

**Louisiana State Board of Medical Examiners**  
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**In The Matter Of** : **12-I-153**  
 :  
**KENNETH W. SANDERS, M.D.** :  
 (*Certificate No. 022757*), : **CONSENT ORDER**  
 : **FOR REPRIMAND**  
*Respondent.* :  
 :  
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An investigation was undertaken by the Louisiana State Board of Medical Examiners (the "Board") of Kenneth W. Sanders, M.D. (Certificate No. 00539R), a physician who at all pertinent times was engaged in the practice of medicine in and around Shreveport, Louisiana, following the receipt of apparently reliable information indicating that he permitted an unlicensed individual to engage in the practice of polysomnography at a diagnostic sleep facility which he owned, operated and served as medical director. During the course of the investigation the Investigating Officer ("I/O") for the Board met with Dr. Sanders to discuss the Louisiana Polysomnography Practice Act, specifically, La. Rev. Stat. §37:2870A(1) (the "law"),<sup>1</sup> which requires that all persons engaged in the practice of polysomnography be appropriately licensed by the Board.

In connection with this matter Dr. Sanders, who cooperated fully with the investigation, acknowledged that he now realizes that by allowing an unlicensed individual to practice polysomnography at his clinic that he violated the laws administered by the Board.<sup>2</sup> However, he offered that such was the result of a lack of understanding of the law's requirements, noted that other individuals working at the clinic were appropriately licensed, and submitted that the violation was not intentional on his part. While it appears to the I/O that Dr. Sanders is a conscientious and well-trained physician, the I/O's review and analysis of the matter implicates a violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285A(18).

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<sup>1</sup>Pursuant to La. Rev. Stat. §37:2870, 'On or after January 1, 2006, no individual shall engage or attempt to engage in the practice of polysomnography or perform or attempt to perform polysomnograms, unless he holds a license issued by the Louisiana State Board of Medical Examiners in accordance with the provisions of this Chapter.'

<sup>2</sup>Pursuant to La. Rev. Stat. §37:1285A(18) the Board may take action against the license of a physician as a result of '... having professional connection with or lending or lending one's name to an illegal practitioner.'

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.*, Dr. Sanders nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Sanders also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Sanders also hereby authorizes the I/O designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Sanders expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that Kenneth W. Sanders, M.D., is hereby *Officially Reprimanded*;

**IT IS FURTHER ORDERED** that within six (6) months from the effective date of this Order that Dr. Sanders shall provide written confirmation that he has successfully completed a course of study of the laws regulating the practice of polysomnography in this state, or such other course as may be designated and pre-approved in writing by the Board or its designee.

**IT IS FURTHER ORDERED** that Sanders shall pay the Board a fine in the amount of One Thousand Dollars (\$1,000) within ninety (90) days of the effective date of this Order.

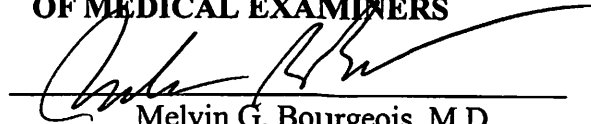
**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms or conditions set forth by this Order by Dr. Sanders shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Sanders's license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. Rev. Stat. §37:1285.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 15<sup>th</sup> day of October, 2012.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By:



Melvin G. Bourgeois, M.D.  
*President*

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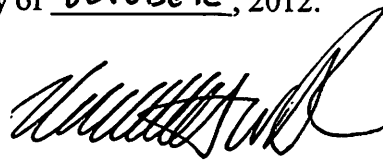
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STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_

**ACKNOWLEDGMENT  
AND CONSENT**

I, KENNETH W. SANDERS, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 2ND day of OCTOBER, 2012.



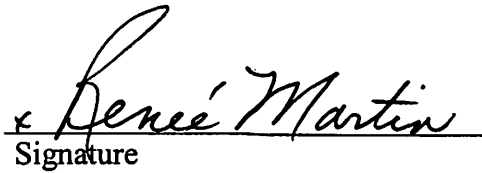
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KENNETH W. SANDERS, M.D.

WITNESSES:

  
Signature

Carlyn Carter  
Typed Name

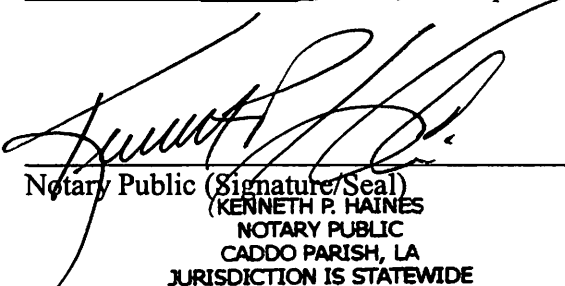
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Address

  
Signature

Renee Martin  
Typed Name

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Address

Sworn to and subscribed before me at Shreveport, Louisiana, this 2ND day of October, 2012, in the presence of the two stated witnesses.



Notary Public (Signature/Seal)  
(KENNETH P. HAINES  
NOTARY PUBLIC  
CADDO PARISH, LA  
JURISDICTION IS STATEWIDE  
COMMISSION IS FOR LIFE  
BAR ROLL # 19607, NOTARY # 39840

Notary Public (Printed Name)/Bar-Notary #