

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of

No. 91-A-010

KENNETH WASHIE FOSTER, M.D.  
(CERTIFICATE NO. 07655R)

DECISION

*Respondent.*

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This matter comes before the Board on an Administrative Complaint charging that Kenneth W. Foster, M.D., "engaged in fraud, deceit, or perjury in obtaining a diploma, license, or permit authorized under the Louisiana Medical Practice Act, LSA R.S.37:1285 (A)(3)."

It is alleged that in his 1990 license renewal application, submitted in November, 1989, Dr. Foster knowingly failed to disclose that he had been the subject of an accusation filed against him by the Division of Medical Quality, Board of Medical Quality Assurance, Department of Consumer Affairs, State of California, on May 2, 1989. This accusation alleged that in an application for staff privileges at St. Elizabeth Community Hospital, Red Bluff, California, Dr. Foster misrepresented disciplinary actions taken against him by various hospitals.

It is also alleged, in an amended Administrative Complaint, that in August, 1990, a First Supplemental Accusation was filed against Dr. Foster in California, which charged him with repeated acts of excessive prescribing or administering of drugs; with violation of California laws regulating controlled substances; and, with dispensing a controlled substance to an addict.

Subsequently, it is alleged that Dr. Foster entered into a stipulation by virtue of which he admitted that the above allegations could be proved, and stipulated to an order revoking his license, but staying execution of the revocation pending successful completion of a five year probation program.

*(Foster; Jan., 1992)*

Finally, it is stated that Dr. Foster's Louisiana license is subject to revocation, suspension, and other restriction because of the action taken against him in the State of California.

The evidence adduced at the hearing before the Board shows that in 1989 Dr. Foster was licensed to practice in California, his original state of licensure; New Mexico, where he did not renew his license; Oklahoma; and Louisiana.

Dr. Foster identified the May 22, 1989, California complaint, and testified that he understood that it sought to suspend his California license. He further identified his 1990 Louisiana license application, which he signed on November 17, 1989, and admitted that the answers to questions 13 and 15 were false.

Also admitted into evidence was a supplemental accusation made against Dr. Foster in California on August 23, 1990, which alleges excessive or inappropriate prescribing of medication to six different patients.

Dr. Foster's 1991 application for renewal of his Louisiana license, dated December 27, 1990, was introduced, and shows that the answers to questions 13 and 15 were once again false, failing to reveal any of the various disciplinary actions taken against Dr. Foster.

Finally, a decision and stipulation by the California Board was admitted, showing that Dr. Foster admitted excessive or inappropriate prescribing in four cases. His license to practice was revoked, but the revocation was stayed, and Dr. Foster was suspended from practice for 60 days, with the provision that he could not return to practice until he passed a pharmacology test.

Dr. Foster testified that he took the test, but failed to pass. He is not now eligible to practice medicine in California, and has not practiced since September 11, 1991.

In defense of his failure to make proper disclosures of disciplinary action in his applications for license renewal, Dr. Foster testified that, although he filled out the front of the forms, his secretary filled out the back, and she was unaware of the disciplinary actions taken against him. An affidavit by Dr. Foster's secretary confirms his statement.

Dr. Foster testified that he entered into the California consent order because of financial concerns, and that he would have preferred to go to trial. He also testified that he was advised that if he went to hearing, he would be "clobbered."

It is the opinion of the Board that, by signing his application for license renewal, Dr. Foster became responsible for all of the representations made therein. He is, therefore, guilty of a violation of R.S. 37:1285(A)(3), in that, by submitting an false application, he committed "fraud, deceit, or perjury" in obtaining his license.

The Board further finds that the restrictions placed on Dr. Foster's right to practice in the State of California places him in violation of R.S. 37:1285(A)(29), which provides that the

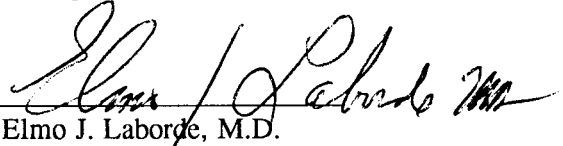
revocation, suspension, or restriction of the right to practice in another state constitutes a ground for the suspension, revocation or limitation of the right to practice in this state.

Considering the above findings, it is hereby ORDERED by the Louisiana State Board of Medical Examiners that the license of Kenneth Washie Foster, M.D., to practice medicine in Louisiana, No. 07655R, be and it is hereby revoked and cancelled. No costs will be assessed against Dr. Foster

Lafayette, Louisiana, this 2nd day of January, 1992.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By

  
Elmo J. Laborde, M.D.  
President