

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts 

In the Matter of)
) Docket No. 15-HA 00092
Renee M. Belieu, M.D.)
Kansas License No. 04-27213)

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Seth K. Brackman, Associate Litigation Counsel, (“Petitioner”), and Renee M. Belieu, M.D. (“Licensee”), *pro se* and move the Board for approval of a Consent Order affecting Licensee’s license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: 10600 Quivira Road, 3rd Floor, Lenexa, Kansas 66215.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-27213 on or about October 18, 1997. Licensee’s license is active and was last renewed on or about June 3, 2014.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery . K.S.A. 65-2801 *et seq.* and K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2836 to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*
9. All investigative information, specifically information related to KSBHA Investigation No. 13-00385, was fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 28, through their appointed member, authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

10. Licensee does not admit nor deny the allegations in the Consent Order. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives her right to dispute or otherwise contest these allegations in any future proceeding before this Board.
11. On or about September 7, 2012, Patient 1, a sixty-six year old female was admitted to Overland Park Regional Medical Center to undergo a hysteroscopy, dilatation & curettage, polypectomy, and vaginal myomectomy, in order to resolve her postmenopausal bleeding, thickened endometrium, endometrial fibroids and submucosal fibroid.
12. Patient 1's surgery began at approximately 0758 and Patient 1's body temperature prior to beginning surgery was approximately 97.3°F. During Patient 1's surgery, Licensee used approximately sixteen (16) bags of normal saline to dilate the uterus.
13. Patient 1 became hypothermic during surgery due to the large amount of normal saline used. At approximately 0900, Patient 1's body temperature was approximately 93.2°F. At approximately 0945, it was noted Patient 1's lungs sounded wet and her body temperature was approximately 89.96°F.
14. At approximately 1105, the surgery was concluded and Patient 1's body temperature was still approximately 89.96°F.
15. Licensee failed to properly monitor the fluid volumes and deficit during Patient 1's surgery, leaving Patient 1 hypothermic during the procedure.
16. Following Patient 1's surgery, she was placed in the ICU for observation related to hypothermia.

17. Licensee acknowledges that the Board has sufficient evidence to prove that Licensee has violated the following provisions of the Kansas Healing Arts Act with respect to the above facts:

- a. Licensee's acts and conduct constitute a violation of K.S.A. 65-2836(b) for a single incident of professional incompetency to the degree of ordinary negligence, that if continued, would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients.

18. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

19. Pursuant to K.S.A. 65-2836 the Board has grounds to deny, revoke, suspend, limit, and/or censure Licensee's license. Pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

20. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

21. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

22. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial

Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et seq., arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

23. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
24. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.
25. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

26. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
27. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
28. Licensee acknowledges and agrees that Licensee's failure to comply with any of the provisions of this Consent Order is a violation of a Board order and grounds for disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(k).
29. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Data Bank, Federation of State Medical Boards, and any other entities authorized to receive disclosure of the Consent Order.
30. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
31. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.
32. This Consent Order constitutes non-disciplinary action.
33. The Board may consider all aspects of this Consent Order in any future disciplinary matter regarding Licensee.

34. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action on her license to engage in the practice of medicine and surgery:

EDUCATION

35. Licensee shall complete the following education requirements:

- a. Attend and successfully complete the in-person continuing medical education program titled, “Minimally Invasive Gynecologic Surgery The Next Generation” presented by Banner Good Samaritan Medical Center, University of Arizona-College of Medicine, located in Phoenix, Arizona, on April 11-13, 2015.
- b. If Licensee does not attend the above program as currently scheduled, Licensee shall complete a minimum of ten (10) hours of in-person continuing medical education, specifically in the area hysterectomy and uterine myomectomy with an emphasis on indications and complications. On or before May 1, 2015, Licensee shall provide the Compliance Coordinator with a list of all continuing medical education courses for approval by Disciplinary Panel #28 prior to attending the programs.

36. All costs associated with such program shall be at Licensee’s own expense to include, but not be limited to, the cost of the program, the cost of travel to and from the program, and the cost accommodations while attending the program.

37. These hours shall be in addition to those continuing education hours required for renewal of licensure.

38. All continuing medical education courses shall be completed on or before October 1, 2015, unless otherwise approved by Disciplinary Panel #28.

39. Licensee shall provide proof of successful completion of the education requirements to the Compliance Coordinator within thirty (30) calendar days of successfully completing the continuing education.

40. Proof of successful completion of the education requirements shall be submitted by sending the same to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

TIMEFRAME

41. The above terms are self-terminating upon proof of successful completion of all requirements being provided to and approved by Disciplinary Panel #28.

42. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612.

IT IS THEREFORE ORDERED that the Consent Order containing the agreement of the parties contained herein is hereby adopted by the Board as findings of fact and conclusions of law.

IT IS SO ORDERED on this 15 day of April, 2015.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:


Kathleen Selzier Lippert
Executive Director

4/15/15
Date


Renee M. Belieu, M.D.
Licensee

3-6-15
Date

PREPARED AND APPROVED BY:



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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 15th day of April, 2015, to the following:

Renee M. Belieu, M.D.
Licensee
10600 Quivira, 3rd Floor
Lenexa, Kansas 66215

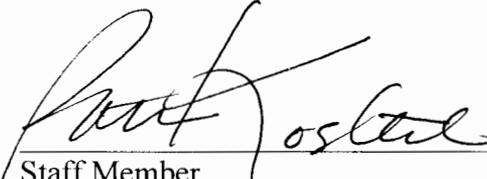
And the original was filed with:

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

And copies were hand-delivered to:

Seth K. Brackman, Associate Litigation Counsel
Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level- Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level- Suite A
Topeka, Kansas 66612


Staff Member