
Licensee resulted in a forwarding address slip stating Licensee's address to be: confidential
SE, Palm Bay, Florida 32909-8373.

3. On or about March 23, 2011, the Petitioner filed its Petition alleging Licensee committed multiple violations of the Kansas Healing Arts Act including five (5) instances of practice below the standard of care, receiving sanctions or disciplinary actions against Licensee by a health care facility, committing fraud or misrepresentation in applying for a renewal license, failing to furnish to the Board legally requested information, and failing to notify the Board in writing within thirty (30) days of a change in Licensee's address. The Petitioner also requested the Licensee's license to practice medicine and surgery in the State of Kansas be revoked, suspended, censured, fined or otherwise limited, and that the Board assess such administrative fines and imposed costs against Licensee.

4. Notice of Conference Hearing was sent via United States Mail, first-class postage prepaid to the two (2) known possible addresses for the Licensee of confidential
confidential Gardner, KS 66030 and confidential NE, Palm Bay, FL 32905.

5. Licensee did not appear at his scheduled Conference Hearing on April 15, 2011, after properly being sent notification of said Conference Hearing.

6. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in the treatment of Patient 1, specifically including, but not limited to, each of the following acts or omissions:

- a. Licensee prescribed prescription drugs, including controlled substances, to Patient 1 in an excessive, inappropriate, or improper manner or quantity;

- b. Licensee failed to seek a cardiology consult or attempt other interventions to control Patient 1's blood pressure;
- c. Licensee failed to properly document Patient 1's medical chart; and
- d. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in the treatment of Patient 1.

7. Licensee failed to adhere to the applicable standard of care to a degree constituting gross negligence and/or ordinary negligence in the treatment of Patient 2; specifically including, but not limited to, each of the following acts or omissions:

- a. Licensee prescribed prescription drugs, including controlled substances, to a patient in an excessive, inappropriate, or improper manner or quantity;
- b. Licensee failed to properly document in Patient 2's medical chart; and
- c. Licensee failed to adhere to the applicable standard of care of Patient 2 to a degree constituting gross negligence and/or ordinary negligence in the treatment of Patient 2.

8. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in the treatment of Patient 3, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to properly transfer Patient 3 in a timely manner;
- b. Licensee failed to adequately document Patient 3's chart; and
- c. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in the treatment of Patient 3.

9. Licensee failed to adhere to the applicable standard of care to a degree constituting gross negligence and/or ordinary negligence in the treatment of Patient 4; specifically including, but not limited to, each of the following acts or omissions:

- a. Licensee prescribed prescription drugs, including controlled substances, to Patient 4 in an excessive, inappropriate, or improper manner or quantity;
- b. Licensee failed to properly document Patient 4's medical chart; and
- c. Licensee failed to adhere to the applicable standard of care to a degree constituting gross negligence and/or ordinary negligence in the treatment of Patient 4.

10. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in the treatment of Patient 5; specifically including, but not limited to, each of the following acts or omissions:

- a. Licensee failed to follow up on nutritional recommendations for Patient 5 and failed to address Patient 5's weight loss;
- b. Licensee failed to properly document Patient 5's medical chart with his orders; and
- c. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence.

11. confidential Licensee's hospital privileges were suspended by Goodland Regional Medical Center (GRMC) on December 30, 2009, until June 30, 2010, or until Licensee had successfully completed an evaluation and assessment of competence and performance issues with the Center for Personal Education for

Physicians ("CPEP") in Denver, Colorado, as well as the successful completion of all CPEP recommendations.

12. Licensee renewed his Kansas license to practice medicine and surgery on June 28, 2010. Licensee answered "No" to disciplinary question G: "In the past 12 months do you know of any investigation by or any allegations, complaints, or charges concerning you made to any licensing agency or state or government agency?"

13. Licensee was notified by letter from Harvey L. Harris, Special Investigator II for the Kansas State Board of Healing Arts, that a complaint had been filed against him in Investigation 10-00295 on November 23, 2009, in Investigation 10-00416 on January 28, 2010, and in Investigation 10-00440 on February 10, 2010.

14. Licensee failed to respond to and provide documentation requested by a lawfully issued and served subpoena.

15. Correspondence sent by the Board to the Licensee was sent back "Return to Sender," with a forwarding address from the United States Post Office for Licensee of: confidential
confidential SE, Palm Bay, FL 32909.

16. Licensee did not notify the Board in writing within thirty (30) days of any changes in Licensee's mailing address.

II. Applicable Law

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- c. K.S.A. 65-2836 – Revocation, Suspension, Limitation of Licenses
- d. K.S.A. 65-2837 - Definitions
- e. K.S.A. 65-28,126 – Changes in Licensee's Mailing Address; Notice to the Board; Penalties
- e. K.A.R. 100-24-1 – Patient Records Adequacy; Minimal Requirements

III. 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.

IV. Conclusions

Based upon the Findings of Fact enumerated in Paragraph Nos. 1 through 16, the Applicable Law, and the Policy Statement set forth above, the Board hereby concludes as follows:

17. Licensee's acts and conduct during the course of treating Patient 1 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(2), in that Licensee has committed an act of professional misconduct by repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board;
- b. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(3), in that Licensee has committed an act of professional misconduct by engaging in a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts;
- c. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(23), in that Licensee has prescribed, dispensed, administered or distributed a prescription drug or substance, to wit: Labetalol, in an improper or inappropriate manner;

- d. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(25), in that Licensee has failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results; and
- e. K.S.A. 65-2836(k): The Licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board, to wit: K.A.R. 100-24-1.

18. Licensee's acts and conduct during the course of treating Patient 2 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(1), in that Licensee has committed an act of professional misconduct on one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(2), in that Licensee has committed an act of professional misconduct by repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board;
- c. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(3), in that Licensee has committed an act of professional misconduct by engaging in a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts;
- d. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(23), in that Licensee has prescribed, dispensed, administered or distributed a prescription

drug or substance, to wit: Demerol, Toradol, Stadol, and Dilaudid, in an improper or inappropriate manner;

- e. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(24), in that Licensee has repeatedly failed to practice healing arts with that level of care, skill, and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances;
- f. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(25), in that Licensee has failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results; and
- g. K.S.A. 65-2836(k): The Licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board, to wit: K.A.R. 100-24-1.

19. Licensee's acts and conduct during the course of treating Patient 3 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(2), in that Licensee has committed an act of professional misconduct by repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board;
- b. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(3), in that Licensee has committed an act of professional misconduct by engaging in a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts; and

- c. K.S.A. 65-2836(k): The Licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board, to wit: K.A.R. 100-24- 1.

20. Licensee's acts and conduct during the course of treating Patient 4 constitute violations of the Kansas Healing Arts Acts as follows:

- a. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(1), in that Licensee has committed an act of professional misconduct on one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(2), in that Licensee has committed an act of professional misconduct by repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board;
- c. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(3), in that Licensee has committed an act of professional misconduct by engaging in a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts;
- d. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(23), in that Licensee has prescribed, dispensed, administered or distributed a prescription drug or substance, to wit: Activase, in an improper or inappropriate manner;
- e. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(24), in that Licensee has repeatedly failed to practice healing arts with that level of care,

skill, and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances;

- f. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(25), in that Licensee has failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results; and
- g. K.S.A. 65-2836(k): The Licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board, to wit: K.A.R. 100-24- 1.

21. Licensee's acts and conduct during the course of treating Patient 5 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(2), in that Licensee has committed an act of professional misconduct by repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board;
- b. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(3), in that Licensee has committed an act of professional misconduct by engaging in a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts;
- c. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(24), in that Licensee has repeatedly failed to practice healing arts with that level of care, skill, and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances;

- d. K.S.A. 65-2836(b), as further defined in KSA 65-2837(a)(25), in that Licensee has failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results; and
- e. K.S.A. 65-2836(k): The Licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board, to wit: K.A.R. 100-24-1.91.

22. Licensee's acts and conduct constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(s), in that sanctions or disciplinary actions have been taken against the Licensee by a peer review committee, health care facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

23. Licensee's acts and conduct in renewing of his license constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(a), in that Licensee has committed Fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

24. Licensee's acts and conduct of failing to furnish lawfully requested material by the Board and failing to notify the Board in writing within thirty (30) days of any change in the Licensee's address constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(r), in that Licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.
- b. K.S.A. 65-28,126, in that Licensee has failed to notify the Board in writing within 30 days of any changes in Licensee's mailing address.

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

25. Licensee's license to practice medicine and surgery in the State of Kansas is hereby **REVOKED.**

26. The Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 22 DAY OF April, 2011, 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 Proposed Default Order. This order will become effective as a Final Order of the Board seven (7) calendar days following service of this order, as indicated in attached the Certificate of Service, unless within that seven (7) day period Licensee files a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. Any such motion must be filed with Kathleen Selzler Lippert, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 22nd day of April, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Obed N. Saint Louis, M.D.
confidential

Gardner, Kansas 66030

Obed N. Saint Louis, M.D.
confidential

Palm Bay, Florida 32909-8373

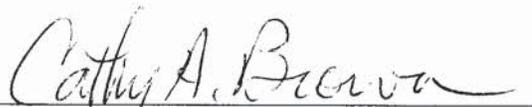
And a copy was hand-delivered to the following:

Lori D. Dougherty, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612


Cathy Brown
Executive Assistant