

IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

|                            |   |                     |  |
|----------------------------|---|---------------------|--|
| STATE OF OKLAHOMA, ex rel, |   |                     |  |
| OKLAHOMA STATE BOARD OF    |   |                     |  |
| MEDICAL LICENSURE AND      |   |                     |  |
| SUPERVISION,               | ) |                     |  |
|                            | ) |                     |  |
| Plaintiff,                 | ) |                     |  |
|                            | ) |                     |  |
| v.                         | ) |                     |  |
|                            | ) |                     |  |
| KENNETH FOSTER, M.D.       | ) | CASE NO. 93-12-1566 |  |
| Medical License No. 15885, | ) |                     |  |
|                            | ) |                     |  |
| Defendant                  | ) |                     |  |

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on March 18, 1994, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Kenneth Foster, M.D., Defendant, appeared in person and by and through legal counsel, Kevin J. Walker, Attorney at Law, P.O. Box 1641, Seminole, OK 74868, and Gene Stipe, Attorney at Law, P.O. Box 1368, McAlester, OK 74502.

That the Oklahoma Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Kenneth Foster, M.D., holds Oklahoma Medical License No. 15885.

2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or around March 26, 1991, Defendant did falsely respond to three questions on the Application for Renewal of Oklahoma Medical License, to-wit:

"Have you ever been charge with or convicted of a felony or misdemeanor? No.

Have you ever been denied hospital/staff privileges? No.

Have you ever been the subject of a disciplinary action by a hospital? No."

That the aforesaid answers were all inaccurate and not descriptive of the true facts reflecting the Defendant.

4. That on or around January 2, 1992, the Louisiana State Board of Medical Examiners in Case No. 91-A-010 did revoke the Louisiana Medical License No. 07655R formerly held by the Defendant.

6. That Defendant's guilty pleas and/or convictions involving DUIs, including January 27, 1984, in LeFlore County, Oklahoma, 1990 in Red Bluff, California, and December 15, 1993, in Hughes County, Oklahoma, and the Defendant's warning and termination from the Las Vegas, New Mexico, Medical Center, all relate to habitual, excessive use of alcohol and raise questions as to the Defendant's fitness to practice medicine.

CONCLUSIONS OF LAW

1. That Kenneth Foster, M.D., holding Oklahoma Medical License No. 15885, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 508, and 59 O.S. Supp. 1993, Sec. 509, Paragraph 9, to-wit:

"Whenever any license or certificate has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to revoke such license or certificate in the same manner as is provided by this Act for the revocation of license or certificate for unprofessional conduct."

"9. Dishonorable or immoral conduct which is likely to deceive or defraud the public."

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Oklahoma Medical License No. 15885 of Defendant, Kenneth Foster, M.D., should be and the same is hereby REVOKED.

2. That a copy of this written Order should be sent to the Defendant and/or his legal counsel as soon as it is processed.

DATED this 24 day of March, 1994.

State Board of  
and Supervision

Secretary  
Licensure

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA #3227

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 31 day of March, 1994, to:

KENNETH FOSTER, M.D.  
c/o Kevin J. Walker  
Attorney at Law  
P.O. Box 1641  
Seminole, OK 74868

KENNETH FOSTER, M.D.  
c/o Gene Stipe  
Attorney at Law  
P.O. Box 1368  
McAlester, OK 74502

Janet Owens