

BEFORE THE  
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter of:	:	
	:	
OSBEY LOUIS SAYLER, M.D.	:	NO. 93-I-017-X
(Certificate No. 08628R)	:	
	:	
Respondent	:	CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board"), following receipt of information indicating that Osbey Louis Sayler, M.D. ("Dr. Sayler") had entered into a consent agreement with the State of Florida, Department of Professional Regulation, Board of Medicine, whereby his Florida medical license was restricted in that he is prohibited from the practice of surgery.<sup>1</sup> The Florida action arose from an alleged surgical error which occurred on or about April 17, 1989. The consent agreement outlines specific terms and conditions, which include prohibition from the practice of surgery.<sup>2</sup>

Although Dr. Sayler currently resides exclusively in the state of Florida, he remains licensed to practice medicine in the state of Louisiana. Accordingly, the investigation of the captioned matter has been assigned to John B. Bobear, M.D., Director of Investigations for the Louisiana State Board of Medical Examiners. Dr. Bobear's review and analysis of the Florida consent agreement confirms to his satisfaction that just cause exists for recommending that a formal administrative complaint be filed against Dr. Sayler pursuant to the Louisiana Medical Practice Act, LSA-R.S. 37:1261 *et seq.*, charging Dr. Sayler with "the refusal of a licensing authority of another state to issue or renew a license, permit or certificate to practice medicine or osteopathy in that state or the revocation, suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority which provides or restricts practice in that state ..." in violation of LSA-R.S. 37:1285A(30).

<sup>1</sup> See Consent Agreement and Final Order, "*Department of Professional Regulation v. Osbey L. Sayler, M.D.*," (DPR Case No. 89-03690/DOAH Case No. 91-7177, August 8, 1992) (photocopy attached)

<sup>2</sup> See *id.*

Recognizing his right to have any allegation or charge asserted in a formal administrative complaint, pursuant to LSA-R.S. 49:955-58, and to a subsequent adjudication and final decision rendered upon findings of fact and conclusions of law, Dr. Sayler, nonetheless, hereby waives his right to formal charges and formal adjudication and, pursuant to LSA-R.S. 49:955D, consents to entry of the order set forth hereinafter.

By his subscription hereto, Dr. Sayler also hereby authorizes the Investigating Officer designated by the Board with respect hereto, together with legal counsel, 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, without prejudice to any future final proceedings which may arise in the event the Board does not accept this Consent Order in its present form.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to LSA-R.S. 37:1261, will be effectively served by entry of the order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955D;

**IT IS ORDERED** that the license of Osbey Louis Sayler, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 08628R, be, and the same is hereby, restricted in that Dr. Sayler shall be prohibited from the practice of surgery in the state of Louisiana, effective as of the date hereof. Under the terms of Dr. Sayler's restricted medical license, he shall strictly comply with and satisfy the following terms, conditions and restrictions:

- a) ***Compliance with Florida Order:*** Dr. Sayler shall comply fully with the Agreement entered into with the Department of Regulation, Board of medicine, state of Florida, dated August 8, 1992, a copy of which is annexed hereto and incorporated herein by reference;
- b) ***Notice of Current Address:*** Dr. Sayler shall advise the Board of any change of address, mailing or office, with thirty (30) days of such occurrence;
- c) ***Notice of Relocation to Louisiana:*** In the event that Dr. Sayler decides to return to Louisiana for the purpose of practicing medicine in this state, he shall provide the Board with at least sixty (60) days advance written notice of such intention, and shall contact the Board office for the purpose of scheduling an informal appearance before the Board to discuss his then-current practice plans and intentions.

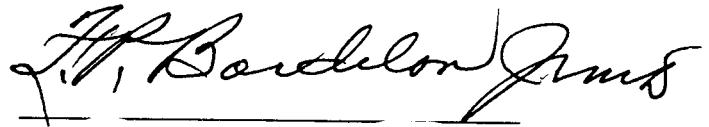
IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions, or restrictions of this Consent Order by Dr. Sayler shall, upon proof of such violation or failure, be deemed adequate and sufficient cause, for the suspension and/or revocation of Dr. Sayler's medical license or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

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

New Orleans, Louisiana, this 26 day of May, 1993.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY: \_\_\_\_\_



F. P. Bordelon, Jr., M.D.  
Vice-President

ACKNOWLEDGMENT AND CONSENT

I, OSBEY LOUIS SAYLER, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 31 day of March, 1993.

  
OSBEY LOUIS SAYLER, M.D.

FILED

Department of Professional Regulation  
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE



DEPARTMENT OF PROFESSIONAL  
REGULATION,

CLERK \_\_\_\_\_

DATE 8-13-92

Petitioner,

v.

DPR CASE NUMBER: 89-03960  
LICENSE NUMBER: ME 0018472

OSBEY L. SAYLER, M.D.,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

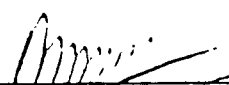
THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on August 8, 1992, in Tallahassee, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Consent Agreement.

This Final Order takes effect upon filing with the Clerk of the Department.


DONE AND ORDERED this 8<sup>th</sup> day August, 1992.

BOARD OF MEDICINE

  
ZACHARIAH P. ZACHARIAH, M.D.  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Osbey L. Sayler, M.D., 2140 Kingsley Avenue, N-10 Medical Arts Center, Orange Park, Florida 32073, Wilson Jerry Foster, Esquire, 227 E. Virginia Street, Tallahassee, Florida 32301 and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this 13<sup>th</sup> day of August, 1992.

  
DOROTHY J. FAIRCLOTH  
Executive Director

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

v.

DPR Case No. 89-03960  
DOAH Case No. 91-7177

OSBEY L. SAYLER, M.D.,

Respondent.

CONSENT AGREEMENT

OSBEY L. SAYLER, M.D., referred to as the "Respondent", and the Department of Professional Regulation, referred to as "Department", stipulate and agree to the following agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board", incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

Street, Tallahassee, Florida 32399-0700, at or before 5:00 P.M.,  
1. At all times material hereto, Respondent was a  
licensed physician in the State of Florida having been issued  
license number ME 0018472.

2. Respondent was charged by an Amended Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Amended Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Amended Administrative Complaint.

### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Amended Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Amended Administrative Complaint.

### STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. FINE. The Board shall impose an administrative fine in the amount of \$2,000.00 against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within 180 days of its imposition by Final Order of the Board.

3. REPRIMAND. The Respondent shall receive a reprimand from the Board of Medicine.

4. RESTRICTION. Effective as of the date of the filing of the Final Order of the Board Respondent's license to practice medicine in the State of Florida shall be restricted in that Respondent shall be prohibited from the practice of surgery.

5. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order

incorporating the terms of this Agreement is entered by the Board.

6. Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered. Respondent, in conjunction with the consideration of this Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

7. Respondent shall pay all cost necessary to comply with the terms of the Final Order issued based on the Agreement. Such costs include, but are not limited to, the cost of preparation of investigative reports detailing compliance with their terms of this Agreement, and the Board's administrative costs directly associated with Respondent's probation. See Section 458.331(2), Florida Statutes.

8. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes. 3. REPRIMAND. The Respondent shall receive a reprimand from the Board. 9. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Amended Administrative Complaint attached as Exhibit "A" herein.

10. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to



otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

11. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter." Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

12. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

the Department against the Respondent for as to dismissal not

SIGNED this 8th day of August, 1992.

Osley L. Sayler, M.D.

Sworn to and subscribed  
before me this 8th day  
of August, 1992.

Michael K. Hood  
NOTARY PUBLIC

My Commission Expires:

APPROVED this 5th day of August, 1992.

Notary Public, State of Florida  
My Commission Expires Aug 14, 1994  
Bonded thru TFCY Fidelity Insurance Inc.

George Stuart  
Secretary

Larry G. McPherson, Jr.  
By: Larry G. McPherson, Jr.  
Chief Attorney  
Medical Section

MBR:pc

resolution of these proceedings