

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

September 13, 2016

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### **TMB disciplines 45 physicians at August meeting, adopts rule changes**

At its August 26, 2016 meeting, the Texas Medical Board disciplined 45 licensed physicians and issued three cease and desist orders. The disciplinary actions included: ten orders related to quality of care violations, seven orders related to unprofessional conduct, three revocations, seven voluntary surrenders/revocations, three orders related to other states' actions, four orders related to peer review actions, one order related to criminal activity, two orders related to improper prescribing, one order related to improper supervision or delegation, one order related to violation of Board rules, three orders related to violation of prior Board order, and three orders related to a Texas Physician Health Program violation. The Board also took action against a Non-Certified Radiologic Technician.

The Board issued 159 physician licenses at the August meeting, bringing the total number of physician licenses issued in FY16 to 4,093.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 174. TELEMEDICINE**

##### **§174.11, On-Call Services**

The amendment to §174.11, concerning On-Call Services, amends and adds language referring to Chapter 177 (relating to Business Organizations) and newly adopted Subchapter E titled "Physician Call Coverage Medical Services."

#### **CHAPTER 177. BUSINESS ORGANIZATIONS**

##### **§177.16, (Subchapter C) Physician Assistants**

The amendments to 177.16, relating to Physician Assistants, eliminates section (e) and amends section (f) in order to align with a recent 3rd Court of Appeals decision, which invalidated part of the rule relating to the grandfathering clause and entities solely owned by physician assistants. Accordingly, the amendments to this section correct sections of the rule that were invalidated by the 3rd Court of Appeals decision.

##### **§177.18-177.20, (New Subchapter E) Physician Call Coverage Medical Services**

New §177.18-177.20, concerning Physician Call Coverage Medical Services, provides physicians guidance and sets forth the minimum requirements relating to on-call services and agreements.

#### **CHAPTER 185. PHYSICIAN ASSISTANTS**

##### **§185.2, Definitions**

The amendments to §185.2, relating to Definitions, add definitions for "Active Duty" and "Armed Forces of the United States" and amend definitions for "Military service member", "Military spouse" and "military veteran." These amendments are in accordance with the passage of SB 1307 (84th Regular Session) which amended Chapter 55 of the Texas Occupations Code.

##### **§185.4, Procedural Rules**

The amendment to §185.4, relating to Procedural Rules, expands subsection (f), Alternative Licensing Procedure, to

include military service members and military veterans. The amendment also includes language allowing the executive director to waive any prerequisite to obtaining a license for an applicant described in the subsection, after reviewing the applicant's credentials. These amendments are in accordance with the passage of SB 1307 (84th Regular Session) which amended Chapter 55 of the Texas Occupations Code.

#### **§185.6, Annual Renewal**

The amendment to §185.6, relating to Annual Renewal, adds new subsection (b)(9) providing that a surgical assistant who is a military service member may request an extension of time, not to exceed two years, to complete any continuing education requirements. The amendment also adds new subsection (j) providing that military service members who hold a license to practice in Texas are entitled to two years of additional time to complete any other requirement related to the renewal of the military service member's license. This amendment is in accordance with the passage of SB 1307 (84th Regular Session) which amended Chapter 55 of the Texas Occupations Code.

#### **§185.7, Temporary License**

The amendment to §185.7, relating to Temporary License, changes an incorrect citation, §185.4(d), to the correct citation, §185.4(c).

#### **§185.8, Inactive License**

The amendment to §185.8, relating to Inactive License, adds new language in subsection (d) providing that a licensee attempting to return from inactive to active status must complete a fingerprint card and return the card to the board as part of the application, as well as submitting, or having submitted on the applicant's behalf, a report from the National Practitioner Data Bank/Health Integrity and Protection Data Bank (NPDB-HIPDB).

### **CHAPTER 199. PUBLIC INFORMATION**

#### **§199.6, Enhanced Contract or Performance Monitoring**

New §199.6, concerning Enhanced Contract or Performance Monitoring, delineates the criteria and requirements for the agency's identification of and monitoring of certain contracts. This new section is added in accordance with the passage of SB 20 (85th Regular Session) which amended Chapter 2261 of the Texas Government Code.

### **CHAPTER 200. STANDARDS FOR PHYSICIANS PRACTICING COMPLEMENTARY AND ALTERNATIVE MEDICINE**

#### **§200.3, Practice Guidelines for the Provision of Complementary and Alternative Medicine**

The amendment to §200.3, concerning Practice Guidelines for the Provision of Complementary and Alternative Medicine, corrects an incorrect reference to the "board of medical examiners."

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Adeleye, Victoria M., M.D., Lic. No. N7985, Conroe**

On August 26, 2016, the Board and Victoria M. Adeleye, M.D., entered into an Agreed Order requiring her to within one year complete at least 16 hours, divided as follows: eight hours in polypharmacy and eight hours in medical recordkeeping. The Board found Dr. Adeleye with respect to one patient, failed to use proper diligence and keep adequate medical documentation on educating the patient of potential medication risks and failed to coordinate care with the patient's pain management physician who was prescribing narcotics.

##### **Becker, Teresa M., M.D., Lic. No. G7036, Houston**

On August 26, 2016, the Board and Teresa M. Becker, M.D., entered into an Agreed Order publicly reprimanding Dr. Becker and requiring her to within one year complete at least 12 hours of CME, divided as follows: eight hours in evaluation and treatment of alcohol and drug withdrawals and seizures and four hours in risk management. The Board found Dr. Becker signed off on in-take orders that included a withdrawal watch protocol on which the patient's vitals were being monitored. After the patient's first seizure, Dr. Becker appropriately prescribed Librium, however, she failed

to meet the standard of care by failing to place the patient under closer medical supervision and/or transferring him to a hospital. As a result, the patient suffered additional seizures that were not reported to Dr. Becker, which led to the patient's death.

**Diaz, Horacio Alberto, M.D., Lic. No. K4408, Laredo**

On August 26, 2016, the Board and Horacio Alberto Diaz, M.D., entered into an Agreed Order requiring Dr. Diaz to within one year complete at least 16 hours of CME, divided as follows: eight hours in diagnosing or treating chest pain or conditions that may be cardiac in origin, four hours in physician-patient communications and four hours in medical recordkeeping. The Board found Dr. Diaz failed to properly evaluate one patient and discharged the patient prematurely.

**Fehr, Gregory Brien, M.D., Lic. No. K1813, Mission**

On August 26, 2016, the Board and Gregory Brien Fehr, M.D., entered into an Agreed Order publicly reprimanding Dr. Fehr and requiring him to within one year and three attempts pass the Special Purpose Exam (SPEX); within one year complete at least 24 hours of CME, divided as follows: four hours in risk management, four hours in ethics, eight hours in medical recordkeeping and eight hours in procedural sedation; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Fehr administered three doses of Propofol that were higher than normal and did not record in the medical records why they were necessary, did not adequately monitor the patient after administering the doses and submitted responses to the Board without reviewing the relevant medical records.

**Griffith, John Dorland, M.D., Lic. No. F5924, Houston**

On August 26, 2016, the Board and John Dorland Griffith, M.D., entered into an Agreed Order requiring him to request and personally appear before the Board to petition for permission to resume practice in Texas and provide evidence that adequately indicates he is physically, mentally, and otherwise competent to safely practice. The Board found Dr. Griffith failed to meet the standard of care, failed to maintain adequate documentation, failed to adhere to guidelines for the treatment of several patients' chronic pain and failed to adequately supervise his delegates.

**Jewell, Coty W., M.D., Lic. No. L6441, Oklahoma City, OK**

On August 26, 2016, the Board and Coty W. Jewell, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in patient communications preferably including the topic of obtaining informed consent, four hours in ethics and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$6,000. The Board found Dr. Jewell implanted an implantable cardioverter-defibrillator (ICD) device in one patient without proper indication and without obtaining the informed consent of the patient.

**Norkiewicz, Brian Joseph, M.D., Lic. No. J4395, Lubbock**

On August 26, 2016, the Board and Brian Joseph Norkiewicz, M.D., entered into an Agreed Order publicly reprimanding Dr. Norkiewicz and requiring him to within 30 days schedule a proficiency assessment in post-operative complications and surgical interventions with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 16 hours, divided as follows: eight hours in risk management and eight hours in physician-patient communication. The Board found Dr. Norkiewicz failed to personally evaluate a patient or call for a surgical consultation after the patient returned the same day following a stapled hemorrhoidopexy to the emergency room department with symptoms including severe abdominal pain and CT scan findings consistent with acute intra-abdominal hemorrhage.

**Reddy, Janardhana, M.D., Lic. No. E5310, Mineral Wells**

On August 26, 2016, the Board and Janardhana Reddy, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in medical recordkeeping. The Board found Dr. Reddy violated the standard of care in that he did not fully discuss the risks to the patient of proceeding with surgery and failed to document the patient's understanding of the risks.

**Rosenquist, Mary Ortiz, D.O., Lic. No. N0417, Huntsville**

On August 26, 2016, the Board and Mary Ortiz Rosenquist, D.O., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; maintain a logbook of all prescriptions by herself and her delegates for Coumadin in chronological order by date issued; and within one year complete at least 28 hours of CME, divided as follows: four hours in ethics, eight hours in risk management, eight hours in supervision/delegation and eight hours in physician-patient communication. The Board found Dr. Rosenquist failed to meet the standard of care by diagnosing a patient with atrial fibrillation for which they were prescribed Coumadin and failing to ensure the home health agency which she delegated monitoring of the patient to was doing so appropriately.

**Wilson, W. Brad, M.D., Lic. No. H3293, Nacogdoches**

On August 26, 2016, the Board and W. Brad Wilson, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the Pharmacology and Prescribing course offered by the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program. The Board found Dr. Wilson failed to use diligence in coordinating care with the rehabilitation facility where a patient had recently been treated for opioid addiction. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**UNPROFESSIONAL CONDUCT**

**Durrani, Omar Hayat, M.D., Lic. No. M1648, Houston**

On August 26, 2016, the Board and Omar Hayat Durrani, M.D., entered into an Agreed Order requiring him to within a year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in ethics. The Board found Dr. Durrani failed to respond to a patient's request for medical records in a timely manner.

**Elder-Quintana, William Frank, M.D., Lic. No. M1084, El Paso**

On August 26, 2016, the Board and William Frank Elder-Quintana, M.D., entered into an Agreed Order publicly reprimanding Dr. Elder-Quintana and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam, within one year complete at least four hours of CME in risk management, and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Elder-Quintana prescribed compound medications to patients, including patients from out of state, without personally obtaining adequate information to justify the prescriptions.

**Fath, Steven Wade, M.D., Lic. No. K8144, Bullard**

On August 26, 2016, the Board and Steven Wade Fath, M.D., entered into an Agreed Order prohibiting him from reapplying for a DEA registration for the authority to prescribe controlled substances without prior Board approval; shall not treat or otherwise serve as a physician for his immediate family and shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs with addictive potential or potential for abuse to himself or his immediate family; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Fath failed to disclose disciplinary action taken against his licenses by the Texas Medical Board and Tennessee Department of Health when he submitted an application for a DEA registration, and surrendered his DEA registration after an investigation of his office which uncovered improperly stored testosterone, a controlled substance.

**Kunda, Koteswara Rao, M.D., Lic. No. L3367, San Marcos**

On August 26, 2016, the Board and Koteswara Rao Kunda, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least four hours of CME in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found HHSC-OIG alleged that from 2002-2006, Dr. Kunda billed for obstetrical or other medical services for patients to which HHSC took exception. Dr. Kunda self-reported this matter to the Board.

**Mattioli, Martha, M.D., Lic. No. F3230, Houston**

On August 26, 2016, the Board and Martha Mattioli, M.D., entered into an Agreed Order publicly reprimanding Dr. Mattioli, suspending her Texas medical license; staying the suspension and placing Dr. Mattioli on probation for five

years under the following terms: within one year complete at least 20 hours of CME, divided as follows: eight hours in risk management, eight hours in ethics and four hours in supervision of delegates; within one year and three attempts pass the Medical Jurisprudence Exam; shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or surgical assistant; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Mattioli provided supervision to an unlicensed individual who performed examinations, prescribed medications, and otherwise treated patients at a clinic.

**Thai, Ryan T., M.D., Lic. No. L0947, Houston**

On August 26, 2016, the Board and Ryan T. Thai, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Thai did not sign an electronic death certificate in a timely manner.

**Turner, David L., M.D., Lic. No. G3869, Dallas**

On August 26, 2016, the Board and David L. Turner, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Turner and requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Turner was indicted for sexual assault; however, the criminal charges were later dismissed by the Dallas County District Attorney for lack of evidence. Numerous attempts were made to contact the patient however the patient never responded. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**REVOCAION**

**Green, Ronald Allen, M.D., Lic. No. L6405, Houston**

On August 26, 2016, the Board entered a Final Order against Ronald Alan Green, M.D., which revoked his Texas medical license. The Board found Dr. Green operated unregistered pain management clinics; failed to adequately supervise midlevels; and failed to meet the standard of care with respect to the treatment of multiple chronic pain patients. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Green has 20 days from the service of the order to file a motion for rehearing.

**Rockett, Carl, M.D., Lic. No. K8459, Pasadena**

On August 26, 2016, the Board entered a Final Order against Carl Rockett, M.D., which revoked his Texas medical license. The Board found Dr. Rockett operated unregistered pain management clinics, and failed to adequately supervise his midlevel providers who failed to meet the standard of care and properly assess and treat multiple patients' chronic pain. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Rockett has 20 days from the service of the order to file a motion for rehearing.

**Sajadi, Cyrus, M.D., Lic. No. G1766, Houston**

On August 26, 2016, the Board entered a Final Order against Cyrus Sajadi, M.D., which revoked his Texas medical license. The Board found Dr. Sajadi was found guilty of six felony counts related to health care fraud, aiding and abetting health care fraud, conspiracy to defraud the U.S. and pay healthcare kickbacks and aiding and abetting the payment and receipt of healthcare kickbacks. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Sajadi has 20 days from the service of the order to file a motion for rehearing.

## **VOLUNTARY SURRENDER/REVOCAION**

### **Chretien, Leo Thomas, M.D., Lic. No. J2867, Brazoria**

On August 26, 2016, the Board and Leo Thomas Chretien, M.D., entered into an Agreed Order of Revocation in which Dr. Chretien agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Chretien was the subject of a formal complaint filed at the State Office of Administrative Hearings for his default or breach of a student loan repayment contract. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

### **Herrera, Gloria Rivera, M.D., Lic. No. F6740, San Antonio**

On August 26, 2016, the Board and Gloria Rivera Herrera, M.D., entered into an Agreed Voluntary and Permanent Surrender Order in which Dr. Herrera agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Herrera was the subject of an investigation related to peer review concerning a patient which led to precautionary suspension of hospital privileges which was later reversed after an appeal. Because of her orthopedic issues, Dr. Herrera desires to surrender her license in lieu of further contesting the matter.

### **Mansolo, Ron, M.D., Lic. No. K0519, Leander**

On August 26, 2016, the Board and Ron Mansolo, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Mansolo agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that on June 8, 2016 Dr. Mansolo pled guilty to one count of conspiracy to distribute controlled substances.

### **Myones, Barry Lee, M.D., Lic. No. J2702, Sugar Land**

On August 26, 2016, the Board and Barry Lee Myones, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender in which Dr. Myones agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board and Dr. Myones entered into an Agreed Order on August 28, 2015, that required Dr. Myones to participate in a KSTAR physician assessment within one year of the filing. In lieu of fulfilling the terms of the order, Dr. Myones has indicated his desire to cease practicing medicine and voluntarily surrender his Texas medical license.

### **Psyk, Andrew, M.D., Lic. No. L1171, Houston**

On August 26, 2016, the Board and Andrew Psyk, M.D., entered into an Agreed Order of Revocation in which Dr. Psyk agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Psyk was subject to peer review action for practicing while impaired.

### **Sherman, Laura Kathryn, M.D., Lic. No. L3821, Avondale, AZ**

On August 26, 2016, the Board and Laura Kathryn Sherman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sherman agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Sherman was the subject of disciplinary action by the Arizona Medical Board.

### **Slater, James Lee, II, D.O., Lic. No. L6184, Irving**

On August 26, 2016, the Board and James Lee Slater, II, D.O., entered into an Agreed Order of Revocation in which Dr. Slater agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Slater was arrested for Driving While Intoxicated, pled guilty to the offense and received 15 months of probation.

## **OTHER STATES' ACTIONS**

### **Burgesser, Mary Francis, M.D., Lic. No. K4005, Dallas**

On August 26, 2016, the Board and Mary Francis Burgesser, M.D., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Burgesser was disciplined by the Wisconsin Medical Examining Board for practicing for a short period of time while she did not have a license. Dr. Burgesser permanently surrendered her Wisconsin medical license effective June 1, 2015.

**Mark, Ron, M.D., Lic. No. TM00461, Deer Park, NY**

On August 26, 2016, the Board and Ron Mark, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in breast imaging and four hours in risk management. The Board found Dr. Mark was disciplined by the Colorado Department of Regulatory Agencies for failing to diagnose metastatic cancer while interpreting a mammogram screen.

**Theodore, Gregory George, M.D., Lic. No. H7839, Carlisle, PA**

On August 26, 2016, the Board and Gregory George Theodore, M.D., entered into an Agreed Order prohibiting him from practicing in Texas until he petitions and appears before the Board to request permission to do so, and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Theodore was disciplined by the Pennsylvania Medical Board for impairment.

**PEER REVIEW ACTIONS**

**Lampley, Joseph Carver, D.O., Lic. No. J9149, Rotan**

On August 26, 2016, the Board and Joseph Carver Lampley, D.O., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Lampley had his privileges temporarily suspended for improperly storing and dispensing controlled substances to a patient.

**Nguyen, Timothy, II, M.D., Lic. No. P4793, Houston**

On August 26, 2016, the Board and Timothy Nguyen, II, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam and within one year complete at least 12 hours of CME, divided as follows: eight hours in risk management and four hours in ethics. The Board found Dr. Nguyen was disciplined by his residency program for violating the program's moonlighting policy by working more than 80 hours per week after having been previously counseled regarding the need to comply with the policy. Dr. Nguyen admitted to using another name on his time reports to conceal his violation of the program's moonlighting policy.

**Sasin, Edwin Joe, II, M.D., Lic. No. J1384, Kingwood**

On August 26, 2016, the Board and Edwin Joe Sasin, II, M.D., entered into an Agreed Order requiring Dr. Sasin to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical ethics and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Sasin wrote two prescriptions under a fictitious patient name. Dr. Sasin had his hospital privileges suspended due to issues of impairment, which were reinstated in 2014 but his employment contract was later terminated due to continued conduct issues. Dr. Sasin is currently under a Texas Physician Health Program contract agreement.

**Schulte, Adam Phillip, D.O., Lic. No. Q2059, Grapevine, TX**

On August 26, 2016, the Board and Adam Phillip Schulte, D.O., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in professionalism and eight hours in ethics. The Board found Dr. Schulte was disciplined by his fellowship program for accepting moonlighting hours in violation of his Individual Education Plan and for making unprofessional remarks.

**CRIMINAL ACTIVITY**

**Natividad, Toribio Tomas, M.D., Lic. No. N8430, El Paso**

On August 26, 2016, the Board and Toribio Tomas Natividad, M.D., entered into an Agreed Order publicly reprimanding Dr. Natividad and requiring him to within 180 days complete the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least eight hours of CME in professionalism; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr.

Natividad was charged with Aggravated Assault with a Deadly Weapon, a second degree felony, in El Paso County. The charges were later dropped but the Board found evidence that Dr. Natividad committed an assaultive offense.

#### **IMPROPER PRESCRIBING**

##### **Theesfeld, Daniel Robert, M.D., Lic. No. J3712, Longview**

On August 26, 2016, the Board and Daniel Robert Theesfeld, M.D., entered into an Agreed Order prohibiting him from treating or otherwise serving as a physician for his immediate family, and shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs to himself or his immediate family; within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in medical recordkeeping and eight hours in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Theesfeld prescribed controlled substances and dangerous drugs to a close family member for time periods exceeding the 72-hour limit for immediate need and failed to maintain proper medical records documenting the rationale for the prescriptions.

##### **Villacres, David F., M.D., Lic. No. H7099, Kingwood**

On August 26, 2016, the Board and David F. Villacres, M.D., entered into an Agreed Order publicly reprimanding Dr. Villacres and requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; Dr. Villacres shall not treat or otherwise serve as a physician for his immediate family, and shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs to himself or immediate family; within one year complete the prescribing course offered by University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 24 hours of CME, divided as follows: eight hours in ethics, eight hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$6,000. The Board found Dr. Villacres prescribed narcotics and sedatives to a family member beyond the 72-hour immediate need period, failed to keep adequate medical records, and violated Board rules for the treatment of chronic pain.

#### **IMPROPER SUPERVISION OR DELEGATION**

##### **Rodriguez, Raul Pedro, M.D., Lic. No. G5549, Houston**

On August 26, 2016, the Board and Raul Pedro Rodriguez, M.D., entered into an Agreed Order restricting Dr. Rodriguez's practice to the following terms: shall not engage in the practice of treating patients for chronic pain, shall not prescribe controlled substances except for the management of peri-operative surgical acute pain, shall not administer, dispense, or prescribe any controlled substance for a period longer than 30 days, shall not prescribe refills for any controlled substance, and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. Additionally, Dr. Rodriguez is required to within one year and three attempts pass the Medical Jurisprudence Exam, within one year complete at least 16 hours of CME, divided as follows: eight hours in pharmacology of analgesics and eight hours in risk management, and within one year pay an administrative penalty of \$10,000. The Board found Dr. Rodriguez failed to adequately supervise his delegates who were nontherapeutically prescribing controlled substances.

#### **VIOLATION OF BOARD RULES**

##### **Tan, Ricardo Barrera, M.D., Lic. No. E7515, Arlington**

On August 26, 2016, the Board and Ricardo Barrera Tan, M.D., entered into an Agreed Order Modifying Prior Order, modifying Dr. Tan's February 2015 Order. The modification requires Dr. Tan to document in the patient's medical records that he discussed conventional medical treatment options with the patient prior to initiating alternative or complementary medical treatments and must specify what the conventional treatment options are and on the date the discussion with the patient occurred. The Board found that Dr. Tan failed to document that he discussed conventional medical treatment options with a patient prior to treating a patient with complementary and alternative medicine.



## **VIOLATION OF PRIOR BOARD ORDER**

### **Campbell, Odette Louise, M.D., Lic. No. H9609, Plano**

On August 26, 2016, the Board and Odette Louise Campbell, M.D., entered into an Agreed Order Modifying Mediated Agreed Order modifying Dr. Campbell's February 13, 2015 Order. The modification adds a public reprimand, an automatic suspension provision for charts submitted untimely, requires completion of the PACE physician assessment program or KSTAR assessment, and an administrative penalty of \$5,000. The Board found Dr. Campbell committed unprofessional conduct by violating terms of the 2015 order. Specifically, Dr. Campbell failed to pass the JP Exam, submit patient charts and responses to the physician monitor's recommendations, and remit payment for one monitoring invoice in a timely manner. All other terms of the 2015 order remain in full force and effect.

### **Davis, Randy John, D.O., Lic. No. N2053, Arlington**

On August 26, 2016, the Board and Randy John Davis, D.O., entered into an Agreed Order requiring him to within 60 days undergo a 96-hour inpatient evaluation for substance abuse and personally appear before the Board upon conclusion of the evaluation to discuss the results and for further consideration and possible action. The Board found Dr. Davis failed to comply with his 2014 Order by testing positive for alcohol and submitting late samples in violation of the order.

### **Orette, Austin Avuigwerie, M.D., Lic. No. K0150, Houston**

On August 26, 2016, the Board and Austin Avuigwerie Orette, M.D., entered into an Agreed Order publicly reprimanding Dr. Orette and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within 60 days complete all terms of his Remedial Plan, specifically the remaining three hours of CME in ethics and/or risk management and pay the yearly \$500 administrative fee; and within one year complete at least four additional hours of CME in risk management. The Board found Dr. Orette failed to timely complete the terms of his 2015 Remedial Plan.

## **TEXAS PHYSICIAN HEALTH PROGRAM VIOLATION**

### **Deaton, Benjamin Andrew, M.D., Lic. No. M1623, Houston**

On August 26, 2016, the Board and Benjamin Andrew Deaton, M.D., entered into an Agreed Order requiring him to within 30 days undergo an independent medical evaluation and follow all recommendations for care and treatment. The Board found Dr. Deaton has complied with drug screening pursuant to an Interim Monitoring Agreement since May 2016 but found Dr. Deaton failed to cooperate with the Board's investigation and that Dr. Deaton is unable to practice safely due to illness and substance abuse based on his history of poly-substance abuse, disappearance for periods of time, and lack of communication with the Board.

### **Durairaj, Vikram, M.D., Lic. No. Q4391, Schertz**

On August 26, 2016, the Board and Vikram Durairaj, M.D., entered into an Agreed Order requiring Dr. Durairaj to abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; within 30 days provide the names of three board certified psychiatrists who agree to provide Dr. Durairaj treatment and follow all recommendations for care and treatment; and no less than one time per week participate in the activities and programs of Twelve Step Recovery or Caduceus. The Board found Dr. Durairaj failed to comply with his Texas Physician Health Program agreement for positive and missed tests and his refusal to undergo an Intensive Diagnostic Evaluation (IDE).

### **Eyestone, Stephanie, M.D., Lic. No. BP10054270, San Antonio**

On August 26, 2016, the Board and Stephanie Eyestone, M.D., entered into an Agreed Order requiring her to continue to practice with a work site monitor as required by the Texas Physician Health Program agreement and provide quarterly reports; continue seeing her treating psychiatrist; within 30 days obtain an independent medical evaluation from a psychiatrist and follow all recommendations for care and treatment; within 60 days undergo a full physical and mental evaluation by her primary care physician; and within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in ethics. The Board found Dr. Eyestone failed to comply with the

requirements of her PHP monitoring agreement by failing to make timely appointments with a treating psychiatrist and primary care physician.

#### **NON-CERTIFIED RADIOLOGIC TECHNICIAN**

##### **Ivey, Connie Ann, NCT, Permit No. NC02293, Lindale**

On August 26, 2016, the Board and Connie Ann Ivey, NCT, entered into an Agreed Order of Voluntary Surrender in which Ms. Ivey agreed to voluntarily surrender her Texas Non-Certified Radiological Technician Permit in lieu of further disciplinary proceedings. The Board found Ms. Ivey has a medical condition that precludes her from practicing as a Non-Certified Radiological Technician.

#### **CEASE AND DESIST**

##### **Hardwood, Consuelo, No License, Austin**

On August 26, 2016, the Board and Consuelo Hardwood entered into an Agreed Cease and Desist Order prohibiting Ms. Hardwood from holding herself out as being licensed to practice medicine in the state of Texas, including but not limited to, referring to herself as "M.D." or "designated doctor" without clarifying that she is not licensed to practice medicine in Texas. The Board found Ms. Hardwood, who is a licensed medical doctor in Mexico, signed a Retrospective Utilization Review Report for a workers' compensation claimant "Consuelo E. Harwood, MD," and signed a Prospective IRO Review Response "Consuelo Harwood, MD Approved Designated Doctor," suggesting that she was authorized by the Texas Department of Insurance to perform services as a licensed physician in Texas. Corrections have been made to clarify Ms. Hardwood's credentials.

##### **Rivera, Sarai Juni, No License, Houston**

On August 26, 2016, the Board and Sarai Juni Rivera entered into an Agreed Cease and Desist Order prohibiting Ms. Rivera from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and shall cease and desist any unlicensed practice of medicine in the state of Texas. The Board found Ms. Rivera was alleged to have engaged in the unlicensed practice of medicine by performing her supervising physician's medical duties. Specifically, it was alleged that Ms. Rivera performed both the initial and follow-up patient evaluations that her supervising physician should have performed.

##### **Abuhakmeh, Ghada, No License, Dallas**

On August 26, 2016, the Board and Ghada Abuhakmeh entered into an Agreed Cease and Desist Order prohibiting Ms. Abuhakmeh from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. Abuhakmeh shall cease and desist any unlicensed practice of medicine in the state of Texas and shall cease and desist performing radio frequency treatments on patients without the supervision of a physician. The Board found Ms. Abuhakmeh was alleged to have engaged in the unlicensed practice of medicine by performing radio frequency treatments without the supervision of a physician prior to March 24, 2016.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

January 12, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Humble, TX physician**

On January 12, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas physician in training permit of Ricky Joe Louis Haywood-Watson, II, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Haywood-Watson was arrested by the Harris County Sheriff's Department on January 8, 2016 due to a probable cause finding that Dr. Haywood-Watson committed the following felonies: super aggravated sexual assault of a child, continuous sexual abuse of a child, and two counts of indecency with a child.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Haywood-Watson, unless the hearing is specifically waived by Dr. Haywood-Watson.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

January 7, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Houston physician**

On January 6, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Andrew Michael Psyk, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that due to Dr. Psyk's continual noncompliance with drug testing and his Texas Physician Health Program agreement, an Order of Temporary Suspension is warranted.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Psyk, unless the hearing is specifically waived by Dr. Psyk.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 23, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Quitman physician**

On February 23, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of William Kenneth Huff, M.D., after determining that he was arrested for a violation of Occupations Code Sec. 164.0595 and that his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about December 17, 2015, Dr. Huff was indicted and charged with two felony counts of indecent exposure with a minor in Gregg County, Texas. On or about January 6, 2016, Dr. Huff was arrested or voluntarily surrendered himself to the Gregg County Sheriff's Department.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Huff, unless the hearing is specifically waived by Dr. Huff.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 29, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On February 26, 2016 a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Jose G. Monsalvez, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel convened the temporary suspension hearing, however before evidence was presented and prior to the conclusion of the hearing, the parties reached an agreement in which Dr. Monsalvez consented to the temporary suspension of his license. The Board's allegations against Dr. Monsalvez relate to nontherapeutic prescribing and the operation of an unlicensed pain management clinic.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 29, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Huntsville physician**

On February 25, 2016 a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Darnel Michael Durand, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel convened the temporary suspension hearing, however before evidence was presented and prior to the conclusion of the hearing, the parties reached an agreement in which Dr. Durand consented to the temporary suspension of his license. The Board's allegations against Dr. Durand relate to nontherapeutic prescribing and the operation of two unlicensed pain management clinics.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 1, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Lakeway physician**

On February 29, 2016, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Robert Wayne Van Boven, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

The restriction prohibits Dr. Van Boven from seeing, examining, treating, prescribing or otherwise practicing medicine on female patients.

The Board panel found Dr. Van Boven engaged in sexually inappropriate behavior and comments towards two female patients. The Board panel found both patients' statements credible and found substantial similarity between Dr. Van Boven's conduct with these two women and that his current practice in a solo practitioner setting makes him a continuing threat to the public health and welfare.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 11, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Grand Prairie physician**

On March 11, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Waleed Khan, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about February 29, 2016, Dr. Khan was arrested and charged with felony tampering with evidence following an on-site investigation at Dr. Khan's clinic.

The panel found that Dr. Khan failed to adequately supervise and assisted unlicensed individuals in the illegal operation of a pain management clinic, and the method and manner in which controlled substances were prescribed, poses a continuing threat to public welfare.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Khan, unless the hearing is specifically waived by Dr. Khan.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 22, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 62 physicians at March meeting**

At its March 4, 2016 meeting, the Texas Medical Board disciplined 62 licensed physicians and issued seven cease and desist orders. The disciplinary actions included: twelve orders related to quality of care violations, five orders related to unprofessional conduct, five revocations, nine voluntary surrenders, two restrictions, three suspensions, two orders related to other states' actions, five orders related to peer review actions, one order related to criminal activity, six orders related to nontherapeutic prescribing, two orders related to improper prescribing, one order related to failure to properly supervise or delegate, one order related to violation of Board rules, five orders related to violation of prior Board order, and three orders related to inadequate medical records. The Board also took an action against a Non-Certified Radiologic Technician.

The Board issued 215 physician licenses at the March meeting, bringing the total number of physician licenses issued in FY16 to 1,619.

No rules were adopted during the March meeting.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Altamirano, Ray, M.D., Lic. No. P0535, San Antonio**

On March 4, 2016, the Board and Ray Altamirano, M.D., entered into an Agreed Order requiring Dr. Altamirano to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in drug seeking behavior and eight hours in risk management; within 60 days submit a written pain management contract to the Compliance Division of the Board for review and approval; and within 60 days pay an administrative penalty of \$1,500. The Board found the need for a strict control of Dr. Altamirano's patients being treated under a pain management protocol. Dr. Altamirano failed to meet the standard of care by not following up on and documenting all laboratory studies ordered.

##### **Elhage, Izzeldeen B., M.D., Lic. No. N8002, Houston**

On March 4, 2016, the Board and Izzeldeen B. Elhage, M.D., entered into an Agreed Order requiring Dr. Elhage to limit his practice to his current setting of in-patient psychiatry; within one year complete at least eight hours of CME in risk management; shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant; and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Elhage failed to destroy, or document the destruction of, his prescription pad, and failed to turn his prescription pads over to the Department of Public Safety; failed to report possible fraudulent prescriptions to DPS and DEA after receiving notice and failed to exercise adequate control over his prescription pads.

##### **Gomez, Jaime Rafael, M.D., Lic. No. H9957, El Paso**

On March 4, 2016, the Board and Jaime Rafael Gomez, M.D., entered into an Agreed Order requiring Dr. Gomez to within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in professional communications. The Board found Dr. Gomez failed to use proper diligence in his professional practice by not communicating with the referring gastroenterologist regarding the lack of findings on the endoscopic procedure.

**Hill, Barry Trent, M.D., Lic. No. N9066, San Antonio**

On March 4, 2016, the Board and Barry Trent Hill, M.D., entered into an Agreed Order requiring Dr. Hill to within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in risk management and eight hours in treatment and care of post-surgical complications. The Board found Dr. Hill failed to meet the standard of care by not acquiring a patient's baseline labs from the patient's previous hospital, which would have indicated an abnormal lab creatinine value.

**Jakubowski, Robert G., M.D., Lic. No. G9479, San Antonio**

On March 4, 2016, the Board and Robert G. Jakubowski, M.D., entered into an Agreed Order requiring Dr. Jakubowski to within one year complete at least 16 hours of CME, divided as follows: eight hours of in risk management and eight hours in medical recordkeeping; and within 90 days submit a written protocol related to monitoring, tracking, and reviewing diagnostic tests, and related office procedures and processes to the Compliance Division of the Board for approval. The Board found Dr. Jakubowski delayed in following up on whether an ordered x-ray was obtained and/or following up on the results of the x-ray on one patient. Dr. Jakubowski did not look at the medical records from the previous visit when he provided treatment to the patient after the x-ray was ordered.

**Kaufman, James Kevin, M.D., Lic. No. L0318, Fort Worth**

On March 4, 2016, the Board and James Kevin Kaufman, M.D., entered into an Agreed Order requiring Dr. Kaufman to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Kaufman performed a wrong level surgery and kept inadequate medical records for one patient; and maintained inadequate records for another patient.

**Long, Joseph Merl, M.D., Lic. No. E0095, Victoria**

On March 4, 2016, the Board and Joseph Merl Long, M.D., entered into an Agreed Order requiring Dr. Long to within one year complete at least 16 hours of CME, divided as follows: eight hours in physician-patient communication and eight hours in risk management. The Board found Dr. Long did not provide an adequate history in his progress notes and his documented treatment plan lacked appropriate evaluation and follow-up. Dr. Long did not attempt to obtain prior records on the patient or order sufficient lab tests that were indicated and failed to offer the patient Barium swallow or other less expensive radiographic options.

**Obasi, Patrick Chidi, M.D., Lic. No. N6542, Rancho Cucamonga, CA**

On March 4, 2016, the Board and Patrick Chidi Obasi, M.D., entered into an Agreed Order requiring Dr. Obasi to within one year complete at least 12 hours of CME, divided as follows: four hours in risk management and eight hours of patient assessment with a focus on liver failure/liver disease. The Board found Dr. Obasi failed to obtain appropriate pre-operative studies to fully evaluate a patient's risk prior to performing surgery.

**Port, John Teig, M.D., Lic. No. K9393, Mesquite**

On March 4, 2016, the Board and John Teig Port, M.D., entered into an Agreed Order requiring Dr. Port to within one year complete at least 48 hours of CME, divided as follows: eight hours in medical ethics, eight hours in risk management, eight hours in physician-patient communication and eight hours in orthopedic surgical complications; and pay an administrative penalty of \$2,500 within 60 days. The Board found Dr. Port failed to meet the standard of care by failing to fully disclose or properly document the use of a third screw used to achieve graft fixation, failed to properly supervise a delegate by not reviewing a postoperative x-ray that was inappropriately documented normal by a physician assistant but later discovered to be abnormal, and recurring health care liability claims resulting in remuneration.

**Wheeler, James Charles, M.D., Lic. No. J6277, Bedford**

On March 4, 2016, the Board and James Charles Wheeler, M.D. entered into an Agreed Order requiring Dr. Wheeler to within one year complete at least 12 hours of CME, divided as follows: eight hours in risk management and four hours in pediatric neurology; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Wheeler failed to measure a patient's head at the two-year well child visit in October of 2012. Dr. Wheeler did not refer the patient to a neurologist despite the patient's symptoms of hydrocephalus, including ongoing signs of developmental delays and occasions of vomiting.

**Whisenant, Stanley Wayne, M.D., Lic. No. J7725, Rowlett**

On March 4, 2016, the Board and Stanley Wayne Whisenant, M.D., entered into a Mediated Agreed Order requiring Dr. Whisenant to within one year complete at least 12 hours of CME, divided as follows: four hours in risk management, four hours in diagnosis and therapy of cervical spine diseases and four hours in physician-patient communications. The Board found Dr. Whisenant failed to maintain adequate medical records, failed to meet the standard of care by failing to utilize fluoroscopy or other acceptable form of guidance in performing a procedure and by failing to adequately document his conversation with the patient regarding her decision not to use fluoroscopy in the procedure.

**Zaheer, Syed Javeed, M.D., Lic. No. L2065, Livingston**

On March 4, 2016, the Board and Syed Javeed Zaheer, M.D., entered into an Agreed Order requiring Dr. Zaheer to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; have his practice monitored by another physician for 12 consecutive monitoring cycles; and within one year complete at least 36 hours of CME, divided as follows: 24 hours in emergency medicine and 12 hours in critical care. The Board found Dr. Zaheer breached the standard of care in failing to admit a patient to the hospital based on the patient's clinical presentation in which the patient met both the systemic inflammatory response syndrome (SIRS) criteria and sepsis criteria. Dr. Zaheer also failed to order myoglobin or CPK lab tests to address the possibility of potential rhabdomyolysis.

**UNPROFESSIONAL CONDUCT**

**Banjo, Abimbola Michael, M.D., Lic. No. J9620, Pleasanton**

On March 4, 2016, the Board and Abimbola Michael Banjo, M.D., entered into an Agreed Order requiring Dr. Banjo to within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Banjo failed to sign a patient's electronic death certificate within 5 days of receiving the notice from the funeral home.

**Ethridge, Richard, M.D., Lic. No. M5152, Fort Worth**

On March 4, 2016, the Board and Richard Ethridge, M.D., entered into an Agreed Order requiring Dr. Ethridge to have a chaperone present during physical examinations on female patients; within 60 days pay an administrative penalty of \$2,500; within 30 days undergo an independent medical evaluation and follow all recommendations for care and treatment; within one year complete the professional boundaries course offered by University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Ethridge admitted to engaging in inappropriate sexual contact with a patient from 2011 through 2012, admitted to engaging in inappropriate sexual communications via email with a patient in 2011 and admitted to signing his wife's signature without her knowledge or consent on a settlement document related to his inappropriate sexual relationship with a patient.

**Pollack, Jo, M.D., Lic. No. J6665, Houston**

On March 4, 2016, the Board and Jo Pollack, M.D., entered into an Agreed Order requiring Dr. Pollack to within one year complete at least four hours of CME in ethics. The Board found Dr. Pollack exhibited unprofessional conduct by prescribing to a person with whom Dr. Pollack had a close professional and personal friendship and kept no medical records for the patient.

**Russell, Carl Lindsey, M.D., Lic. No. L3808, Dallas**

On March 4, 2016, the Board and Carl Lindsey Russell, M.D., entered into an Agreed Order requiring Dr. Russell to within one year complete at least eight hours of CME, divided as follows: four hours in physician to physician professional communications and four hours in physician patient communication. The Board found Dr. Russell was unprofessional in his interactions with an ER physician after the ER physician called Dr. Russell and requested that he take the patient back to the original facility for acute care after Dr. Russell transferred the patient to a long-term care facility for palliative care where the patient was again transferred to an emergency care department in a hospital.

**Thaker, Anil P., M.D., Lic. No. M4586, Houston**

On March 4, 2016, the Board and Anil P. Thaker, M.D., entered into an Agreed Order publicly reprimanding Dr. Thaker and requiring him to undergo an independent medical evaluation within 30 days; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least four hours of CME in ethics. The Board found Dr. Thaker committed unprofessional conduct due to a boundaries violation with one patient. Dr. Thaker called a patient to relay results of her laboratory test. A conversation ensued in which Dr. Thaker claimed the patient invited him to her home and he accepted the invitation. Dr. Thaker went to the patient's home and they sat on her couch and talked and later kissed and hugged each other.

**REVOCACTION**

**Carrillo, Eduardo, M.D., Lic. No. L2172, Edinburg**

On March 4, 2016, the Board and Eduardo Carrillo, M.D., entered into an Agreed Order of Revocation in which Dr. Carrillo agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Carrillo pled guilty to Aggravated Identity Theft relating to illegal remunerations involving Federal health care programs, a Class E felony, and Health Care Fraud, a Class D felony.

**Fino, Sameer Andoni, M.D., Lic. No. J2004, Dallas**

On March 4, 2016, the Board and Sameer Andoni Fino, M.D., entered into an Agreed Order of Revocation in which Dr. Fino agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Fino pled guilty to a felony charge related to the dispensing of controlled substances.

**Hall, Rahn Garner, M.D., Lic. No. G2981, Houston**

On March 4, 2016, the Board and Rahn Garner Hall, M.D., entered into an Agreed Order of Revocation in which Dr. Hall agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Hall was under investigation by the Board for allegations of nontherapeutic prescribing and illegal operation of a pain management clinic. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Le, Dung Hoang Guoc, M.D., Permit No. BP100050501, Watauga**

On March 4, 2016, the Board entered a Default Order against Dung Hoang Quoc Le, M.D., which revoked his Texas physician in training permit. On August 25, 2015, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH) in Docket No. 503-15-5516.MD, alleging Dr. Le was terminated from his residency program following an arrest and felony theft charge. Dr. Le was served notice of the Complaint and subsequent hearing at SOAH. Dr. Le failed to appear at the SOAH hearing and no answer or responsive pleading was ever filed by Dr. Le. The board granted a Determination of Default and Dr. Le's physician in training permit was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Le has 20 days from the service of the order to file a motion for rehearing.

**McClellan, David Mark, Lic. No. G0476, Crosby**

On March 10, 2016, the Board entered a Final Order against David Mark McClellan, M.D., which revoked Dr. McClellan's Texas medical license. The Board found Dr. McClellan failed to maintain adequate medical records and failed to follow Board rules related to pain management. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. McClellan has 20 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER**

**Alvarez, Victor Raul, M.D., Lic. No. D4010, Denton**

On March 4, 2016, the Board and Victor Raul Alvarez, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Alvarez agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board alleged Dr. Alvarez had violated terms of a Remedial Plan.

**Evans, Richard Arthur, M.D., Lic. No. E3816, Houston**

On March 4, 2016, the Board and Richard Arthur Evans, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Evans agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The order is effective on June 1, 2016, to allow Dr. Evans to wind down his practice and ensure proper transfer of care for his patients to another physician. The Board found Dr. Evans has a medical condition which may affect his ability to practice medicine. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Hadad, Anibal Raul, M.D., Lic. No. H1098, Houston**

On March 4, 2016, the Board and Anibal Raul Hadad, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Hadad agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Hadad was under investigation by the Board regarding allegations that he failed to meet the standard of care in his treatment of two patients.

**Kelly, Michael V., II, M.D., Lic. No. D8302, Houston**

On March 4, 2016, the Board and Michael V. Kelly, II, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Kelly agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Kelly was under investigation by the Board for allegations related to nontherapeutic prescribing of a topical cream. Dr. Kelly has indicated that he has retired from the active practice of medicine and wishes to surrender his license.

**Kunynetz, Rodion Andrew, M.D., Lic. No. F5262, Ontario, Canada**

On March 4, 2016, the Board and Rodion Andrew Kunynetz, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Kunynetz agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Kunynetz was under investigation by the Board due to Dr. Kunynetz being the subject of a disciplinary action by the College of Physicians and Surgeons of Ontario.

**Lavake, Thomas E., M.D., Lic. No. D3311, Arlington**

On March 4, 2016, the Board and Thomas E. Lavake, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lavake agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that Dr. Lavake prescribed pain and sedative medications in a non-therapeutic manner for several patients.

**Lugo-Faria, Merlin D., M.D., Lic. No. E3055, Houston**

On March 4, 2016, the Board and Merlin D. Lugo-Faria, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lugo-Faria agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board had initiated an investigation of Dr. Lugo-Faria's ability to continue in the practice of medicine due to a medical condition.

**McColskey, Christopher, M.D., Permit No. BP10042955, Houston**

On March 4, 2016, the Board and Christopher McColskey, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. McColskey agreed to voluntarily surrender his Texas physician in training permit in lieu of further disciplinary proceedings. Dr. McColskey was under investigation by the Board following his resignation from the anesthesiology residency program at The University of Texas Medical School at Houston following the facility's concerns regarding possible abuse of controlled substances. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Moloney, Michael Eugene, M.D., Lic. No. F6189, Windthorst**

On March 4, 2016, the Board and Michael Eugene Moloney, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Moloney agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board had alleged Dr. Moloney failed to obtain and/or document the required CME credits. Dr. Moloney indicated to the Board that he no longer practices in Texas.

## **RESTRICTION**

### **Easter, Thomas G., II, M.D., Lic. No. G7801, El Paso**

On March 10, 2016, the Board entered a Final Order against Thomas G. Easter, II, M.D., publicly reprimanding Dr. Easter and requiring Dr. Easter to have his DEA/DPS controlled substances registration certificate modified to eliminate Schedules II and III; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Easter engaged in inappropriate prescribing of controlled substances and that Dr. Easter failed to provide medical records to Board staff within a reasonable amount of time. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Easter has 20 days from the service of the order to file a motion for rehearing.

### **Hawkins, Willie James, M.D., Lic. No. G2147, Missouri City**

On March 10, 2016, the Board entered a Final Order against Willie James Hawkins, M.D., placing Dr. Hawkins' Texas medical license on a probated suspension and restricting his practice to administrative medicine for a minimum of five years. While on probation, Dr. Hawkins may not supervise or delegate prescriptive authority to any midlevels. In the event after five years the restriction is modified, Dr. Hawkins shall not be permitted to engage in the treatment of chronic pain, prescribe controlled substances nor reapply for permission from the DEA/DPS to prescribe controlled substances. On November 23, 2015, the District Court of Travis County, Texas, issued a judgment and remanded the Final Order of Revocation issued by the Board dated November 7, 2014, for further proceedings by the Board consistent with the judgment with sanctions citing to the aggravating factors.

## **SUSPENSION**

### **Boyd, George Borland, III, D.O., Lic. No. M9876, San Antonio**

On March 4, 2016, the Board and George Borland Boyd, III, D.O., entered into an Agreed Order of Suspension, suspending Dr. Boyd's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted, and personally appears before the Board and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Boyd suffers from a mental or physical condition that prevents him from practicing medicine with reasonable skill and safety to patients.

### **Psyk, Andrew Michael, M.D., Lic. No. L1171, Houston**

On March 4, 2016, the Board and Andrew Michael Psyk, M.D., entered into an Agreed Order of Suspension, suspending Dr. Psyk's medical license until such a time as he requests in writing to have the suspension stayed or lifted, and personally appears before the Board and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Psyk had violated his Physician Health Program agreement by missing drug screens, failing to cooperate with PHP staff, having a positive drug screen, and Dr. Psyk's admission that he had relapsed.

### **Ryan, Robert Patton, M.D., Lic. No. E6901, Hondo**

On March 4, 2016, the Board and Robert Patton Ryan, M.D., entered into an Agreed Order of Suspension, suspending Dr. Ryan's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted, and personally appears before the Board and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine; within one year complete an independent medical evaluation and follow all recommendations for care and treatment. The Board found Dr. Ryan is unable to practice with reasonable skill and safety to patients because of an illness or as a result of any mental or physical condition.

## **OTHER STATES' ACTIONS**

### **Recine, Carl Albert, M.D., Lic. No. Q4833, Dallas**

On March 4, 2016, the Board and Carl Albert Recine, M.D., entered into an Agreed Order publicly reprimanding Dr. Recine. The Board found Dr. Recine was issued a letter of admonition by the Colorado Board of Medical Examiners related to Dr. Recine's failure to properly diagnose a patient. Similar disciplinary action was taken by seven other state boards for the same issue.

### **Smith, Phillip Dean, M.D., Lic. No. Q1024, Lakewood, CO**

On March 4, 2016, the Board and Phillip Dean Smith, M.D., entered into an Agreed Order requiring Dr. Smith to complete and comply with all terms as required by the Agreement with the Colorado Medical Board. Dr. Smith shall not practice in Texas until he requests permission in writing to resume practice, and personally appears before the Board and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Smith was the subject of disciplinary action by the Colorado Medical Board as a result of an arrest in New Mexico on the charges of possession of a controlled substance, possession of drug paraphernalia and driving while under the influence of liquor and/or drugs.

## **PEER REVIEW ACTIONS**

### **Garcia, Anthony Fabro, M.D., Lic. No. N9858, Houston**

On March 4, 2016, the Board and Anthony Fabro Garcia, M.D., entered into a Mediated Agreed order requiring Dr. Garcia to within one year and three attempts pass the Medical Jurisprudence Exam; within 120 days undergo an independent medical evaluation and follow all recommendations for care and treatment; within one year complete at least eight hours of CME in risk management; and Dr. Garcia shall not work more than 60 hours per week unless authorized by a treating psychiatrist for a period of six months. The Board found Dr. Garcia had his privileges at Triumph North Houston Hospital terminated based on an incident in which Dr. Garcia displayed erratic and delusional behavior and damaged hospital property. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

### **Pruitt, Charles Barton, D.O., Lic. No. K3403, Winnsboro**

On March 4, 2016, the Board and Charles Barton Pruitt, D.O., entered into an Agreed Order requiring Dr. Pruitt to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Pruitt was subject to peer review action at Trinity Mother Francis hospital and was asked to resign his privileges, which he did. The peer review action was based on standard of care issues related to inadequacies in Dr. Pruitt's documentation.

### **Schultz, F. Michael, M.D., Lic. No. D9736, Brownwood**

On March 4, 2016, the Board and F. Michael Schultz, M.D., entered into an Agreed Order prohibiting Dr. Schultz from practicing obstetrics; requiring Dr. Schultz to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least eight hours of CME in medical recordkeeping and four hours in ethics; and pay an administrative penalty of \$6,000 within 90 days. The Board found Dr. Schultz did not notify the Board of a peer review action in which Dr. Schultz resigned his privileges. Dr. Schultz violated the standard of care and engaged in nontherapeutic prescribing in that he had a pattern of availability issues, coverage issues, and inadequate documentation.

### **Timmons, Andrew Lansing, M.D., Permit No. BP10050982, Dallas**

On March 4, 2016, the Board and Andrew Lansing Timmons, M.D., entered into an Agreed Order requiring Dr. Timmons to within 30 days submit to an evaluation by the Physician Health Program and comply with any and all recommendations; shall not be permitted to supervise or delegate prescriptive authority to midlevels. The Board found Dr. Timmons was terminated from his residency program for substance abuse which rendered him unable to safely practice medicine.



**Wang, Fan, M.D., Lic. No. M2236, Houston**

On March 4, 2016, the Board and Fan Wang, M.D., entered into an Agreed Order requiring Dr. Wang to within one year complete at least 16 hours of CME, divided as follows: eight hours in high-risk obstetrics, focusing on treatment of patients with HIV and eight hours in high risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Wang was subject to peer review disciplinary action that suspended his privileges. Dr. Wang later resigned. The peer review action was based on Dr. Wang not including the HIV status of a patient in the medical record and did not timely attend to the patient's signs of active labor.

**CRIMINAL ACTIVITY****Alroumoh, Manaf, M.D., Lic. No. M9796, Houston**

On March 4, 2016, the Board and Manaf Alroumoh, M.D., entered into an Agreed Order publicly reprimanding Dr. Alroumoh and requiring him to complete all terms and conditions of the Pretrial Diversion Contract entered on August 4, 2015; within one year complete at least four hours of CME in anger management; and within 60 days pay a \$2,000 administrative penalty. The Board found Dr. Alroumoh was involved in an altercation with a family member on September 16, 2014 and was arrested for criminal assault by the Sugar Land Police Department.

**NONTHERAPEUTIC PRESCRIBING****Alnajjar, Mohammed R., M.D., Lic. No. K9981, El Paso**

On March 4, 2016, the Board and Mohammed R. Alnajjar, M.D., entered into an Agreed Order on Formal Filing requiring Dr. Alnajjar have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete the physician prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days provide to the Board's Compliance Division a copy of Dr. Alnajjar's manual detailing the policies and procedures at his medical practice. The Board found Dr. Alnajjar's medical records for patients did not consistently and adequately document complete histories, examinations, follow-up examinations and treatment rationales. The medical records did not consistently include objective measures to ascertain whether the continued prescribing of medications to the patients were having a therapeutic benefit to the patients. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Barroga, Deno Baltazar, M.D., Lic. No. M1495, Dallas**

On March 4, 2016, the Board and Deno Baltazar Barroga, M.D., entered into an Agreed Order requiring Dr. Barroga to have his practice monitored by another physician for 12 consecutive monitoring cycles; within 180 days complete the Physician Prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping and eight hours in pharmacology; and within 90 days pay an administrative penalty of \$3,000. The Board found Dr. Barroga nontherapeutically prescribed controlled substances and other medications to multiple patients.

**Diaz, Ismael, Jr., M.D., Lic. No. L3952, Humble**

On March 4, 2016, the Board and Ismael Diaz, Jr., M.D., entered into an Agreed Order publicly reprimanding Dr. Diaz and requiring Dr. Diaz to have his practice monitored by another physician for 12 consecutive monitoring cycles; within 180 days complete the Physician Prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; maintain a logbook of all prescriptions written for schedule II controlled substances; shall not, by telephone or other electronic means to a pharmacy, prescribe or refill a prescription for schedule II controlled substances, and Dr. Diaz shall not permit any individual under his supervision or control to facilitate such a prescription or refill to a pharmacy, other than by written prescription; shall not prescribe for longer than 30 days any schedule II controlled substance, or order any refill of such a prescription without requiring or conducting a patient visit; shall not order or refill any schedule III-V controlled substance without requiring or conducting a patient visit; within one year complete at least 16 hours of CME, divided as follows: eight hours in palliative care and eight hours in risk management; shall not be permitted to supervise or delegate prescriptive authority to midlevels; and pay an administrative penalty of \$8,000 within six months. The Board found Dr. Diaz, as medical director, routinely issued pre-signed blank prescriptions for controlled substances to hospice patients, failed to document

assessments and evaluations of patients, and prescribed high doses of opioids to many patients, many of whom did not demonstrate medical need for such drugs.

**Giacona, Jewel Annette, M.D., Lic. No. H8073, Baytown**

On March 4, 2016, the Board and Jewel Annette Giacona, M.D., entered into an Agreed Order prohibiting Dr. Giacona from treating patients for chronic pain or engaging in the practice of pain management; and requiring Dr. Giacona to within 30 days contact the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program to schedule an assessment; have her practice monitored by another physician for 12 consecutive monitoring cycles; and within one year complete at least eight hours in medical recordkeeping. The Board found Dr. Giacona failed to meet the standard of care for chronic pain treatment, which included nontherapeutically prescribing large amounts of narcotic and sedative medications and failed to keep adequate medical records for several patients.

**Spinks, David Wayne, D.O., Lic. No. F4557, Pasadena**

On March 4, 2016, the Board and David Wayne Spinks, D.O., entered into an Agreed Order on Formal Filing requiring Dr. Spinks to within one year complete the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; have his practice monitored by another physician for eight consecutive monitoring cycles; within seven days request modification of his DEA/DPS controlled substances registration certificate to eliminate Schedule II and shall not reregister or otherwise obtain Controlled Substances Registrations for Schedule II without authorization from the Board; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 40 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in weight loss management, four hours in risk management, four hours in treating anemia, eight hours in cardiovascular disease and eight hours in pain management. The Board found Dr. Spinks failed to monitor chronic pain patients for abuse or diversion of controlled substances, prescribed hydrocodone to two patients who were allergic to codeine, provided early refills without justification, failed to maintain adequate medical records in his treatment of hypertensive patients and provided false or misleading information to the Board. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Venegas, Carlos, M.D., Lic. No. K0566, Dallas**

On March 4, 2016, the Board and Carlos Venegas, M.D., entered into an Agreed Order requiring Dr. Venegas to within 7 days request to have his DEA/DPS controlled substances registration to eliminate Schedules II and III, and Dr. Venegas is limited to Schedules IV and V for dosages of 30 days and may not be re-filled without a patient visit; within one year complete the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete 32 hours of CME, divided as follows: eight hours in pharmacology, eight hours in prescribing, eight hours in medical recordkeeping and eight hours in risk management; and pay an administrative penalty of \$10,000 within one year. The Board found Dr. Venegas' practice, prescribing, and documentation fell below the standard of care. Dr. Venegas nontherapeutically prescribed controlled substances to multiple patients, and failed to adequately supervise his midlevel providers.

**IMPROPER PRESCRIBING**

**Buckner, Mark Brian, M.D., Lic. No. J1898, Sherman**

On March 4, 2016, the Board and Mark Brian Buckner, M.D., entered into an Agreed Order prohibiting Dr. Buckner from treating or otherwise serving as a physician for his immediate family, and shall not prescribe, dispense, administer, or authorize any medications, including but not limited to controlled substances or dangerous drugs with addictive potential or potential for abuse, to himself or his immediate family; requiring Dr. Buckner to within one year and three attempts pass the Medical Jurisprudence Exam; and within 180 days complete the physician prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Buckner and his midlevel prescribed controlled substances to employees and family members without properly documenting an evaluation or justification to support the prescriptions. Dr. Buckner admits he was naïve and was not aware of the requirements for prescriptive delegation or the limitations on prescribing to family and persons with whom he has a close relationship.

**Rozenboom, Morgen Melinda, M.D. Lic. No. K2115, Canton**

On March 4, 2016, the Board and Morgen Melinda Rozenboom, M.D., entered into an Agreed Order requiring Dr. Rozenboom to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in prescribing to geriatric patients; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Rozenboom prescribed controlled substances for a family member without demonstration of immediate need and for longer than 72 hours; failed to use proper diligence and to establish proper physician-patient relationship and did not adequately document the care for her family member.

**FAILURE TO PROPERLY SUPERVISE OR DELEGATE**

**Flores, Jose, M.D., Lic. No. P1754, Houston**

On March 4, 2016, the Board and Jose Flores, M.D., entered into an Agreed Order and requiring him to limit his practice, including any office and inpatient practice, to a group or institutional setting approved in advance; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: 12 hours in supervising and delegating to midlevel practitioners, eight hours in ethics and four hours in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Flores failed to maintain adequate medical records; failed to have standing delegation orders for his midlevel providers; identified several employees as doctors in video advertisements though none were licensed physicians; and aided and abetted the unlicensed practice of medicine by permitting Foreign Medical Graduates (FMGs) to provide prescriptions under his name which constitutes nontherapeutic prescribing of dangerous drugs.

**VIOLATION OF BOARD RULES**

**Husaini, Innad Hasan, M.D., Lic. No. K6006, Cleveland**

On March 4, 2016, the Board and Innad Hasan Husaini, M.D., entered into an Agreed Order on Formal Filing restricting Dr. Husaini's practice of medicine solely to the practice of Ophthalmology and Neuro-Ophthalmology. Dr. Husaini shall not prescribe controlled substances and shall not reapply for permission from the DEA/DPS to prescribe controlled substances and shall not engage in the treatment of chronic pain. The Board found Dr. Husaini was involved in the operation of an unregistered pain management clinic. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**VIOLATION OF PRIOR BOARD ORDER**

**Alsop, Ernest Carson, M.D., Lic. No. J6300, Victoria**

On March 4, 2016, the Board and Ernest Carson Alsop, M.D., entered into a Modified Agreed Order on Formal Filing modifying Dr. Alsop's 2011 Order. The modification adds a public reprimand and requires Dr. Alsop to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Alsop violated the drug testing protocol pursuant to the 2011 Order. All other terms of the order remain in full force and effect. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Krantz, Jeffrey S., D.O., Lic. No. J7343, Kingwood**

On March 4, 2016, the Board and Jeffrey S. Krantz, D.O., entered into a Modified Agreed Order modifying Dr. Krantz's 2014 Order. The modification requires Dr. Krantz to within one year to successfully complete the Professionalism and Problem Based Ethics (CPEP), or a professionalism and ethics course offered by the Vanderbilt Center for Professional Excellence; and within one year complete at least four hours of CME in risk management. The Board found Dr. Krantz failed to pass the CPEP course within one year as required by the 2014 Order. All other terms of the order remain in full force and effect.

**Mann, Christopher Rolan, D.O., Lic. No. H2559, Fort Worth**

On March 4, 2016, the Board and Christopher Rolan Mann, D.O., entered into an Agreed Order prohibiting Dr. Mann from treating patients for chronic pain as defined in the order; and requiring Dr. Mann to have his practice monitored by

another physician for eight consecutive monitoring cycles. The Board found Dr. Mann violated his 2013 order by continuing to treat one chronic pain patient that he did not refer to a specialist within 30 days as required by the order.

**Stafford, Novarro Charles, M.D., Lic. No. H5072, Port Arthur**

On March 4, 2016, the Board and Novarro Charles Stafford, M.D., entered into an Agreed Order Modifying Prior Order, modifying Dr. Stafford's 2013 Order. The modification extends the time period by one year for Dr. Stafford to complete all the terms of his 2013 Order. The Board found Dr. Stafford was in violation of his 2013 by failing to timely complete the CME hours set out in the order but the Board panel felt Dr. Stafford had taken steps to comply with the provisions once Dr. Stafford had the financial resources again after a bankruptcy. All other terms of the order remain in full force and effect.

**Zawislak, Walter J., M.D., Lic. No. K8596, McAllen**

On March 4, 2016, the Board and Walter J. Zawislak, M.D., entered into an Agreed Order requiring Dr. Zawislak to within 60 days contact the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management to determine if the program will accept Dr. Zawislak and, if accepted, complete the program within one year; if not accepted, contact his TMB Compliance Officer within 30 days. The Board found Dr. Zawislak did not follow KSTAR's recommendation that he undergo a brief re-assessment as required by the 2015 Final Order.

**INADEQUATE MEDICAL RECORDS**

**Hayes, Leo Michael, D.O., Lic. No. K2486, Houston**

On March 4, 2016, the Board and Leo Michael Hayes, D.O., entered into an Agreed Order requiring Dr. Hayes to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least eight hours of CME in risk management; and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Hayes failed to use diligence in his practice and failed to maintain adequate medical records for the patients, including documentation that he performed Osteopathic Manipulative Therapy.

**Terneny, Orlando Julio, M.D., Lic. No. D7896, Houston**

On March 4, 2016, the Board and Orlando Julio Terneny, M.D., entered into an Agreed Order requiring Dr. Terneny to within one year complete at least four hours of CME in medical recordkeeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Terneny's medical records for a patient were largely illegible and that he failed to note all pertinent information for the patient's exam.

**White, Stephen Curtis, M.D., Lic. No. L3183, Denison**

On March 4, 2016, the Board and Stephen Curtis White, M.D., entered into an Agreed Order on Formal Filing requiring Dr. White to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least four hours of CME in general fracture management. The Board found Dr. White documented a patient had fracture instability at the first follow-up visit but failed to adequately document that he recommended appropriate treatment. Dr. White's medical records for the patient lacked adequate documentation regarding his treatment recommendations. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**NON-CERTIFIED RADIOLOGIC TECHNICIAN**

**Mendoza, Felipe, NCT, Cert. No. NC05131, Plano**

On March 4, 2016, the Board entered a Final Order against Felipe Mendoza, NCT, which revoked Mr. Mendoza's Texas non-certified radiologic technician certificate. The Board found Mr. Mendoza was adjudged guilty and sentenced to five years in the Texas Department of Criminal Justice, Institutional Division, for the felony offense of manufacture or delivery of a controlled substance in Collin County, Texas. The action was based on the findings of an administrative law judge at

the State Office of Administrative Hearings. This order resolves the formal complaint filed at the State Office of Administrative Hearings. Mr. Mendoza has 20 days from the service of the order to file a motion for rehearing.

## **CEASE AND DESIST**

### **Carlson, Ky, No License, The Woodlands**

On March 4, 2016, the Board and Ky Carlson entered into an Agreed Cease and Desist Order, prohibiting Mr. Carlson from acting as, or holding himself out to be, a licensed physician in the state of Texas. Mr. Carlson shall cease and desist from identifying himself as a doctor, unless he does so in compliance with Healing Arts Identification Act. The Board found Mr. Carlson refers to himself as Dr. Ky or "doctor" in publications without specifying an authority for the use of the title of "Dr." or "doctor." Mr. Carlson's website and other promotional materials state he is licensed by the Pastoral Medical Association. This entity does not confer any authority upon Mr. Carlson to practice medicine in the state of Texas under the Medical Practice Act.

### **Duncan, Stephan, No License, Plano**

On March 4, 2016, the Board and Stephen Duncan entered into an Agreed Cease and Desist Order, prohibiting Mr. Duncan from practicing medicine in the state of Texas. The Board received a complaint that Mr. Duncan engaged in the unlicensed practice of medicine by diagnosing a holistic health client with cancer and anemia and provided natural supplement treatments to the client to treat the condition. In addition the Board became aware of videos depicting Mr. Duncan using the term "Dr." or "Doctor" were still posted online which were the subject of a previous cease and desist order.

### **Jimenez, Julio, D.C., No License, San Antonio**

On March 4, 2016, the Board and Julio Jimenez, D.C., entered into an Agreed Cease and Desist Order, prohibiting Mr. Jimenez from engaging in the unlicensed practice of medicine. Mr. Jimenez shall indicate on each page of his website and other advertising, where the term "doctor" or "Dr." appears, that he is a doctor of chiropractic. In addition, where reference to the Pastoral Medical Association (PMA) appears on his website and other advertising, Mr. Jimenez shall indicate PMA is not a state licensing agency, and he will comply with Tex. Occ. Code 104.004 with respect to the use of the title "doctor" in relation to his "D.PSc" credential. The Board found Mr. Jimenez has published information, including Internet website pages, other postings, and mailings that did not at all times make it clear that his is not a medical doctor. Some of the material that Mr. Jimenez posted and mailed could be read to imply that he treats medical and physical conditions, including chronic conditions of persons.

### **Lozano, Pedro J., No License, Galveston**

On March 4, 2016, the Board and Pedro J. Lozano entered into an Agreed Cease and Desist Order, prohibiting Mr. Lozano from acting as, or holding himself out to be, a licensed physician in the state of Texas. Mr. Lozano shall cease and desist any practice of medicine and desist from identifying himself as a doctor, unless he does so in compliance with Healing Arts Identification Act. The Board found Mr. Lozano refers to himself as Dr. Lozano or "doctor" in publications and online without specifying an authority for the use of the title of "Dr." or "doctor." Mr. Lozano's website and other promotional materials state he is licensed by the Pastoral Medical Association. This entity does not confer any authority upon Mr. Lozano to practice medicine in the state of Texas under the Medical Practice Act.

### **Madden, John, No License, Cedar Park**

On March 4, 2016, the Board and John Madden entered into an Agreed Cease and Desist Order, prohibiting Mr. Madden from acting as, or holding himself out to be, a licensed physician in the state of Texas. Mr. Madden shall cease and desist from identifying himself as a doctor, unless he does so in compliance with Healing Arts Identification Act. The Board found Mr. Madden refers to himself as Dr. Madden or "doctor" in publications without specifying an authority for the use of the title of "Dr." or "doctor." Mr. Madden's website and other promotional materials state he is licensed by the Pastoral Medical Association. This entity does not confer any authority upon Mr. Madden to practice medicine in the state of Texas under the Medical Practice Act.

**Merrickh, Kirk, No License, Houston**

On March 4, 2016, the Board and Kirk Merrikh entered into an Agreed Cease and Desist Order, requiring Mr. Merrikh to cease and desist from practicing medicine in the state of Texas, including the diagnosing of and prescribing to patients, unless and until he is appropriately licensed. The Board found Mr. Merrikh admitted to consulting with a patient who then received prescriptions without being evaluated by a nurse practitioner or medical director where he was employed.

**Strausberg, Stuart E., D.O., No License, Van Nuys, CA**

On March 4, 2016, the Board and Stuart E. Strausberg, D.O., entered into an Agreed Cease and Desist Order prohibiting Dr. Strausberg from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found that Dr. Strausberg was unaware that films he was reading were those of Texas patients. Dr. Strausberg reviewed the films at the request and under contract with an independent transcription service, which provided Dr. Strausberg with the actual films and that did not contain information that identified patients or location. Dr. Strausberg is a California licensed physician, but does not hold a Texas medical license. Dr. Strausberg maintains that he never intended to read films of Texas patients and was unaware he was doing so.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 31, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Physician Assistant Board suspends Brownsville physician assistant**

On March 29, 2016, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Fernando L. Mendez, P.A., after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or around June 12, 2015, Mr. Mendez was arrested by the Brownsville Police Department for improper photography or video recording, a state jail felony, after a device was found in a female minor's bathroom. Police were unable to obtain video footage recorded on the device and charges were later dismissed, however, police did confirm that a video recording device disguised as an electrical outlet was purchased with a bank account linked to Mr. Mendez and shipped to his parents' address. The panel also found that the device was found in a bathroom used exclusively by the minor female and that Mr. Mendez refused to allow the minor female's mother to inspect the device, engaged in a physical struggle to prevent her from getting it, and discarded the device such that it has not been found.

Additionally, the panel found that on July 24, 2015, the Brownsville Police Department served an arrest warrant on Mr. Mendez for the fraudulent use or possession of identifying information to fill a Zolpidem (commonly known as Ambien) prescription. Mr. Mendez is currently set to be tried in the prescription case on April 4, 2016.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Mendez, unless the hearing is specifically waived by Mr. Mendez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 25, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Cleveland orthopedic surgeon**

On April 22, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of David Ian Howie, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Howie was arrested by the San Jacinto County Sheriff's Office on March 19, 2016, after officers responded to a call that Dr. Howie had exhibited a deadly weapon (a gun) during the commission of an assault. Upon arriving at Dr. Howie's residence, the responding officers found the victim (Dr. Howie's girlfriend) who reported that Dr. Howie had held her against her will, physically abused her, and shot at her while she was escaping from his home.

Dr. Howie has a history of violent behavior in the workplace and has a prior Agreed Order from the Board for exhibiting disruptive behavior in a hospital where he had privileges.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Howie, unless the hearing is specifically waived by Dr. Howie.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 2, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Schertz physician**

On June 1, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Vikram Durairaj, M.D. (Lic. No. Q4391\*), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on February 19, 2016, the Texas Physician Health Program (TXPHP) terminated Dr. Durairaj after he had a positive Phosphatidylethanol test, missed drug screen, and refused to cease practice until he underwent an Intensive Diagnostic Evaluation. Dr. Durairaj refused to sign an Interim Monitoring Agreement with the Board and on May 4, 2016, he notified the Board that he would no longer participate in drug screenings.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Durairaj, unless the hearing is specifically waived by Dr. Durairaj.

The temporary suspension remains in place until the Board takes further action.

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***\* Note: this license holder is not to be confused with another Texas physician with the same first and last name (Vikram David Durairaj, M.D., Lic. No. P8128) who is an ophthalmologist practicing in Austin, Texas.***

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

June 23, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Houston physician**

On June 22, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of James Michael Wilson, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found Dr. Wilson is impaired and is unable to safely practice medicine at this time.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Wilson, unless the hearing is specifically waived by Dr. Wilson.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 27, 2016

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 78 physicians at June meeting, adopts rule changes**

At its June 10, 2016 meeting, the Texas Medical Board disciplined 78 licensed physicians and issued one cease and desist order. The disciplinary actions included: eighteen orders related to quality of care violations, four orders related to unprofessional conduct, six revocations, nine voluntary surrenders/revocations, one restriction, three suspensions, five orders related to other states' actions, five orders related to peer review actions, one order related to criminal activity, seven orders related to nontherapeutic prescribing, two orders related to improper prescribing, six orders related to violation of Board rules, six orders related to violation of prior Board order, one order related to a Texas Physician Health Program violation, and four orders related to inadequate medical records. The Board also took an action against a Non-Certified Radiologic Technician and a Respiratory Care Practitioner.

The Board issued 127 physician licenses at the June meeting, bringing the total number of physician licenses issued in FY16 to 2,949.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 160. MEDICAL PHYSICISTS**

The adoption of §§160.1 - 160.5 and 160.7 - 160.30 is intended to achieve consistency with the amended provisions of the Occupations Code transferring the primary responsibility for licensing and regulation of medical physicists to the Texas Medical Board and converting the Texas Board of Licensure for Professional Medical Physicists to an advisory committee to the Texas Medical Board. The rules align the policies and procedures related to licensing and regulation of medical physicists with the Board's current policies and procedures. The rules also serve to ensure the safe practice of properly trained and qualified medical physicists. Additionally, the rules provide an avenue for licensees to obtain treatment through the Texas Physician Health Program for health conditions that have the potential of impairing their practice of medical physics.

#### **CHAPTER 161. GENERAL PROVISIONS**

The Texas Medical Board adopted the rule review of 22 TAC Chapter 161, pursuant to Texas Government Code §2001.039.

#### **CHAPTER 163. LICENSURE**

##### **§163.2, Full Texas Medical License**

The amendment to §163.2, concerning Full Texas Medical License, corrects a citation in subsection (d)(3) related to a reference to an applicant's eligibility requirements for alternative license procedures for military service members, veterans, and spouses. The correction clarifies that the eligibility requirements are listed in additional numbered paragraphs of subsection (d).

##### **§163.5, Licensure Documentation**

The amendment to §163.5, concerning Licensure Documentation, changes language under subsection (d)(4) and (5) by eliminating an applicant's requirement to report having been treated on an in- or outpatient basis for certain mental or physical illnesses that "could" have impaired the applicant's ability to practice medicine, and replacing same with

language that requires an applicant to report those physical or mental illnesses that have impaired or currently impair the applicant's ability to practice medicine.

#### **CHAPTER 164. PHYSICIAN ADVERTISING**

The Texas Medical Board adopted the rule review of 22 TAC Chapter 164, pursuant to Texas Government Code §2001.039.

#### **CHAPTER 168. CRIMINAL HISTORY EVALUATION LETTERS**

The Texas Medical Board adopted the rule review of 22 TAC Chapter 168, pursuant to Texas Government Code §2001.039.

#### **CHAPTER 170. PAIN MANAGEMENT**

##### **§170.3, Minimum Requirements for the Treatment of Chronic Pain**

The amendments to §170.3, concerning Minimum Requirements for the Treatment of Chronic Pain, adds new language relating to limitations on the number of physicians who may prescribe to a patient dangerous and scheduled drugs for the treatment of chronic pain. The new language now allows a covering physician acting in compliance with Chapter 177, Subchapter E of this title (relating to Physician Call Coverage Medical Services) to prescribe dangerous and scheduled drugs for the treatment of chronic pain. New language also specifies that if a patient is treated for acute chronic pain by a physician other than the physician who is party to the pain management agreement or the covering physician, that the patient must notify the primary or covering physician, at the next date of service, about the prescription. The rule sets out specific requirements for the content of this notification.

The amendments to paragraph (4)(D) modify the exception to the one pharmacy requirement of pain management agreements by eliminating the requirement that the designated pharmacy be out of stock of the drug prescribed, and substituting broader language involving "circumstances for which the patient has no control or responsibility, that prevent the patient from obtaining prescribed medications at the designated pharmacy under the agreement." The amendment includes the requirement that if such circumstances apply and a prescription is filled at a pharmacy other than the designated pharmacy, the patient inform the primary or covering physician of the circumstances and the name of the pharmacy that dispensed the medication.

#### **CHAPTER 171. POSTGRADUATE TRAINING PERMITS**

##### **§171.3, Physician-in-Training Permits**

The amendments to §171.3, concerning Physician-in-Training Permits, change language under subsection (c)(2)(D) and (E) by eliminating an applicant's requirement to report having been treated on an in- or outpatient basis for certain mental or physical illnesses that "could" have impaired the applicant's ability to practice medicine, and replacing same with language that requires an applicant to report those physical or mental illnesses that have impaired or currently impair the applicant's ability to practice medicine.

#### **CHAPTER 176. HEALTH CARE LIABILITY LAWSUITS AND SETTLEMENTS**

The Texas Medical Board adopted the rule review of 22 TAC Chapter 176, pursuant to Texas Government Code §2001.039.

#### **CHAPTER 181. CONTACT LENS PRESCRIPTIONS**

The Texas Medical Board adopted the rule review of 22 TAC Chapter 181, pursuant to Texas Government Code §2001.039.

#### **CHAPTER 183. ACUPUNCTURE**

##### **§183.2, Definitions**

The amendment to §183.2, concerning Definitions, adds definitions for "Military service member," "Military spouse," "Military veteran," "Active duty," and "Armed forces of the United States." These amendments are in accordance with the passage of SB 1307 (84th Legislature, Regular Session) which amended Chapter 55 of the Texas Occupations Code.

#### **§183.4, Licensure**

The amendment to §183.4, concerning Licensure, adds language to subsection (a)(10), Alternative Licensing Procedure, expanding subsection (a)(10) to include military service members and military veterans. The amendment also includes language allowing the executive director to waive any prerequisite to obtaining a license for an applicant described in subsection (a)(10) after reviewing the applicant's credentials. These amendments are in accordance with the passage of SB 1307 (84th Legislature, Regular Session), which amended Chapter 55 of the Texas Occupations Code. Subsection (a)(10)(F) adds a provision for recognizing certain training for Applicants with military experience, based on the passage of SB 0162 (83rd Legislature, Regular Session). The change to subsection (c)(2)(A) deletes the word "either" to make the sentence grammatically correct.

#### **§183.5, Annual Renewal of License**

The amendment to §183.5, concerning Annual Renewal of License, adds new subsection (h) providing that military service members who hold a license to practice in Texas are entitled to two years of additional time to complete any other requirement related to the renewal of the military service member's license. This amendment is in accordance with the passage of SB 1307 (84th Legislature, Regular Session) which amended Chapter 55 of the Texas Occupations Code.

#### **§183.18, Administrative Penalties**

The amendment to §183.18, concerning Administrative Penalties, deletes subsection (g) due to redundancy, as Chapters 187 and 189 relating to Procedural Rules and Compliance already address Administrative Penalties.

#### **§183.20, Continuing Acupuncture Education**

The amendment to §183.20, concerning Continuing Acupuncture Education, adds new subsection (w) providing that an acupuncturist, who is a military service member, may request an extension of time, not to exceed two years, to complete any continuing education requirements. This amendment is in accordance with the passage of SB 1307 (84th Legislature, Regular Session) which amended Chapter 55 of the Texas Occupations Code.

### **CHAPTER 184. SURGICAL ASSISTANTS**

#### **§184.4, Qualifications for Licensure**

The amendment to §184.4, concerning Qualifications for Licensure, corrects a citation in subsection (c)(3) related to a reference to an applicant's eligibility requirements for alternative license procedures for military service members, veterans, and spouses. The correction clarifies that the eligibility requirements are listed in additional numbered paragraphs of subsection (c).

#### **§184.5, Procedural Rules for Licensure Applicants**

The amendment to §184.5, concerning Procedural Rules for Licensure Applicants, amends subsection (b), clarifying the determination of licensure eligibility process related to an application for surgical assistant licensure. The amendments further clarify that the procedures outlined under Chapter 187 of this title (relating to Procedural Rules) concerning determinations of licensure ineligibility apply to applications for surgical assistant licensure.

#### **§184.6, Licensure Documentation**

The amendment to §184.6, concerning Licensure Documentation, deletes the word "medical" to correct a reference to the category of surgical assistant licensure.

#### **§184.8, License Renewal**

The amendment to §184.8, concerning License Renewal, deletes the word "residence", as such information is not collected by the Medical Board in the process of renewing a surgical assistant's license.

### **§184.18, Administrative Penalties**

The amendment to §184.18, concerning Administrative Penalties, eliminates subsection (f) due to the language's redundancy with Chapters 187 and 189 of this title (relating to Procedural Rules and Compliance Program) which sufficiently address the process related to imposition of administrative penalties.

### **§184.25, Continuing Education**

The amendment to §184.25, concerning Continuing Education, deletes subsection (k), due to the language's redundancy with §184.18 of this title (relating to Administrative Penalties) and Chapter 187 of this title (relating to Procedural Rules) which sufficiently address the process related to imposition of administrative penalties.

## **CHAPTER 187. PROCEDURAL RULES**

### **§187.16, Informal Show Compliance Proceedings (ISCs)**

The amendment to §187.16, concerning Informal Show Compliance Proceedings (ISCs), adds clarifying language to the notice provision in order to clearly state that the notice provided to complainants differs from the notice provided to licensees, in that the latter contains the ISC evidence, which is confidential by statute and cannot legally be disclosed to the complainant.

### **§187.19, Resolution by Agreed Order**

The amendment to §187.19, concerning Resolution by Agreed Order, eliminates subsection (e) relating to post-ISC negotiations, via telephone or in person, between panel members, Respondents and board staff, as this provision does not comport with our current process relating to post-ISC negotiations between board members and Respondents. Additionally, such negotiation between board members (directly) and Respondents is specifically reserved and provided for during the mediation process.

## **CHAPTER 188. PERFUSIONISTS**

The adoption of §§**188.1 - 188.15, 188.17 - 188.24, 188.26, 188.28** and **188.29**, are adopted in accordance with the changes to Chapter 603 of the Texas Occupations Code, as enacted by S.B. 202, and are necessary to enable the Board to regulate the practice of perfusion and perform the various functions, including licensing, compliance, and enforcement relating the practice of perfusion.

## **CHAPTER 190. DISCIPLINARY GUIDELINES**

### **§190.8, Violation Guidelines**

The amendment to §190.8, concerning Violation Guidelines, adds the phrase "post-exposure prophylaxis" to language related to the type of treatment that may be provided by physicians for infectious diseases located under paragraph (1)(L)(iii)(II), so as to improve consistency and mirror other language under paragraph (1)(L)(iii)(I), pertaining to sexually transmitted diseases. The added phrase "post-exposure prophylaxis" (PEP) is intended to further clarify that the purpose of the exception is to potentially prevent infection and the furtherance of an outbreak. The amendments change the definition of a patient's "close contacts" so that the definition better reflects guidance published by the Centers for Disease Control and Prevention and local Texas health authority, so that the specific circumstances of a local communicable disease outbreak and possible drug shortages might be better addressed by physicians. Language under paragraph (1)(L)(iii)(II)(-a-), relating to Chicken Pox, and paragraph (1)(L)(iii)(II)(-f-), stating shingles, is deleted, and replaced with the addition of the term Varicella zoster, for the purpose of reorganizing the list and using scientific names. New language is added to paragraph (1)(L)(iii)(II) and (1)(L)(iii)(II)(-g-) providing language that would allow PEP to be administered by physicians providing public health medical services pursuant to a memorandum of understanding between the Department of State Health Services and the Texas Medical Board, and for any new or emergent communicable diseases not specifically listed under the rule that are determined to be a public health threat by state health authorities, thereby improving the state's ability to provide a quick public health response to communicable diseases affecting the health of Texans. The terms "infectious disease" and "communicable disease" are intended to be interchangeable.

## **CHAPTER 191. DISTRICT REVIEW COMMITTEES**

The Texas Medical Board adopted the rule review of 22 TAC Chapter 191, pursuant to Texas Government Code §2001.039.

## **CHAPTER 196. VOLUNTARY RELINQUISHMENT OR SURRENDER OF MEDICAL LICENSE**

### **§196.2, Surrender Associated with Disciplinary Action**

The amendment to §196.2, concerning Surrender Associated with Disciplinary Action, corrects a citation to a Board rule.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Ahmad, Salman, M.D., Lic. No. J8863, Lubbock**

On June 10, 2016, the Board and Salman Ahmad, M.D., entered into an Agreed Order requiring Dr. Ahmad to submit to a Board-approved rheumatologist the records of all rheumatology and lupus patients currently under his care for review; have his practice monitored by another physician for eight monitoring cycles; and within one year complete at least 24 hours of CME, divided as follows: four hours in medical recordkeeping and 20 hours in rheumatology. The Board found Dr. Ahmad violated the standard of care by providing treatment in a number of cases that was inappropriate and nontherapeutic. Dr. Ahmed failed to perform adequate testing and document objective medical evidence to support his diagnosis for several patients.

#### **Berndt, Peter Ulrich, M.D., Lic. No. F3408, Denver, CO**

On June 10, 2016, the Board and Peter Ulrich Berndt, M.D., entered into an Agreed Order requiring Dr. Berndt to within one year complete at least 16 hours of CME, divided as follows: eight hours in physician-patient boundaries, if possible, in the area of physician patient boundaries in the psychiatric relationship, four hours in dealing with non-compliant patients and four hours in maintaining physician patient confidentiality, if possible in the topic of maintaining patient confidentiality in telemedicine. The Board found Dr. Berndt failed to follow established physician-patient boundaries, and employed unorthodox treatment methodologies that ultimately violated the standard of care.

#### **Borissova, Irina Vitalyevna, M.D., Lic. No. N1268, San Antonio**

On June 10, 2016, the Board and Irina Vitalyevna Borissova, M.D., entered into an Agreed Order requiring Dr. Borissova to have her practice monitored by another physician for eight consecutive monitoring cycles; within six months obtain Board approval for a board certified anesthesiologist to serve as her proctor and proctor her next 25 procedures; within one year complete at least 30 hours of CME in a comprehensive board review course for anesthesia certification; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Borissova failed to meet the standard of care with respect to her anesthesia care provided to three patients, failed to maintain adequate medical records and had her hospital privileges terminated due to concerns regarding the poor management and care for the three patients.

#### **Braun, Patricia A.D., M.D., Lic. No. D3164, Emory**

On June 10, 2016, the Board and Patricia A.D. Braun, M.D., entered into a Mediated Agreed Order requiring Dr. Braun to have her practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 12 hours of CME, divided as follows: four hours in treating critically ill patients, four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Braun failed to meet the standard of care in the treatment of a patient by not properly assessing or diagnosing the patient's condition and recognizing the necessity for transfer of the patient to a higher level of care and Dr. Braun failed to maintain adequate medical records. This order resolves the formal complaint filed at the State Office of Administrative Hearings

#### **Brookshire, Ralph Hamilton, D.O., Lic. No. L9113, Austin**

On June 10, 2016, the Board and Ralph Hamilton Brookshire, D.O., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Brookshire and limiting his practice to a group or institutional setting. Additionally, Dr. Brookshire shall not possess, administer, dispense, or prescribe any controlled substance or dangerous drugs with addictive potential or potential for abuse, except as medically necessary for treatment of inpatients in a hospital or

institutional setting where he has privileges or practices; shall not treat or otherwise serve as a physician for his family, and shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs with addictive potential or potential for abuse to himself or his immediate family; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in physician-patient communication and eight hours in medical recordkeeping ; and within one year pay an administrative penalty of \$5,000 or \$2,500 within 60 days. The Board found Dr. Brookshire failed to meet the standard of care with regard to proper planning, communication with his back-up physician regarding follow-up in his absence, and communications with the patient. Dr. Brookshire admitted that he was using hydrocodone at the time of the incident however claims that did not affect his care and treatment of the patient. Dr. Brookshire is currently undergoing drug testing and has not had a positive test result since August, 2014. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Burleson, James Dewain, M.D., Lic. No. H1932, Lubbock**

On June 10, 2016, the Board and James Dewain Burleson, M.D., entered into an Agreed Order requiring Dr. Burleson to within one year complete at least 12 hours of CME in risk management; and within 90 days pay an administrative penalty of \$3,000. The Board found Dr. Burleson failed to notify and diagnose the patient after her Pap smear result was positive for trichomonas vaginalis.

**Hong, Robert, M.D., Lic. No. P7465, Sweeny**

On June 10, 2016, the Board and Robert Hong, M.D., entered into an Agreed Order requiring Dr. Hong to within one year complete at least eight hours in CME, divided as follows: four hours in diagnosis and treatment of pulmonary embolism and four hours in treating respiratory distress in an emergency room setting. The Board found Dr. Hong breached the standard of care when he failed to properly evaluate a patient by not ordering a D-Dimer test.

**Ince, Christopher Werner, M.D., Lic. No. N4491, Willow Park**

On June 10, 2016, the Board and Christopher Werner Ince, M.D., entered into an Agreed Order requiring Dr. Ince to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in assessing the risk of opioid dependence. The Board found Dr. Ince failed to adequately document a patient's history and potential for substance abuse, failed to adequately document the patient's past and current treatments for pain, and failed to adequately obtain prior medical records and consult with the patient's other treating physicians which would have disclosed the patient's history of opioid substance abuse.

**Krusz, John Claude, M.D., Lic. No. G7076, Dallas**

On June 10, 2016, the Board and John Claude Krusz, M.D., entered into an Agreed Order on Formal Filing requiring Dr. Krusz to within one year complete at least 12 hours of in-person CME, divided as follows: four hours in medical recordkeeping, four hours in identifying drug seeking behavior and four hours in treatment of chronic pain. The Board found Dr. Krusz's prescription of Adderall did not meet the standard of care. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Leeds-Richter, Shelly, M.D., Lic. No. L1642, Houston**

On June 10, 2016, the Board and Shelly Leeds-Richter, M.D., entered into an Agreed Order requiring Dr. Leeds-Richter to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in fetal strip monitoring. The Board found Dr. Leeds-Richter's failure to review the entirety of the fetal health rate tracings caused her to miss late decelerations evident in the fetal strips.

**Mego, Carlos David, M.D., Lic. No. K6147, McAllen**

On June 10, 2016, the Board and Carlos David Mego, M.D., entered into an Agreed Order requiring Dr. Mego to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Mego violated the standard of care with regard to four patients whose ultrasounds were based on inadequate documentation and were billed for the unnecessary diagnostic testing.



**Mego, Pedro Antonio, M.D., Lic. No. M1925, McAllen**

On June 10, 2016, the Board and Pedro Antonio Mego, M.D., entered into an Agreed Order requiring Dr. Mego to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in coronary angiography; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Mego violated the standard of care with regard to six patients. Three patient's carotid ultrasounds were based on inadequate documentation, and four patient's coronary computed tomographies were based on inadequate documentation, and therefore, were unnecessary. A coronary stent performed for one patient was also not indicated. Dr. Mego billed for these unnecessary procedures based on the inadequate documentation and failed to maintain adequate medical records for the patients.

**Michaels, Wanda Jeanne, M.D., Lic. No. J4922, Lindale**

On June 10, 2016, the Board and Wanda Jeanne Michaels, M.D., entered into an Agreed Order on Formal Filing prohibiting Dr. Michaels from treating or otherwise serving as a physician for her immediate family, and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential or potential for abuse to herself or her immediate family; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Michaels failed to obtain appropriate lab work and to rule out any other etiology of the patient's abdominal pain, failed to obtain appropriate diagnostic testing with regards to the patient's complaint of shoulder and arm pain following a severe fall before prescribing hydrocodone, failed to obtain testosterone levels before prescribing testosterone to the patient, failed to set firm boundaries with the patient during the course of her treatment by allowing the patient to ignore medical advice without consequences and self-prescribed various hormonal treatments without maintaining medical records.

**Mitchell, Lylieth Paula-Ann, M.D., Lic. No. L9366, Orange**

On June 10, 2016, the Board and Lylieth Paula-Ann Mitchell, M.D., entered into an Agreed Order requiring Dr. Mitchell to within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in patient and critical care assessment. The Board found Dr. Mitchell violated the acceptable standard of care with regard to an emergency department patient by failing to follow-up on unstable vital signs that had not improved after treatment.

**Nguyen, Nathan Phuc, M.D., Lic. No. N0318, Wharton**

On June 10, 2016, the Board and Nathan Phuc Nguyen, M.D., entered into an Agreed Order requiring Dr. Nguyen to within one year complete a Board Review Course in Internal Medicine; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical record keeping and eight hours in risk management. The Board found Dr. Nguyen failed to adequately pursue the patient's neurological symptoms, adequately address the patient's high blood pressure, and properly investigate the edema and its potential causes. Dr. Nguyen also failed to maintain adequate medical records for the patient.

**Trimble, Monty Vic, M.D., Lic. No. L4150, Fort Worth**

On June 10, 2016, the Board and Monty Vic Trimble, M.D., entered into an Agreed Order requiring Dr. Trimble to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least four hours of CME in medical recordkeeping; and within 30 days pay an administrative penalty of \$1,000. The Board found Dr. Trimble failed to diagnose a brain mass detected on a CT scan and therefore failed to refer the patient and failed to maintain adequate medical records.

**Villarreal, Gustavo Enrique, M.D., Lic. No. G6038, Laredo**

On June 10, 2016, the Board and Gustavo Enrique Villarreal, M.D., entered into an Agreed Order publicly reprimanding Dr. Villarreal and requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete eight hours of in-person CME in endocrinology, with at least four hours addressing the treatment of diabetes; and within 120 days pay an administrative penalty of \$3,000. The Board found Dr. Villarreal's

treatment for a patient's diabetes was inappropriate and violated the standard of care and that Dr. Villarreal's records lacked adequate information to justify prescribing multiple medications simultaneously.

**Yarra, Subbarao, M.D., Lic. No. K3882, McAllen**

On June 10, 2016, the Board and Subbarao Yarra, M.D., entered into an Agreed Order requiring Dr. Yarra to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in peripheral vascular intervention; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Yarra violated the standard of care with regard to eight patients by overestimating the true degree of stenosis on their angiographies and billed the patients for the procedures which lacked adequate documentation or justification.

**UNPROFESSIONAL CONDUCT**

**Benson, Joseph Michael, M.D., Lic. No. E6230, Sherman**

On June 10, 2016, the Board and Joseph Michael Benson, M.D., entered into an Agreed Order requiring Dr. Benson to within 60 days pay an administrative penalty of \$500. The Board found Dr. Benson admitted to not providing an electronic death certification within the five day window required by statute.

**Childers, Manon Eli, III, M.D., Lic. No. G4911, Perryton**

On June 10, 2016, the Board and Manon Eli Childers, III, M.D., entered into an Agreed Order publicly reprimanding Dr. Childers and requiring him to have a chaperone present during physical exams of female patients; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least four hours of CME in ethics. The Board found Dr. Childers admitted to engaging in a long term relationship with a patient.

**Fontenot, James Thomas, M.D., Lic. No. E5518, Houston**

On June 10, 2016, the Board and James Thomas Fontenot, M.D., entered into an Agreed Order requiring Dr. Fontenot to within seven days surrender his DEA/DPS controlled substances certificate if he has not already done so; and Dr. Fontenot shall not reregister or otherwise obtain controlled substances registrations until authorized. The Board found Dr. Fontenot pre-signed prescriptions for controlled substances for at least three patients, violating state and federal law.

**Mays, Jeffrey Patrick, M.D., Lic. No. J7815, Brady**

On June 10, 2016, the Board and Jeffrey Patrick Mays, M.D., entered into an Agreed Order requiring Dr. Mays to within one year complete at least eight hours of CME in medical recordkeeping; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Mays was repeatedly delinquent on completing medical charts.

**REVOCAATION**

**Greenwood, Denise Rochelle, M.D., Lic. No. J7977, Mayflower, AR**

On June 10, 2016, the Board entered a Final Order against Denise Rochelle Greenwood, M.D., which revoked her Texas medical license. The Board found Dr. Greenwood has violated multiple Texas Medical Board and Arkansas Medical Board orders and has failed to prove that she has been rehabilitated. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Greenwood has 20 days from the service of the order to file a motion for rehearing.

**Koval, Robert J., M.D., Lic. No. G1694, Dallas**

On June 10, 2016, the Board entered a Default Order against Robert J. Koval, M.D., which revoked his Texas medical license. On July 27, 2015, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH) Docket No. 503-15-4957.MD, alleging Dr. Koval failed to comply with his 2013 Order. Dr. Koval was served notice of the Complaint and subsequent hearing at SOAH and no answer or responsive pleading was ever filed by Dr. Koval. The Board granted a

Determination of Default and Dr. Koval's medical license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Koval has 20 days from the service of the order to file a motion for rehearing.

**Muniz, Antonio Eugenio, M.D., Lic. No. M5844, Mesquite**

On June 10, 2016, the Board entered a Default Order against Antonio Eugenio Muniz, M.D., which revoked his Texas medical license. On August 13, 2015, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH) Docket No. 503-15-5320.MD, alleging Dr. Muniz was arrested for public intoxication. Dr. Muniz was served notice of the Complaint and subsequent hearing at SOAH. Dr. Muniz failed to appear at SOAH and no answer or responsive pleading was ever filed by Dr. Muniz. The Board granted a Determination of Default and Dr. Muniz's medical license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Muniz has 20 days from the service of the order to file a motion for rehearing.

**Otey, Theodore Timothy, M.D., J1343, Houston**

On June 10, 2016, the Board entered a Default Order against Theodore Timothy Otey, M.D., which revoked his Texas medical license. On February 5, 2015, the Board filed a Complaint with the State Office of Administrative Hearings alleging Dr. Otey illegally operated an unlicensed pain management clinic. Dr. Otey was served notice of the Complaint and subsequent hearing at SOAH. Dr. Otey failed to appear at the hearing and no answer or responsive pleading to the Notice of Adjudicative Hearing was ever filed. The Board granted a Determination of Default and Dr. Otey's medical license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Otey has 20 days from the service of the order to file a motion for rehearing.

**Srivathanakul, Suraphandhu, M.D., Lic. No. E7288, Garland**

On June 10, 2016, the Board entered a Final Order against Suraphandhu Srivathanakul, M.D., which revoked his Texas medical license. The Board found Dr. Srivathanakul failed to meet the standard of care with respect to multiple patients by nontherapeutically prescribing antibiotics without adequately determining if the patients had a bacterial infection, nontherapeutically prescribing codeine to patients with chronic bronchitis, by failing to consider differential diagnoses, failing to maintain adequate medical records and was in violation of his 2011 Board order. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Srivathanakul has 20 days from the service of the order to file a motion for rehearing.

**Williams, Richard Pascal, Jr., M.D., Lic. No. D7887, Houston**

On June 10, 2016, the Board entered a Default Order against Richard Pascal Williams, Jr., M.D., which revoked his Texas medical license. On August 28, 2015, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH) alleging Dr. Williams' impairment from drugs and/or alcohol. Dr. Williams was served notice of the Complaint and subsequent hearing at SOAH. Dr. Williams failed to appear at SOAH and no answer or responsive pleading was ever filed by Dr. Williams. The Board granted a Determination of Default and Dr. Williams' medical license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Williams has 20 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOICATION**

**Bentley, George Newell, M.D., Lic. No. AM00018, Tyler**

On June 10, 2016, the Board and George Newell Bentley, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Bentley agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that Dr. Bentley suffers from a medical condition that prevents him from practicing medicine.

**Blanchette, Katherine Louise, M.D., Lic. No. H0188, Pearland**

On June 10, 2016, the Board and Katherine Louise Blanchette, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Blanchette agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Blanchette developed a medical condition which interferes with her ability to practice medicine and has indicated her desire to voluntarily surrender her medical license.

**Cooke, Gregory Carrington, M.D., Lic. No. K1402, Angleton**

On June 10, 2016, the Board and Gregory Carrington Cooke, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Cooke agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Cooke's medical license had previously been temporarily restricted due to his failure to meet the standard of care with regard to multiple obstetrics patients. Dr. Cooke was also under investigation for boundary violations with a patient, unprofessional conduct of a sexual nature at work, and the resulting disciplinary action taken by a hospital.

**Diaz, J. Jesus, M.D., Lic. No. E0882, Houston**

On June 10, 2016, the Board and J. Jesus Diaz, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Diaz agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Diaz violated his 2015 Order by continuing to practice medicine and prescribe to patients while he was suspended and by failing to pay the administrative penalty.

**Saunders, Aaron Truitt, M.D., Permit No. BP10048912, Houston**

On June 10, 2016, the Board and Aaron Truitt Saunders, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Saunders agreed to the revocation of his Physician in Training Permit in lieu of further disciplinary proceedings. Dr. Saunders was under investigation following his dismissal from his residency program due to diversion and abuse of a controlled substance, at which time his Permit was terminated.

**Torres Santos, Juan Eduardo, M.D., Lic. No. P5242, Albuquerque, NM**

On June 10, 2016, the Board and Juan Eduardo Torres Santos, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Torres Santos agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Torres Santos was convicted of sexual exploitation of children (possession) in New Mexico and is serving a term of 14 months at the New Mexico Department of Corrections.

**Tuft, Daniel Stephen, M.D., Lic. No. J3640, Livingston**

On June 10, 2016, the Board and Daniel Stephen Tuft, M.D., entered into an Agreed Order of Voluntary Surrender on Formal Filing in which Dr. Tuft agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board alleged Dr. Tuft failed to properly supervise a midlevel provider at his medical office. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Walker, Richard W., Jr., M.D., Lic. No. G0641, Rosharon**

On June 10, 2016, the Board and Richard W. Walker, Jr., M.D., entered into an Agreed Order of Revocation in which Dr. Walker agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Walker was under investigation for allegations of operating an unregistered pain management clinic and nontherapeutically prescribing through his prescriptive delegate. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Williams, Michael Duane, M.D., Lic. No. E2943, Amarillo**

On June 10, 2016, the Board and Michael Duane Williams, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Williams agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board alleged that Dr. Williams violated the terms of his December 4, 2015 Order.

**RESTRICTION**

**Gregory, William Michael, M.D., Lic. No. N0064, Grapevine**

On June 10, 2016, the Board entered a Final Order against William Michael Gregory, M.D., requiring Dr. Gregory to only prescribe controlled substances in the radiological suite and for use in the radiological suite; to not possess, administer or dispense any controlled substances; refrain from treating or otherwise serving as physician for himself or his family; within one year and three attempts pass the Medical Jurisprudence Exam; participate with the Texas Physician's Health Program for an additional two years; within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in boundaries and eight hours in ethics; and Dr. Gregory shall not be permitted to

supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Gregory inappropriately prescribed controlled substances to family members and close friends and pleaded guilty to a Class A misdemeanor offense of Fraudulent Possession of a Controlled Substance or Prescription. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Gregory has 20 days from the service of the order to file a motion for rehearing.

## **SUSPENSION**

### **Howie, David Ian, M.D., Lic. No. H2472, Cleveland**

On June 10, 2016, the Board and David Ian Howie, M.D., entered into an Agreed Order of Suspension, suspending Dr. Howie's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted, appears before the Board and provides clear and convincing evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include the complete and final resolution of any and all criminal charges and investigations that are currently ongoing or any charges that may be brought as a result of the investigation. The Board found Dr. Howie was arrested and charged with exhibiting a deadly weapon (a gun) during the commission of an assault. The criminal investigation is ongoing with no estimated time of completion.

### **Pena, Leandro III, M.D., Lic. No. J0186, Kerrville**

On June 10, 2016, the Board and Leandro Pena, III, M.D., entered into an Agreed Order suspending Dr. Pena's license until such a time as he requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Pena is unable to practice medicine with reasonable skill and safety because of a mental or physical condition.

### **Woody, Robert, M.D., Lic. No. E9031, Las Cruces, NM**

On June 10, 2016, the Board and Robert Woody, M.D., entered into an Agreed Order of Suspension, suspending Dr. Woody's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted, appears before the Board and provides clear and convincing evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include the complete and final resolution of any and all criminal charges and investigations currently pending, or any charges that may be brought as a result of the allegations. The Board found that on March 18, 2016, the New Mexico Medical Board summarily suspended Dr. Woody's medical license after finding he posed a clear and immediate danger to public health and safety. The Summary Suspension Order arose from criminal charges alleging Dr. Woody kidnapped and sexually assaulted two male patients.

## **OTHER STATES' ACTIONS**

### **Fath, Steven Wade, M.D., Lic. No. K8144, Dallas**

On June 10, 2016, the Board and Steven Wade Fath, M.D., entered into an Agreed Order restricting Dr. Fath's practice to a family practice setting; and requiring Dr. Fath to within 60 days contact the Texas A&M Health Science Center Rural and Community Health Institute (KSTAR) to schedule an assessment and comply with any recommendations. The Board found Dr. Fath was involved in a disciplinary proceeding initiated by the Medical Council of New Zealand which arose from allegations of substandard surgical care. Furthermore, the Board found Dr. Fath was involved in a motor vehicle accident which resulted in a traumatic brain injury affecting his ability to handle the practice of surgery.

### **Gossett, Carl W., M.D., Lic. No. G3403, Fort Worth**

On June 10, 2016, the Board and Carl W. Gossett, M.D., entered into an Agreed Order requiring Dr. Gossett to within 30 days submit to an evaluation by the Texas Physician Health Program and comply with any and all recommendations; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Gossett's license to practice medicine in Colorado was suspended due to his failure to comply with an order and that the Defense Health Agency suspended Dr. Gossett's payments for

present and future claims due to his writing of a significant amount of prescriptions to TRICARE beneficiaries outside the state of Colorado.

**McGuckin, James Frederick, Jr., M.D., Lic. No. N1760, Philadelphia, PA**

On June 10, 2016, the Board and James Frederick McGuckin, Jr., M.D., entered into an Agreed Order requiring Dr. McGuckin to comply with all terms as required by the Agreed Order issued by the Washington Medical Quality Assurance Commission. Dr. McGuckin shall not perform angioplasty and stenting procedures of the venous system for chronic cerebrospinal venous insufficiency (CCSVI) procedures or multiple sclerosis patients in the state of Texas. The Board found Dr. McGuckin entered into an Agreed Order with the Washington Medical Quality Assurance Commission which was based on the determination that Dr. McGuckin performed CCSVI procedures on patients without ensuring Bio-Med IRB obtained an approved Investigation Device Exemption (IDE) from the Food and Drug Administration.

**Poling, Rodney Howard, M.D., Lic. No. F8617, Riverview, MI**

On June 10, 2016, the Board and Rodney Howard Poling, M.D., entered into an Agreed Order requiring Dr. Poling to complete and comply with all terms as required by the Agreed Order issued by the Michigan Board of Osteopathic Medicine & Surgery. Dr. Poling shall not practice medicine in Texas until such a time as he requests and appears before the Board at an Informal Settlement Conference (ISC) Hearing. The Board found Dr. Poling was the subject of a disciplinary action by the Michigan Board of Osteopathic Medicine & Surgery.

**Powell, Frank Curtis, M.D., Lic. No. J8721, Spring**

On June 10, 2016, the Board and Frank Curtis Powell, M.D., entered into an Agreed Order on Formal Filing, which requires Dr. Powell to provide a copy of the Order to all medical facilities where he has privileges, seeks privileges, or otherwise practices medicine. The Board found that Dr. Powell was subject to disciplinary action from the Missouri State Board of Registration for the Healing Arts for violating the standard of care by failing to properly interpret and report radiological results.

**PEER REVIEW ACTIONS**

**Freele, Robert Benson, Jr., M.D., Lic. No. M2953, Dallas**

On June 10, 2016, the Board and Robert Benson Freele, Jr., M.D., entered into an Agreed Order publicly reprimanding Dr. Freele and requiring him to within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow any and all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Freele was the subject of a peer review action by his hospital due to boundaries violations with a patient.

**Pecana, Manuel C., M.D., Lic. No. G7304, Irving**

On June 10, 2016, the Board and Manuel C. Pecana, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Pecana and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Pecana's hospital privileges were suspended and during the course of the investigation, Dr. Pecana resigned his clinical privileges at the hospital. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Saifee, Nafees Fatima, M.D., Lic. No. E3762, Fort Worth**

On June 10, 2016, the Board and Nafees Fatima Saifee, M.D., entered into an Agreed Order requiring Dr. Saifee to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours in-person CME on medical recordkeeping, eight hours in ethics and eight hours in the Health Insurance Portability and Accountability Act (HIPAA); and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Saifee's husband, who was her office manager, accessed a patient's electronic medical record without being deputized to do so and Dr. Saifee was the subject of peer review action by Baylor All Saints Medical Center after failing to timely provide confirmation of medical liability insurance coverage.

**Swain, Timothy Whitzel, III, M.D., Lic. No. N7883, Corpus Christi**

On June 10, 2016, the Board and Timothy Whitzel Swain, III, M.D., entered into an Agreed Order requiring Dr. Swain to within one year complete at least eight hours of CME in medical recordkeeping; and within 90 days pay an administrative penalty of \$2,000. The Board found Dr. Swain allowed his privileges at Corpus Christi Medical Center to expire while under investigation for standard of care issues and disruptive behavior. The Board found Dr. Swain failed to maintain adequate medical records for one patient but did not find that Dr. Swain violated the standard of care.

**Wilcox, Moses Edward, Sr., M.D., Lic. No. J7728, Nederland**

On June 10, 2016, the Board and Moses Edward Wilcox, Sr., M.D., entered into an Agreed Order restricting Dr. Wilcox from performing radical prostatectomies. Dr. Wilcox may perform such procedures as a participant in a fellowship program approved in advance by the Board and shall remain restricted until he appears before the Board at an ISC and provides the ISC panel review documentation of his performance during the course of the fellowship. Further, Dr. Wilcox must undergo proctoring by a Board-approved proctor who is a board certified urologist on the first 10 radical nephrectomies he performs; within one year complete at least eight hours in CME, divided as follows: four hours in surgical management of renal cell carcinoma and four hours in surgical management of prostate cancer; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Wilcox was subject to peer review disciplinary action, and failed to meet the standard of care with respect to two patients.

**CRIMINAL ACTIVITY**

**Hayes, Leo Michael, D.O., Lic. No. K2486, Houston**

On June 10, 2016, the Board and Leo Michael Hayes, D.O., entered into an Agreed Order requiring Dr. Hayes to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Hayes pleaded guilty to a misdemeanor, entering an Order of Deferred Adjudication for criminal possession of one pill of Cialis, a controlled substance.

**NONTHERAPEUTIC PRESCRIBING**

**Ellison, Nicole Michelle, M.D., Lic. No. N2485, Cedar Hill**

On June 10, 2016, the Board and Nicole Michelle Ellison, M.D., entered into an Agreed Order restricting Dr. Ellison under the following terms: limiting Dr. Ellison's prescribing of controlled substances for patients' immediate needs as defined; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management; and shall not be permitted to supervise and delegate prescriptive authority to physician assistants or advanced practice nurses. The Board found Dr. Ellison's practice, prescribing, and documentation fell below the standard of care as she failed to obtain prior medical records, substantiate diagnoses with adequate assessments and diagnostics, and failed to document her rationale for her prescriptions of controlled substances such as alprazolam and hydrocodone to 11 patients.

**Hill, Welton Ellis, M.D., Lic. No. F6746, Bellville**

On June 10, 2016, the Board and Welton Ellis Hill, M.D., entered into an Agreed Order prohibiting Dr. Hill from treating patients for chronic pain and requiring Dr. Hill to maintain a logbook of all prescriptions written by himself or his delegates for controlled substances or dangerous drugs. The Board found Dr. Hill failed to meet the standard of care for 15 chronic pain patients by failing to evaluate the effectiveness of the therapy, failing to monitor the patients for abuse or diversion, failing to refer the patients to specialists, failing to properly evaluate, diagnose, treat, and monitor patients suffering from anxiety and increasing medication dosage without medical reasoning or justification.

**Hutcheson, Fred Atkinson, Jr., M.D., Lic. No. E1341, Texarkana**

On June 10, 2016, the Board and Fred Atkinson Hutcheson, Jr., M.D., entered into an Agreed Order requiring Dr. Hutcheson to within seven days request modification of his DEA/DPS controlled substances registration certificates to eliminate Schedule II and III; and within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in drug seeking behavior and eight hours in ethics. The Board found Dr. Hutcheson

failed to meet the standard of care by nontherapeutically prescribing controlled substances and/or dangerous drugs to 15 patients.

**Kiss, George, M.D., Lic. No. L8398, Spring**

On June 10, 2016, the Board and George Kiss, M.D., entered into an Agreed Order restricting Dr. Kiss to an emergency room or emergency medical services (pre-hospital emergency) setting; Dr. Kiss shall not treat chronic pain and shall not prescribe any scheduled controlled substances for a period of lasting longer than 72 hours nor provide refills of any scheduled controlled substance to a patient; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. Further, within one year Dr. Kiss shall complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management; and within 90 days pay an administrative penalty of \$5,000. The Board found Dr. Kiss violated the standard of care, including nontherapeutic prescribing of controlled substances, and failed to properly supervise his delegates.

**Odulaja, Kolawole A., M.D., Lic. No. N2694, San Antonio**

On June 10, 2016, the Board and Kolawole A. Odulaja, M.D., entered into an Agreed Order publicly reprimanding Dr. Odulaja and requiring him to have his practice monitored by another physician for 16 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 48 hours of CME, divided as follows: eight hours in identifying drug-seeking behavior, eight hours in medical recordkeeping, eight hours in risk management, eight hours in diagnosis and treatment of asthma, eight hours in diagnosis and treatment of back pain, and eight hours in prescribing controlled substances; develop a pain management contract with specific provisions requesting drug screening and termination of the physician-patient relationship; and within 90 days pay an administrative penalty of \$5,000. The Board found Dr. Odulaja prescribed controlled substances nontherapeutically to a patient and that he failed to adhere to the Board rules relating to the treatment of pain.

**Wade, Randall William, M.D., Lic. No. G7117, McKinney**

On June 10, 2016, the Board and Randall William Wade, M.D., entered into an Agreed Order requiring Dr. Wade to refer any and all chronic pain patients to other appropriate practitioners and shall not engage in the treatment of any chronic pain for any new patients; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within in one year complete the medical recordkeeping course offered by the University of San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 24 hours of CME, divided as follows: eight hours in pain management, eight hours in drug seeking behavior and eight hours in risk management; and within 90 days pay an administrative penalty of \$3,000. The Board found Dr. Wade operated an unregistered pain management clinic, routinely prescribed controlled substances to 17 chronic pain patients without stating a clear medical rationale, treatment goals, or therapeutic benefit, if any, to the patients, failed to monitor and evaluate patients he was prescribing to for pain and failed to maintain adequate medical records.

**Wilson, Pamela Doylene, M.D., Lic. No. J8842, Spring**

On June 10, 2016, the Board and Pamela Doylene Wilson, M.D., entered into an Agreed Order prohibiting Dr. Wilson from treating or otherwise serving as a physician for her immediate family, and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential or potential for abuse to herself, immediate family or friends; requiring Dr. Wilson to within a year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in medical recordkeeping. The Board found Dr. Wilson failed to order necessary diagnostic testing prior to prescribing testosterone to a patient with whom she had a close relationship, failed to properly evaluate and monitor her boyfriend prior to prescribing him Adderall with no justification for the prescribing in the medical record, assumed the role of primary care physician for several close family members and failed to order the necessary testing to confirm her diagnoses prior to prescribing and failed to maintain adequate medical records related to her treatment.



## **IMPROPER PRESCRIBING**

### **DeWitte, David M., M.D., Lic. No. N9039, Austin**

On June 10, 2016, the Board and David M. DeWitte, M.D., entered into an Agreed Order requiring Dr. DeWitte to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and eight hours in appropriate prescribing of controlled substances. The Board found Dr. DeWitte prescribed both controlled substances and dangerous drugs to a close family member without maintaining an adequate medical record, has a history of prescribing to close family members without maintaining adequate medical records and has self-prescribed on one occasion while residing and practicing in the state of Texas.

### **Hermann, Heinz, M.D., Lic. No. E2611, Pasadena**

On June 10, 2016, the Board and Heinz Hermann, M.D., entered into an Agreed Order requiring Dr. Hermann to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in appropriate prescribing of controlled substances. The Board found Dr. Hermann admitted to prescribing Fiorinal to a family member in amounts beyond the period of immediate need and without maintaining a medical record for the treatment.

## **VIOLATION OF BOARD RULES**

### **Beaty, Barry Lee, D.O., Lic. No. F3746, Fort Worth**

On June 10, 2016, the Board and Barry Lee Beaty, D.O., entered into an Agreed Order on Formal Filing requiring Dr. Beaty to within one year complete at least 4 hours of CME in physician-patient communication. The Board found Dr. Beaty did not follow Board rules in his attempted discharge of a patient. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

### **Bixby, Raymond Richard, M.D., Lic. No. K0420, Anson**

On June 10, 2016, the Board and Raymond Richard Bixby, M.D., entered into an Agreed Order on Formal Filing requiring Dr. Bixby to within seven days surrender his DEA/DPS controlled substances certificates if he has not already done so; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the Clinical Competence Assessment, including Phase I and Phase II, offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete the medical recordkeeping course offered by the PACE program; within one year complete at least 16 hours of CME in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Bixby failed to meet the standard of care with respect to his care and prescribing for treatment of chronic pain, failed to keep adequate medical records, and failed to respond to Board subpoena. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

### **Cantu, Dennis David, M.D., Lic. No. F1430, Laredo**

On June 10, 2016, the Board and Dennis David Cantu, M.D., entered into an Agreed Order requiring Dr. Cantu to within one year complete at least eight hours of CME in risk management and within 60 days pay an administrative penalty of \$500. The Board found Dr. Cantu was the subject of a federal charge of prescribing methadone to patients without the proper DEA registration. The charge was eventually dismissed with no admission of guilt and a \$50,000 fine assessed to Dr. Cantu.

### **Gore, Thomas O., M.D., Lic. No. F6682, Lubbock**

On June 10, 2016, the Board and Thomas O. Gore, M.D., entered into an Agreed Order prohibiting Dr. Gore from treating patients for chronic pain or engaging in the practice of pain management; and requiring Dr. Gore to within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in prescribing benzodiazepines (or similar topic) and eight hours in identifying his risk patients, including those exhibiting drug-seeking behavior. The Board found Dr. Gore lacked attention to detail in his treatment of a patient in regards to the pain medications the patient was taking and authorization of early refills that he prescribed.

### **Karim, Shahnaz Amin, M.D., Lic. No. K8774, Houston**

On June 10, 2016, the Board and Shahnaz Amin Karim, M.D., entered into an Agreed Order requiring Dr. Karim to within one year complete at least 28 hours of CME, divided as follows: eight hours in medical recordkeeping and 20 hours in pain management; and have his practice monitored by another physician for 8 consecutive monitoring cycles. The Board found Dr. Karim violated the standard of care by failing to properly evaluate and monitor a patient while prescribing narcotics despite signs that the patient was non-compliant in treatment recommendations and the physician-patient agreement for pain management.

**Thomas, Flavia La Nell, D.O., Lic. No. K8520, Sugar Land**

On June 10, 2016, the Board and Flavia La Nell Thomas, D.O., entered into an Agreed Order requiring Dr. Thomas to have her practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least eight hours of CME in medical recordkeeping; and within 90 days pay an administrative penalty of \$3,000. The Board found Dr. Thomas violated the standard of care for 15 patients and failed to comply with Board rules related to the treatment of pain and supervision.

**VIOLATION OF PRIOR BOARD ORDER**

**Battle, Clinton Charles, M.D., Lic. No. F1368, Fort Worth**

On June 10, 2016, the Board and Clinton Charles Battle, M.D., entered into a Mediated Agreed Order Modifying Prior Order modifying Dr. Battle's 2013 Order. The modification requires Dr. Battle to within six months complete the Clinical Competence Assessment, including Phase I and II, offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete any and all retraining, remedial measures, and/or other recommendations made by PACE; have his practice monitored by another physician for six consecutive monitoring cycles; and within one year complete at least four hours of CME in billing/coding. The Board found Dr. Battle is not in compliance with his 2013 Order and did not implement the chart monitor recommendations globally across all his patients. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**Ferguson, Donald William, II, M.D., Lic. No. L6039, Arlington**

On June 10, 2016, the Board and Donald William Ferguson, II, M.D., entered into an Agreed Order publicly reprimanding Dr. Ferguson and restricting his practice to Administrative Medicine; and requiring him to within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Ferguson violated the terms of his Order of Temporary Restriction by having indirect contact with patients. Specifically, Dr. Ferguson was acting as a scribe and communicating with patients by sending text messages to the Executive Director of Meadow View Assisted Living Center regarding patients' medical care.

**Giacona, Jewel Annette, M.D., Lic. No. H8073, Baytown**

On June 10, 2016, the Board and Jewel Annette Giacona, M.D., entered into an Agreed Order publicly reprimanding Dr. Giacona and requiring her to within seven days surrender her DEA/DPS controlled substances certificates. Dr. Giacona shall not possess, administer, dispense, prescribe, or order the administration, dispensing, or prescribing, of any controlled substance to any patient under any circumstances; shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant; and within 30 days obtain an independent medical evaluation by a board certified psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Giacona violated her 2015 and 2016 Orders by failing to comply with Board subpoena and not submitting medical records she kept for herself, failing to timely pay her administrative penalty and prescribing controlled substances beyond 72 hours.

**Pittard, Carlton Duwain, M.D., Lic. No. C6476, Bedford**

On June 10, 2016, the Board and Carlton Duwain Pittard, M.D., entered into an Agreed Order Modifying Prior Order modifying Dr. Pittard's June 2012 Order. The modification prohibits Dr. Pittard from prescribing, or authorizing approval or refills of any medication, including dangerous drugs and controlled substances. The Board found Dr. Pittard refilled his wife's Tramadol; twice authorized testosterone refills for a friend; and twice refilled testosterone for himself; did not maintain adequate medical records; failed to document immediate need to prescribe the medication. Dr. Pittard voluntarily surrendered his DEA/DPS controlled substances certification during the investigation.

**Sacks, Steven Michael, M.D., Lic. No. J0658, Beaumont**

On June 10, 2016, the Board and Steven Michael Sacks, M.D., entered into an Agreed Order Modifying Prior Order. The modification requires Dr. Sacks to tender payment for all monitoring costs and provide proof of payment to the Board by no later than June 30, 2016. The Board found Dr. Sacks violated his 2012 Order by failing to pay the physician monitoring fees for Cycle 5 in a timely manner. All other terms of the order remain in full force.

**Wyder, Holly Jo, M.D., Lic. No. M8441, San Antonio**

On June 10, 2016, the Board and Holly Jo Wyder, M.D., entered into an Agreed Order requiring Dr. Wyder to within one year complete at least eight hours of CME in ethics. The Board found Dr. Wyder violated the April 2015 Order because she called in late for testing on two separate occasions and provided one negative dilute specimen for testing.

**TEXAS PHYSICIAN HEALTH PROGRAM VIOLATION**

**Pirinelli, Jeffrey John, M.D., Lic. No. K6241, Irving**

On June 10, 2016, the Board and Jeffrey John Pirinelli, M.D., entered into an Agreed Order requiring Dr. Pirinelli for a period of three years: abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; obtain a Board approved psychiatrist and follow all recommendations for care and treatment; participate in a county or state medical society committee on physician health and rehabilitation, including meetings, no less than three times per month; and participate in Narcotics Anonymous no less than three times per week. The Board found Dr. Pirinelli failed to comply with the terms of his Texas Physician's Health Program agreement.

**INADEQUATE MEDICAL RECORDS**

**Lewis, Adolphus Ray, D.O., Lic. No. H2532, Fort Worth**

On June 10, 2016, the Board and Adolphus Ray Lewis, D.O., entered into an Agreed Order After Formal Filing publicly reprimanding Dr. Lewis and requiring Dr. Lewis to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in proper billing practices and eight hours in ethics; and within six months pay an administrative penalty of \$6,000. The Board found the evidence indicated a pattern of poor billing practices on the part of Dr. Lewis and that Dr. Lewis failed to document a minimal history for all patients at issue. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

**McGonagle, Martin Eugene, M.D., Lic. No. G6563, Brownwood**

On June 22, 2016, the Board entered a Final Order against Dr. Martin Eugene McGonagle, M.D., requiring Dr. McGonagle to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in medical recordkeeping; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. McGonagle failed to maintain adequate medical records. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. McGonagle has 20 days from the service of the order to file a motion for rehearing.

**Philips, Robert J., D.O., Lic. No. E8110, Pampa**

On June 10, 2016, the Board and Robert J. Philips, D.O., entered into an Agreed Order requiring Dr. Philips to within one year complete at least four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Philips failed to keep adequate medical records for one patient.

**Thomas, Daniele D., M.D., Lic. No. G2123, Spring**

On June 10, 2016, the Board and Daniele D. Thomas, M.D., entered into a Mediated Agreed Order requiring Dr. Thomas to within 60 days pay an administrative penalty of \$500. The Board found Dr. Thomas did not maintain adequate medical records because some of her handwriting was illegible. This order resolves the formal complaint filed at the State Office of Administrative Hearings.

## **NON-CERTIFIED RADIOLOGIC TECHNICIAN**

### **Tafolla, Gloria E., NCT, Permit No. NC01574, Fort Worth**

On June 10, 2016, the Board and Gloria E. Tafolla, NCT, entered into an Agreed Order publicly reprimanding Ms. Tafolla and requiring her to provide quarterly reports from her court appointed Probation Officer to the Compliance Officer of the Board addressing her compliance with her sentence imposed by her conviction of DWI; participate in AA no less than 90 meetings in the first 90 days of the effective date of her order, and no less than three times a week thereafter. The Board found Ms. Tafolla pleaded guilty to DWI repeat offender, a misdemeanor, in Arlington, Texas.

## **RESPIRATORY CARE PRACTITIONER**

### **Poore, Laquanna, RCP, Permit No. 69698, Lancaster**

On June 10, 2016, the Board and Laquanna Poore, RCP, entered into an Agreed Order requiring her to within 30 days have her current supervisor assign licensed respiratory therapists to serve as Ms. Poore's work-site monitor and monitor Ms. Poore for four consecutive quarters/cycles; and within one year complete at least six hours of CE, divided as follows: four hours in respiratory care and two hours in ethics. The Board found Ms. Poore documented treatment that was not actually provided.

## **CEASE AND DESIST**

### **Botts, Trevor, D.C., No License, Austin**

On June 10, 2016, the Board and Trevor Botts, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Botts from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Botts' website and other promotional materials did not make it clear that he does not treat thyroid disease, diabetes, Hashimoto's disease, fatigue, digestive issues, and autoimmune disorders. Mr. Botts' website and other promotional materials state he is licensed by the Pastoral Medical Association. This entity does not confer any authority upon Mr. Botts to practice medicine in the state of Texas under the Medical Practice Act.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 21, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Houston physician**

On July 20, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Benjamin Deaton, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Deaton was terminated by the Texas Physician Health Program (TXPHP) for his continual noncompliance with drug testing. Given his recent resumption of practicing medicine in Texas and history of substance abuse and noncompliance, Dr. Deaton poses a continuing threat to public welfare and a temporary suspension of his license is warranted.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Deaton, unless the hearing is specifically waived by Dr. Deaton.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 19, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Throckmorton physician**

On August 18, 2016, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Craig Clark Beasley, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

The restriction prohibits Dr. Beasley from prescribing Schedule II controlled substances for more than a 72-hour period and may not provide any patient with refills of a Schedule II medication under any circumstances. The restriction applies to treating all pain patients, whether for acute or chronic pain. Dr. Beasley shall maintain a drug testing protocol for all patients receiving controlled substances and shall not prescribe a controlled substance to a patient who has tested positive for an illicit drug.

The Board panel found based on the evidence presented, Dr. Beasley's care and treatment demonstrates a pattern of nontherapeutic prescribing for his chronic pain patients. Specifically, Dr. Beasley failed to adequately document that he performed physical examinations to assess the cause(s) of patients' chronic pain before he prescribed significant quantities of pain medication, failed to follow-up with physical examinations or other diagnostic testing, failed to institute opioid risk assessments such as drug screening, failed to document a rational and individualized treatment plan and did not refer his chronic pain patients to outside pain management experts. Dr. Beasley also did not adequately address positive drug screening tests that revealed the use of illicit drugs.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 30, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On August 24, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of James Darian Pierre, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that based on the evidence presented, Dr. Pierre is operating an unlicensed pain management clinic and has failed to adequately supervise his midlevel practitioner who nontherapeutically prescribed controlled substances to multiple patients.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 30, 2016

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Physician Assistant Board suspends Forney physician assistant**

On August 29, 2016, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, with notice, the Texas physician assistant license of Robert Scott Helm, P.A., after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on June 11, 2015, Mr. Helm was arrested by the Northlake Police Department and charged with Possession of a Controlled Substance, a third degree felony. Subsequent to his arrest, Mr. Helm acknowledged to law enforcement that he used the illegal street drug commonly known as methamphetamine. Mr. Helm self-reported the arrest on February 26, 2016, but has failed to cooperate with Board staff's numerous requests for his Medical Practice Questionnaire, practice location, and supervising physician. Mr. Helm is scheduled for a court hearing on his felony charge on October 12, 2016.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 9, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On September 7, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Faiz Ahmed, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on July 27, 2016, Dr. Ahmed submitted to a neuropsychological evaluation as required by a previous Board action. The neuropsychological evaluation, submitted to the Board on August 23, 2016, states that Dr. Ahmed's neuropsychological testing provides objective evidence of cognitive dysfunction that would compromise Dr. Ahmed's abilities to perform the duties of his job as a physician at this time.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ahmed, unless the hearing is specifically waived by Dr. Ahmed.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 28, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Mesquite physician**

On September 27, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Megan Kendra Way, M.D., after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Way admitted to Board staff her misuse of controlled substances, including during times that she was actively engaged in caring for patients. Dr. Way made her admission while she was being investigated for an alleged impairment incident during a surgical procedure for which she had her hospital privileges suspended.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Way, unless the hearing is specifically waived by Dr. Way.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 6, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Graham physician**

On October 5, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jeffrey Keith Gilbertson, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that due to Dr. Gilbertson's recent behavior and impaired status, he is unable to safely practice medicine at this time.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Gilbertson, unless the hearing is specifically waived by Dr. Gilbertson.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 10, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Laredo physician**

On October 6, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Judson J. Somerville, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that the pattern of practice established since Dr. Somerville's restriction indicates he has continued to prescribe very high doses of opioids in an escalating fashion, and has switched to prescribing injectable opioids for non-cancer patients, in violation of the standard of care.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

October 31, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 21 physicians at October meeting**

At its October 14, 2016 meeting, the Texas Medical Board disciplined 21 licensed physicians and issued six cease and desist orders. The disciplinary actions included: five orders related to quality of care violations, one order related to unprofessional conduct, two revocations, three voluntary surrenders/revocations, three orders related to violation of Board rules, five orders related to violation of prior Board order, one order related to inadequate medical records, and one order related to impairment.

The Board issued 182 physician licenses at the October meeting, bringing the total number of physician licenses issued in FY17 to 616.

No rules were adopted during the October meeting.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Adeleye, Victoria M., M.D., Lic. No. N7985, Conroe**

Order entered on August 26, 2016, was vacated and replaced with Agreed Order entered on October 14, 2016 with same terms and conditions.

##### **Armbruster, David Russell, D.O., Lic. No. D1381, Pearland**

On October 14, 2016, the Board and David Russell Armbruster, D.O., entered into an Agreed Order requiring Dr. Armbruster to within 90 days develop a written pain contract that requires random drug testing and terminations for violations of the contract; and within one year complete at least 16 hours of CME, divided as follows: eight hours in opioid prescribing, four hours in risk management and four hours in drug seeking behavior. The Board found Dr. Armbruster admitted that he used no written pain contract with patients that he treated for chronic pain and that his medical records were inadequate.

##### **Gregory, Janet, D.O., Lic. No. P1759, Baton Rouge, LA**

On October 14, 2016, the Board and Janet Gregory, D.O., entered into an Agreed Order requiring her to within one year complete at least 16 hours of CME, divided as follows: eight hours in diagnosis and management of complications due to epidural steroid injections and/or acute epidural hematoma management and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Gregory failed to meet the standard of care by not recognizing and/or appreciating the patient's symptoms or fully documenting a patient's medical history in which she failed to diagnose a spinal hemorrhage.

##### **Nguyen, Michael Van, M.D., Lic. No. P7821, The Woodlands**

On October 14, 2016, the Board and Michael Van Nguyen, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in diagnosis and management of complications due to epidural steroid injections and/or acute epidural hematoma management and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Nguyen failed to meet the standard of care by not recognizing and/or appreciating the patient's symptoms or fully documenting a patient's medical history in which he failed to diagnose a spinal hemorrhage.

**Syed, Ghyasuddin, M.D., Lic. No. L3493, Baytown**

On October 14, 2016, the Board and Ghyasuddin Syed, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Syed failed to meet the standard of care in that he did not maintain adequate medical records for four patients.

**UNPROFESSIONAL CONDUCT**

**Lee, Kirk Reese, M.D., Lic. No. J0062, Sugar Land**

On October 14, 2016, the Board and Kirk Reese Lee, M.D., entered into an Agreed Order, suspending Dr. Lee's Texas medical license; and staying the suspension six months after the date of the signing of the Order, placing him on probation under the following terms: abstain from the consumption of prohibited substances as defined in the order for 10 years, within 90 days obtain an independent medical evaluation from a board certified psychiatrist and follow all recommendations for care and treatment, participate in Alcoholics Anonymous no fewer than 90 meetings in the first 90 days and three times per week thereafter, within seven days surrender DEA/DPS controlled substances certificates, following automatic stay of suspension Dr. Lee shall not practice medicine beyond 20 hours per week, and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Lee engaged in unprofessional conduct in that he became impaired due to abuse of alcohol while he was under an agreement to abstain from alcohol consumption.

**REVOICATION**

**Davis, Carl Cuthbert, M.D., Lic. No. E9598, Houston**

On October 14, 2016, the Board entered a Final Order against Carl Cuthbert Davis, M.D., which revoked his Texas medical license. The Board found Dr. Davis failed to meet the standard of care in the treatment of multiple chronic pain patients, failed to properly supervise his midlevels who nontherapeutically prescribed controlled substances and failed to maintain adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Davis has 20 days from the service of the order to file a motion for rehearing.

**Fowler, Stephen R., M.D., Lic. No. H9514, Ennis**

On October 14, 2016, the Board entered a Default Order against Stephen R. Fowler, M.D., which revoked his Texas medical license. On November 13, 2015, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging Dr. Fowler committed unprofessional conduct for violating his Texas Physician Health Program agreement. Dr. Fowler was served notice of the Complaint and subsequent hearing at SOAH. Dr. Fowler failed to appear at the SOAH hearing and no answer or responsive pleading was ever filed by Dr. Fowler. The Board granted a Determination of Default and Dr. Fowler's Texas medical license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Fowler has 20 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOICATION**

**Etindi, Ransome, M.D., Lic. No. L2240, Waxahachie**

On October 14, 2016, the Board and Ransome Etindi, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Etindi agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board has alleged that Dr. Etindi was indicted and pled guilty to having committed Medicare Fraud.

**Gelzer, Ronald Leroy, M.D., Lic. No. J9046, Killeen**

On October 14, 2016, the Board and Ronald Leroy Gelzer, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Gelzer agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Gelzer was under investigation following his voluntary surrender of his DEA controlled substances registration.

**Pyles, Jocelyn Marie, M.D., Lic. No. G7943, Houston**

On October 14, 2016, the Board and Jocelyn Marie Pyles, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Pyles agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Pyles was under investigation resulting from her conviction of felony health care fraud.

**VIOLATION OF BOARD RULES**

**Gilmore, John F., III, M.D., Lic. No. K0474, Houston**

On October 14, 2016, the Board and John F. Gilmore, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management; and within 30 days present to the Compliance Department a written office policy for handling triplicate prescription forms. The Board found Dr. Gilmore pre-signed two official DPS prescription forms, when he determined he was not going to issue the prescriptions, he did not immediately void them or ensure they were stored securely.

**Kennedy, Colleen, M.D., Lic. No. M7325, Dallas**

On October 14, 2016, the Board and Colleen Kennedy, M.D., entered into an Agreed Order requiring Dr. Kennedy to have her practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least eight hours in CME, divided as follows: four hours in risk management and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Kennedy failed to maintain adequate medical records for, and failed to properly perform physician examinations prior to prescribing compound prescription medications to patients.

**Maul, Robert Greg, D.O., Lic. No. E9798, Rowlett**

On October 14, 2016, the Board and Robert Greg Maul, D.O., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Maul inappropriately allowed his office administrator to access his Prescription Access Texas program account.

**VIOLATION OF PRIOR BOARD ORDER**

**Hernandez, Arthur, M.D., Lic. No. G1674, San Antonio**

On October 14, 2016, the Board and Arthur Hernandez, M.D., entered into an Agreed Order publicly reprimanding Dr. Hernandez and requiring him to complete the KSTAR assessment which was required by his August 2015 Order by December 31, 2016. The Board found Dr. Hernandez violated his 2015 Order by failing to timely reimburse the Board for his practice monitor and by failing to complete the KSTAR assessment within the timeframe set forth in the order.

**Motley, Jennifer Lee, M.D., Lic. No. L7491, Fort Worth**

On October 14, 2016, the Board and Jennifer Lee Motley, M.D., entered into an Agreed Order publicly reprimanding Dr. Motley and requiring her to fully comply with all terms of the June 2015 Order and show proof of compliance by November 1, 2016; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Motley failed to complete 12 hours of CME within the timeframe required by the Agreed Order.

**Pham, Chi Manh, M.D., Lic. No. G1993, Houston**

On October 14, 2016, the Board and Chi Manh Pham, M.D., entered into an Agreed Order on Formal Filing Modifying Prior Mediated Agreed Order, modifying Dr. Pham's June 2014 Order. The modification requires Dr. Pham to have his practice monitored for an additional eight consecutive chart monitoring cycles; within one year schedule an assessment with the Texas A&M Health Science Center Rural and Community Health Institute (KSTAR); within one year complete at least 18 hours of CME, divided as follows: four hours in professional communications, four hours in prescribing of antibiotics/resistance and 10 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Pham violated the 2014 Order by failing to implement any of the chart monitor's

recommendations. All other terms of the 2014 remain in full force and effect. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Reis, Marcos, M.D., Lic. No. G0810, Brownsville**

On October 14, 2016, the Board and Marcos Reis, M.D., entered into a Superseding Agreed Order publicly reprimanding Dr. Reis and requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 90 days complete at least 20 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in ethics, four hours in risk management, four hours in patient-physician communications and four hours in prescribing to geriatric patients; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Reis failed to take 20 hours of CME as required by the 2013 and 2015 orders and has failed to implement the recommendations made by his physician monitor. This order supersedes all previous orders.

**Smith, Raleigh Arnold, III, M.D., Lic. No. F4547, Aransas Pass**

On October 14, 2016, the Board and Raleigh Arnold Smith, III, M.D., entered into an Agreed Order publicly reprimanding Dr. Smith and requiring him to within 60 days complete the required CME hours, divided as follows: four hours in risk management and four hours in ethics; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Smith failed to comply with his 2014 Order by failing to complete the PACE Boundaries Course and CME required by the order.

**INADEQUATE MEDICAL RECORDS**

**Brams, Matthew Neil, M.D., Lic. No. H4183, Houston**

On October 14, 2016, the Board and Matthew Neil Brams, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in medical recordkeeping, to include the areas of geriatrics and psychiatry, and four hours in risk management. The Board found Dr. Bram's medical records were illegible and failed to contain all required elements of a psychiatric examination. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**IMPAIRMENT**

**Perry, Richard M., D.O., Lic. No. J7131, Huntsville**

On October 14, 2016, the Board and Richard M. Perry, D.O., entered into an Agreed Order requiring Dr. Perry to within 30 days submit to an evaluation by the Physician Health Program and comply with any and all recommendations; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in appropriate prescribing of controlled substances; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Perry admitted to self-prescribing Tramadol to deal with the pain of physician injuries resulting from car accidents and that Dr. Perry is in a rehabilitation program to address addiction and his addictive tendencies.

**CEASE AND DESIST**

**De La Torre, Ermit Marie, No License, Penitas**

On October 14, 2016, the Board and Ermit Marie De La Torre entered into an Agreed Cease and Desist Order prohibiting Ms. De La Torre from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. De La Torre entered a plea of guilty to one count of Conspiracy to Commit Health Care Fraud which arose from her employment at Palm Village Family Clinic, LLC, in Penitas, Texas.



**Deleon, Evangelina, No License, Mission**

On October 14, 2016, the Board and Evangelina Deleon entered into an Agreed Cease and Desist Order prohibiting Ms. Deleon from engaging in the unlicensed practice of medicine in the state of Texas. The Board found on May 1, 2014 the FBI and FDA executed a search warrant of Ms. Deleon's residence and during that search Ms. Deleon made statements that she injected clients with Juvederm, Radiesse, and Botox without physician supervision at her residence and other locations.

**Hamilton, Donald, No License, Hemphill**

On October 14, 2016, the Board and Donald Hamilton entered into an Agreed Cease and Desist Order prohibiting Mr. Hamilton from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Hamilton described himself on a website "Healthy Solutions," as a Nutritionist/Practitioner with a picture of him wearing a white lab coat with a stethoscope around his neck. According to the website, Mr. Hamilton's profile notes that, "Our holistic approach has helped acute, chronic, and degenerative conditions." Mr. Hamilton advised a mother of a pediatric patient with the diagnosis of cerebellar tumor, epilepsy, and developmental delay to administer selenium to the patient instead of his prescribed medications.

**Kojian, Humpartzoom James, M.D., No License, Arcadia, CA**

On October 14, 2016, the Board and Humpartzoom James Kojian, M.D., entered into an Agreed Cease and Desist Order prohibiting Dr. Kojian from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Dr. Kojian, who is licensed to practice medicine in California, owns and operates a web-based business that specialized in treating patients for weight loss via videoconferencing. By and through this business, Dr. Kojian provided prescription medications to Texas patients without a Texas medical license.

**Medina, Erik C., M.D., No License, Lubbock**

On October 14, 2016, the Board and Erik C. Medina, M.D., entered into and Agreed Cease and Desist Order prohibiting Dr. Medina from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Dr. Medina on or about April 21, 2016, entered a plea guilty to the 3<sup>rd</sup> degree felony offense of practicing medicine without a license in Lubbock County.

**Perez Del Puerto, Gonzalo, No License, Dallas**

On October 14, 2016, the Board and Gonzalo Perez Del Puerto entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas and shall cease and desist from identifying himself as a doctor, unless he does so in compliance with the Healing Arts Identification Act. The Board found Mr. Perez Del Puerto indicated he was entitled to practice medicine when he was not licensed to do so by fraudulently altering communications from a governmental agency, the Texas Medical Board, and impersonating a government employee.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 22, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas State Board of Acupuncture Examiners suspends Conroe acupuncturist**

On November 21, 2016, a disciplinary panel of the Texas State Board of Acupuncture Examiners temporarily suspended, without notice, the Texas acupuncture license of Scott Y. Dreyhaupt, A.C., after determining his continuation in the practice of acupuncture poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on October 18, 2016, Mr. Dreyhaupt was taken into custody for Online Solicitation of a Minor and further questioning by the Pearland Police Department. On November 3, 2016, Mr. Dreyhaupt was arrested and booked into the Montgomery County Jail for the offense of sexual assault of a child.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Dreyhaupt, unless the hearing is specifically waived by Mr. Dreyhaupt.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 15, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 25 physicians at December meeting**

At its December 2, 2016 meeting, the Texas Medical Board disciplined 25 licensed physicians and issued one cease and desist order.

The disciplinary actions included: five orders related to quality of care violations, one order related to unprofessional conduct, four voluntary surrenders/revocations, one voluntary suspension, one termination of suspension, two orders related to peer review actions, one order related to improper supervision or delegation, two orders related to violation of prior Board order, two orders related to other states' action, one order related to failure to use the Texas Electronic Death Registry, one order related to inadequate medical records, two orders related to Texas Physician Health Program violations, and two orders related to impairment.

The Board issued 170 physician licenses at the December meeting, bringing the total number of physician licenses issued so far in FY17 to 1,087.

No rules were adopted during the December meeting.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Adugba, Ikenna, M.D., Lic. No. K6978, Denton**

On December 2, 2016, the Board and Ikenna Adugba, M.D., entered into an Agreed Order on Formal Filing requiring Dr. Adugba to have his practice monitored by another physician for 12 consecutive monitoring cycles; within 30 days schedule an assessment with U.S. San Diego Physician Assessment and Clinical Education (PACE) Program or the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in physician-patient communication and eight hours in medical recordkeeping; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Adugba failed to notify and follow-up on a patient's elevated blood pressure and creatine level and failed to keep adequate medical records for 12 patients to justify the use of controlled substances for chronic pain and continued use of antipsychotic and anxiolytic therapies. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Chen, Lilly Lil-Jing, M.D., Lic. No. J5283, Houston**

On December 2, 2016, the Board and Lilly Lil-Jing Chen, M.D., entered into an Agreed Order on Formal Filing subjecting her to the following terms: shall not engage in the treatment of chronic pain as defined in rule; within one year and three attempts pass the Medical Jurisprudence Exam; within seven days surrender DEA/DPS controlled substances registration certificates and shall not reregister or obtain certificates without written authorization from the Board; shall not be permitted to delegate prescriptive authority or supervise any midlevel provider including physician assistants, advanced practice registered nurses or supervise surgical assistants; shall immediately surrender any and all pain management clinic certificates; shall immediately terminate any and all supervision and prescriptive delegation registrations and agreements; and within one year complete at least four hours of CME in medical ethics. The Board found Dr. Chen failed to meet the standard of care in her treatment of 15 chronic pain patients, was employed at an unregistered pain management clinic, and entered a plea of guilty for a Class B Misdemeanor in the County Criminal

Court of Law No. 4, in Harris County, TX. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Ersek, Robert A., M.D., Lic. No. E9190, Austin**

On December 2, 2016, the Board and Robert A. Ersek, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in risk management, four hours in medical recordkeeping and four hours in patient selection. The Board found Dr. Ersek failed to meet the standard of care in that he did not complete an adequate pre-operative evaluation and ignored other factors indicating a patient was not a good candidate for a procedure and that he failed to keep adequate medical documentation.

**Levy, Robert Lewis, M.D., Lic. No. G4638, Richardson**

On December 2, 2016, the Board and Robert Lewis Levy, M.D., entered into an Agreed Order requiring him to within one year complete at least 28 hours of CME, divided as follows: 12 hours in high risk obstetrics/gynecology, eight hours in ultrasound training, four hours in risk management and four hours in physician-patient communications. The Board found Dr. Levy did not perform an ultrasound that would have clarified confusion regarding heart rate of the fetus and detected it was severely compromised.

**Olusola, Benedict Oladipo, M.D., Lic. No. J7118, DeSoto**

On December 2, 2016, the Board and Benedict Oladipo Olusola, M.D., entered into an Agreed Order on Formal Filing subjecting him to the following terms: beginning March 1, 2017, Dr. Olusola's medical practice, including any office and inpatient practice, is restricted to family medicine in a group or institutional setting approved in advance; Dr. Olusola shall be permitted to practice emergency medicine only in a freestanding medical care facility licensed under Chapter 254 of the Texas Health and Safety Code or a general or special hospital as defined by the Texas Health and Safety Code Section 241.003; beginning March 1, 2017, Dr. Olusola is prohibited from performing or administering cosmetic procedures or treatments of any kind on any patient in any setting and is prohibited from performing or administering stem cell procedures or stem cell treatments of any kind to any patient in any setting; prohibited from reapplying for DEA controlled substances certificates for any Schedules other than Schedule IV and V; and within 90 days pay an administrative penalty of \$3,500. The Board found Dr. Olusola performed cosmetic surgery procedures on five patients that were allegedly inappropriate or inappropriately performed, failed to maintain adequate medical records for seven patients, and surrendered his DEA controlled substances certificates in view of his alleged failure to comply with federal requirements pertaining to controlled substances. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**UNPROFESSIONAL CONDUCT**

**Fisher, Deborah Rachel, M.D., Lic. No. L9195, Sherman**

On December 2, 2016, the Board and Deborah Rachel Fisher, M.D., entered into an Agreed Order requiring her to within a year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of in-person CME, divided as follows: four hours in ethics, four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Fisher kept pre-signed prescription pads in a locked safe with limited access. One of her former employees, who did not have authority to access the safe, was able to obtain a prescription pad which the employee used to fraudulently obtain controlled substances.

**VOLUNTARY SURRENDER/REVOCAION**

**Davis, Jennifer L., M.D., Lic. No. J4070, Fredericksburg**

On December 2, 2016, the Board and Jennifer L. Davis, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Davis agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Davis was under investigation for allegations of taking sample medications for her personal use and improper prescribing.

**Martinez, Benjamin Seth, M.D., Lic. No. N2187, Dallas**

On December 2, 2016, the Board and Benjamin Seth Martinez, M.D., entered into an Agreed Order of Revocation in which Dr. Martinez agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Martinez's license had been suspended by the Board after a Houston jury found him guilty of 16 felony counts related to health care fraud.

**Pallares, Frank, M.D., Lic. No. F1181, Coronado, CA**

On December 2, 2016, the Board and Frank Pallares, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pallares agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Pallares was under investigation related to disciplinary action taken against him by the Arizona Medical Board.

**Worthing, Louie Fabian, III, M.D., Lic. No. E1190, Houston**

On December 2, 2016, the Board and Louie Fabian Worthing, III, M.D., entered into an Agreed Voluntary and Permanent Surrender in which Dr. Worthing agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Worthing was under investigation by the Board regarding allegations pertaining to the care and treatment of a patient.

**VOLUNTARY SUSPENSION**

**Henderson, Billy Wayne, M.D., C7179, Nacogdoches**

On December 2, 2016, the Board and Billy Wayne Henderson, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Henderson's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted and appears before the Board to provide clear and convincing evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Henderson's privileges were not renewed by a health care entity due to Dr. Henderson's cognitive impairment and hearing loss and his failure to meet the standard of care for two patients.

**TERMINATION OF SUSPENSION**

**Ryan, Robert Patton, M.D., Lic. No. E6901**

On December 2, 2016, the Board entered an Order Granting Termination of Suspension, lifting the suspension of Robert Patton Ryan, M.D.'s Texas medical license. The modification requires Dr. Patton to continue psychiatric treatment with quarterly reports to the Board; have his practice setting approved by the Board in advance; and he will be referred to the Texas Physician Health Program. The Board was provided evidence that Dr. Patton is no longer cognitively impaired from a traumatic brain injury and that he is able to practice medicine under the terms of the order.

**PEER REVIEW ACTION**

**Jones, Ryan Edward, M.D., Lic. No. Q4778, Dallas**

On December 2, 2016, the Board and Ryan Edward Jones, M.D., entered into an Agreed Order requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Jones was disciplined by his residency program due to unprofessional conduct and a failure to comply with his probation requirements.

**Salcedo, Jorge, M.D., Lic. No. L4688, Spokane, WA**

On December 2, 2016, the Board and Jorge Salcedo, M.D., entered into an Agreed Order requiring him to contact the Colorado Education Program (CPEP), or the University of California San Diego Physician Assessment and Clinical Education (PACE) program to schedule a competency assessment specific to radiology. Dr. Salcedo shall not practice in Texas until he requests permission in writing and personally appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to practice medicine which shall include at minimum completion of the

assessment and resolution of his self-referral to the Texas Physician Health Program. The Board found Dr. Salcedo resigned his privileges while under investigation by the Veterans Administration involving professional competency.

#### **IMPROPER SUPERVISION OR DELEGATION**

##### **Arellano, Victor-Hugo Valencia, M.D., Lic. No. G7777, Houston**

On December 2, 2016, the Board and Victor-Hugo Valencia Arellano, M.D., entered into an Agreed Order prohibiting Dr. Arellano from supervising or delegating prescriptive authority to a physician assistant or advanced practice nurse or from supervising a surgical assistant; requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical ethics and eight hours in risk management. The Board found Dr. Arellano aided and abetted the practice of medicine by unlicensed medical providers and failed to properly supervise medical assistants who went beyond the scope of medical assistant duties.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Fankhauser, Grant, M.D., Lic. No. Q1600, Galveston**

On December 2, 2016, the Board and Grant Fankhauser, M.D., entered into an Agreed Order Modifying Prior Order. The modification extended his August 2014 Order for a period of five years from December 2, 2016 and requires Dr. Fankhauser to submit to additional alcohol screening with or without notice. The Board found Dr. Fankhauser violated his 2014 Order by consuming alcohol. All other terms of the 2014 remain in full force and effect.

##### **Hugg, Terry Wayne, M.D., Lic. No. F7677, Houston**

On December 2, 2016, the Board and Terry Wayne Hugg, M.D., entered into an Agreed Order on Formal Filing restricting Dr. Hugg from treating pain, prescribing any medications for the treatment of pain, and prescribing any medications other than psychotropic medications used in the treatment or management of psychiatric conditions. Furthermore, Dr. Hugg is required to refer all patients with pain complaints to another provider, within one year and three attempts pass the Medical Jurisprudence Exam, and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Hugg violated his April 2013 Order when he prescribed three patients Tramadol, a controlled substance used in the treatment of pain, for periods beyond the patients' immediate need. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **OTHER STATES' ACTION**

##### **Burdette, David D., M.D., Lic. No. TM00015, Omaha, NE**

On December 2, 2016, the Board and David D. Burdette, M.D., entered into an Agreed Order publicly reprimanding Dr. Burdette. The Board found Dr. Burdette was issued a public reprimand by the Colorado Medical Board for his treatment of a patient.

##### **Lombardi, Vincent Anthony, M.D., Lic. No. J8302, Carmel, IN**

On December 2, 2016, the Board and Vincent Anthony Lombardi, M.D., entered into an Agreed Order publicly reprimanding Dr. Lombardi. The Board found Dr. Lombardi was disciplined by the Colorado Medical Board (CMB) for failing to meet the standard of care and received a letter of admonition from the CMB.

#### **FAILURE TO USE TEXAS ELECTRONIC DEATH REGISTRY**

##### **Naqvi, Erum, M.D., Lic. No. P1904, San Antonio**

On December 2, 2016, the Board and Erum Naqvi, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Naqvi failed to timely complete a death certificate utilizing the Texas Electronic Death Registry System.

## **INADEQUATE MEDICAL RECORDS**

### **Nguyen, Dzung An, M.D., Lic. No. F4324, Houston**

On December 2, 2016, the Board and Dzung An Nguyen, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical records and eight hours in acute care medicine. The Board found Dr. Nguyen did not document the medical rationale for the use of intravenous fluids and in general there was no documentation as to the decision making that occurred for the treatment of a patient.

## **TXPHP VIOLATION**

### **Jolivet, David Anthony, M.D., Lic. No. G2160, Carlsbad**

On December 2, 2016, the Board and David Anthony Jolivet, M.D., entered into an Agreed Order subjecting him to the following terms for five years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; submit to the Board three physicians who are board certified in psychiatry to serve as his treating psychiatrist and follow all recommendations for care and treatment made by the treating psychiatrist; and participate in Caduceus activities at least once a month for a minimum of one year. The Board found Dr. Jolivet violated the terms of his Texas Physician Health Program monitoring agreement by failing to provide physician reports and 12-step attendance records as required by the agreement.

### **Scheinost, Nancy A., M.D., Lic. No. J5471, Bryan**

On December 2, 2016, the Board and Nancy A. Scheinost, M.D., entered into an Agreed Order requiring Dr. Scheinost to within 30 days submit in writing the names of a board certified neurologist, neuropsychologist and primary care physician; within 60 days undergo an evaluation by the board- approved neurologist, a complete exam by the primary care physician and follow all recommendations for care and treatment by the examining physicians; and within six months undergo a neuropsychological evaluation from a board-approved psychologist and follow all recommendations for care and treatment. The Board found Dr. Scheinost failed to comply with the Texas Physician Health Program (TXPHP) agreement and may be impaired with a health condition.

## **IMPAIRMENT**

### **Bradley, Craig Scott, M.D., Lic. No. J4001, Lubbock**

On December 2, 2016, the Board and Craig Scott Bradley, M.D., entered into an Agreed Order prohibiting Dr. Bradley from engaging in the clinical practice of medicine in Texas until he requests in writing to do so and appears before the Board to provide clear and convincing evidence he is physically, mentally, and otherwise competent to safely practice medicine. Dr. Bradley is also not permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Bradley properly reported a brain aneurysm to the Board and that his current cognitive impairment makes him unable to safely practice clinical medicine at this time.

### **Cantu, Conrado, Jr., M.D., Lic. No. Q5361, Alice**

On December 2, 2016, the Board and Conrado Cantu, Jr., M.D., entered into an Agreed Order requiring him to abstain from the consumption of prohibited substances as defined in the order for a period of 10 years; participate in the Board's drug testing program; within 30 days undergo an independent medical evaluation and follow all recommendations for care and treatment; and participate in Alcoholics Anonymous activities daily for the first 90 days and no less than three times a week thereafter. The Board found Dr. Cantu is in recovery for substance abuse disorder for which he has been receiving treatment since May 2016.

## **CEASE AND DESIST**

### **Hunter, Catharina, A/K/A Katinca Lindeque, A/K/A Katherine Hunter, No License, Boerne**

On December 2, 2016, the Board and Catharina Hunter entered into an Agreed Cease and Desist Order prohibiting Ms. Hunter from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Hunter treated a patient with metastatic cancer using UVL Blood Irradiation, high flow oxygen therapy, and intravenous sodium selenite therapy between November 2015 and February 2016, which according to Board rules is the unlicensed practice of medicine.

**###**

*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 21, 2016

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Daingerfield MRT**

On December 16, 2016, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist license of Justin Lloyd Stricklin, MRT, after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that following an incident at Mr. Stricklin's former practice location, he was arrested by the Allen Police Department for indecency with a child/sexual contact. The alleged assault occurred while Mr. Stricklin was working in his capacity as a medical radiologic technologist, taking an x-ray of the victim's knee.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Stricklin, unless the hearing is specifically waived by Mr. Stricklin.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 30, 2016

Media contact: Megan Goode, 512-305-7044

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Yoakum physician**

On December 30, 2016, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of William David Moehlman, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that due to Dr. Moehlman's behavior and impaired status, he is unable to safely practice medicine at this time.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Moehlman, unless the hearing is specifically waived by Dr. Moehlman.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

March 2, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends San Antonio MRT (Abrams)**

On March 1, 2017, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist license of David M. Abrams, MRT, after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Abrams, who may be impaired due to alcohol and opioid dependency, has failed to comply with any Texas Physician Health Program (TXPHP) requests for drug treatment, testing or monitoring, per his TXPHP agreement.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Abrams, unless the hearing is specifically waived by Mr. Abrams.

The temporary suspension remains in place until the Board takes further action.

**###**

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

March 2, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends San Antonio MRT (Martinez)**

On March 1, 2017, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, with notice, the Texas medical radiologic technologist license of Vanessa Ann Martinez, MRT, after determining her continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Ms. Martinez is impaired due to alcohol and opioid dependence, and has failed to comply with any Board request for drug treatment, testing or monitoring.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

March 2, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends San Antonio NCR (Trevino)**

On March 1, 2017, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, with notice, the Texas non-certified radiologic technologist license of Leonard Trevino, NCR, after determining his continuation in the practice of radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on November 10, 2016, Mr. Trevino was arrested by the San Antonio Police Department after he went to a house with a gun and told the victim to let him into the house. Mr. Trevino told the victim he was there to kill him and struck the victim in the head several times. Mr. Trevino was trying to stop the victim/family from testifying against him on a charge of child indecency.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 17, 2017

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 59 physicians at March meeting, adopts rule changes**

At its March 3, 2017 meeting, the Texas Medical Board disciplined 59 licensed physicians and issued five cease and desist orders.

The disciplinary actions included: eight orders related to quality of care violations, eight orders related to unprofessional conduct, three revocations, one suspension, eight voluntary surrenders/revocations, five terminations of suspension, two restrictions, one order related to peer review action, five orders related to nontherapeutic prescribing, one order related to improper prescribing, two orders related to violation of Board rules, six orders related to violation of prior Board order, four orders related to other states' actions, one order related to criminal activity, one order related to inadequate medical records, one order related to Texas Physician Health Program violations, and two orders related to impairment.

The Board issued 120 physician licenses at the March meeting, bringing the total number of physician licenses issued so far in FY17 to 2,177.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

The amendments to Chapter 194 changes the chapter's title and adds new **§§194.1 - 194.43**, delineating regulations related to the medical radiologic technology regulatory program functions. The language in existing §§194.1 - 194.9 and 194.11 has been relocated to new §§194.34 - 194.43. The amendments add rules that establish qualifications, procedures, requirements and processes that enable the Medical Radiological Technology Board to regulate the practice of medical radiologic technology. Remaining existing rules related to registration and physician supervision of non-certified technicians are renumbered to reflect the addition of the new rules.

#### **CHAPTER 186. RESPIRATORY CARE**

The adoption of new Chapter 186 adds new **§§186.1 - 186.14** and **§§186.16 - 186.29**, concerning Respiratory Care Practitioners, delineates regulations related to the Respiratory Care Practitioner regulatory program functions. The new chapter adds rules that establish qualifications, procedures, requirements and processes that enable the Respiratory Care Board to regulate the practice of respiratory care. The new chapter also contains rules related to certification of and physician supervision of Respiratory Care Practitioners.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Agusala, Madhava, M.D., Lic. No. J1178, Odessa**

On March 3, 2017, the Board and Madhava Agusala, M.D., entered into Mediated Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 36 hours of CME, divided as follows: 12 hours in medical recordkeeping, 12 hours in vascular interventions and complications, and 12 hours in peripheral arterial disease. The Board found Dr. Agusala did not adequately document physical examinations, assessments, and indications for peripheral interventions on a patient, failed to consider another

diagnosis other than claudication on one patient and interpreted and relied on insufficiently documented ultrasound and peripheral angiogram reports on a patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Beasley, Craig Clark, M.D., Lic. No. K1160, Throckmorton**

On March 3, 2017, the Board and Craig Clark Beasley, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 16 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; maintain a logbook of all written prescriptions for controlled substances ; and within one year complete at least 12 hours of CME, divided as follows: 8 hours in medical recordkeeping and four hours in identifying drug-seeking behavior. The Board found Dr. Beasley failed to meet the standard of care in his treatment of multiple patients due to improper documentation of his treatment rationale, failed to incorporate other treatment modalities, and failed to develop and implement adequate treatment plans for the patients.

**Fry, Robert, M.D., Lic. No. E4339, Texarkana**

On March 3, 2017, the Board and Robert Fry, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within 30 days obtain a multi-disciplinary psychiatric evaluation from the Gabbard Center in Bellaire, Texas and follow all recommendations for care and treatment; upon completion of his evaluation, Dr. Fry shall contact the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program or Phases I and II of the University of California San Diego Physician Assessment and Clinical Education (PACE) program to schedule an assessment and complete any and all recommendations within one year; and upon completion of the evaluations, appear before the Board to address any issues from the evaluation and assessment and compliance with the terms of the order. The Board found Dr. Fry did not meet the standard of care with respect to the treatment of four patients and was subject to peer review disciplinary action due to behavioral issues. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Kaufman, James Kevin, M.D., Lic. No. L0318, Fort Worth**

On March 3, 2017, the Board and James Kevin Kaufman, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 32 hours of in-person CME, divided as follows: 8 hours in risk management, 8 hours in ethics, 8 hours in spinal surgery, including pedicle screw management and post-operative complication management, and 8 hours in physician-patient communication; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Kaufman violated the standard of care in his performance of multiple spinal surgeries on one patient within a short period of time. Dr. Kaufman was not diligent with respect to the posterior surgery and in his communications with the patient and family.

**Murillo, Ricardo Alonso, M.D., Lic. No. K0949, Dallas**

On March 3, 2017, the Board and Ricardo Alonso Murillo, M.D., entered into an Agreed Order requiring him to complete at least 12 hours of CME, divided as follows: 8 hours in risk management and 4 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Murillo treated a patient for a urinary tract infection with Levaquin 500 mg daily for seven days without documenting justification for the longer course, and failed to document that he further addressed abnormal laboratory results and also scheduled a follow up appointment for one year's time, which was too long considering the patient's other comorbidities.

**Prasad, Suresh, M.D., Lic. No. K8430, Odessa**

On March 3, 2017, the Board and Suresh Prasad, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: 4 hours in medical recordkeeping and 8 hours in risk management. The Board found Dr. Prasad failed to meet the standard of care by not having a patient appointment reminder system in place to ensure a patient's international normalized ratio (INR) was retested in a timely manner, and failed to create and maintain an adequate medical record.

**Sneed, David Lee, D.O., Lic. No. F4549, Austin**

On March 3, 2017, the Board and David Lee Sneed, D.O., entered into an Agreed Order requiring his practice to be monitored by another physician for 8 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 8 hours in risk management, 8 hours in ethics, and 8 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Sneed failed to meet the standard of care for facial laser treatments performed on a patient, failed to advise the patient of advantages and disadvantages of the treatment options, leaving this task to an aesthetician, and failed to maintain adequate medical records.

**Yurvati, Albert Henry, D.O., Lic. No. H2655, Fort Worth**

On March 3, 2017, the Board and Albert Henry Yurvati, D.O., entered into an Agreed Order requiring him to within one year write a research paper suitable for publication addressing the establishment of a protocol to minimize the risk of removing the incorrect rib when using the supraclavicular approach in treating thoracic outlet syndrome and submit to a peer review journal; and within one year complete at least 8 hours of CME, divided as follows: 4 hours in risk management and 4 hours in physician-patient communication. The Board found Dr. Yurvati removed the wrong rib when treating thoracic outlet syndrome, which required two subsequent operations to correct and caused ongoing complications for the patient.

**UNPROFESSIONAL CONDUCT**

**Aijaz, Asim Syed, M.D., Lic. No. M9781, Austin**

On March 3, 2017, the Board and Asim Syed Aijaz, M.D., entered into an Agreed Order publicly reprimanding Dr. Aijaz and requiring him to have a chaperone present during physical examinations of female patients; within six months complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 8 hours of CME in ethics. The Board found Dr. Aijaz violated physician-patient boundaries by establishing a sexual relationship with one patient.

**Burzynski, Stanislaw R., M.D., Lic. No. D9377, Houston**

On March 3, 2017, the Board entered a Final Order against Stanislaw R. Burzynski, M.D., suspending his license, immediately staying the suspension of his license placing him on probation for five years under terms and conditions: publicly reprimand; monitoring of billing practices; ethics course; 72 hours of CME, in the following topics: 15 hours on the topic of informed consent, 14 hours on the topic of medical recordkeeping, 14 hours on the topic of risk management, 15 hours in supervision and delegation, and 14 hours on the topic of patient communication; submitting informed consent forms for review; submit an ownership interest disclosure form; pass the Medical Jurisprudence Exam; an administrative penalty of \$40,000; and pay restitution in the amount of \$20,000. The action was based on the findings of administrative law judges at the State Office of Administrative Hearings (SOAH) including: failure to provide informed consent to the treatment plan; failure to supervise research assistants who were not authorized to practice medicine; unlicensed practice of medicine; failure to disclose his ownership interest in southern family pharmacy; improperly classifying a minor patient's death as a lesser adverse event for purposes of FDA reporting; and failure to maintain adequate medical records to support charges. This order resolves a formal complaint filed at SOAH. Dr. Burzynski has 20 days from the service of the order to file a motion for rehearing.

**Calzada, Israel, M.D., Lic. No. BP10050013, Austin**

On March 3, 2017, the Board and Israel Calzada, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: 4 hours in medical recordkeeping, 4 hours in risk management, and 8 hours in inappropriate prescribing of controlled substances. The Board found Dr. Calzada, while working under a Physician-in-training permit, inappropriately prescribed controlled substances to a family member beyond the 72-hour period of immediate need.

**Currier, Daryl Clyde, M.D., Lic. No. E6298, Stockdale**

On March 3, 2017, the Board and Daryl Clyde Currier, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: 8 hours of risk management and 8 hours in ethics; within one



year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Currier signed official prescription forms and provided them to a Licensed Vocational Nurse to complete pursuant to Dr. Currier's verbal orders when refills on narcotic prescriptions were needed for residents of a nursing facility.

**Ethridge, Richard Thomas, M.D., Lic. No. M5152, Fort Worth**

On March 3, 2017, the Board and Richard Thomas Ethridge, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: 4 hours in risk management and 4 hours in HIPAA; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Ethridge acted unprofessionally and violated confidentiality laws by disclosing a patient's protected health information on Facebook without consent.

**Frierson, John Howard, M.D., Lic. No. G3371, San Antonio**

On March 3, 2017, the Board and John Howard Frierson, M.D., entered into an Agreed Order requiring him to within one year complete at least 8 hours of CME, divided as follows: 4 hours in ethics and 4 hours in physician-patient communication; and within 90 days pay an administrative penalty of \$3,000. The Board found Dr. Frierson performed a cardiac catheterization and stent placement procedure on a patient. The patient was stable after surgery and the patient's family chose an alternate physician to treat the patient. Subsequently, the patient's condition deteriorated and the patient was attended to by an alternate physician. Dr. Frierson did not return to the hospital after being called by nursing staff relating to the patient's condition. Dr. Frierson should have exercised greater diligence and come to the hospital to attend to the patient.

**Olusegun-Gbadehan, Tinuade, M.D., Lic. No. N3663, San Antonio**

On March 3, 2017, the Board and Tinuade Olusegun-Gbadehan, M.D., entered into a Mediated Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 8 hours in physician-patient communication, eight hours in risk management, and eight hours in HIPAA; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Olusegun-Gbadehan failed to provide specific permission to release a patient's video for promotional purposes, and failed to obtain written informed consent from the patient regarding the risks and benefits of a procedure until the second procedure was performed. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Rosen, Alan, M.D., Lic. No. K3843, Houston**

On March 3, 2017, the Board and Alan Rosen, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in risk management. The Board found Dr. Rosen admitted that he pre-signed prescriptions when he was in-between practice locations, which he left with his physician assistant to use for one week.

**REVOCAION**

**Dixon, Thomas Michael, M.D., Lic. No. K8621, Amarillo**

On March 3, 2017, the Board entered a Final Order against Thomas Michael Dixon, M.D., automatically and mandatorily revoking his Texas medical license. The Board found Dr. Dixon is currently imprisoned following his felony capital murder convictions. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Dixon has 20 days from the service of the order to file a motion for rehearing.

**Michael, Medhat S.F., M.D., Lic. No. M6293, Oklahoma City, OK**

On March 3, 2017, the Board entered a Final Order against Medhat S.F. Michael, M.D., revoking his Texas medical license. The Board found Dr. Michael surrendered his Oklahoma medical license while under investigation for allegations of sexual misconduct. The action followed the granting of a Motion for Summary Disposition and evidentiary hearing by an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at SOAH. Dr. Michael has 20 days from the service of the order to file a motion for rehearing.

**Sanchez-Brugal, Fernando, M.D., Lic. No. L1996, Asheville, NC**

On March 3, 2017, the Board entered a Final Order against Fernando Sanchez-Brugal, M.D., revoking his Texas medical license. The Board found Dr. Sanchez-Brugal was subject to disciplinary action and had his license suspended by the North Carolina Medical Board regarding his multiple arrests for driving while under the influence. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. Sanchez-Brugal has 20 days from the service of the order to file a motion for rehearing.

**SUSPENSION**

**Gonzalez-Weaver, Rose Marie, D.O., Lic. No. J3484, Uvalde**

On March 3, 2017, the Board entered a Default Order against Rose Marie Gonzalez-Weaver, D.O., which suspended her Texas medical license until she request in writing to have the suspension lifted and appears before the Board to provide evidence she is physically, mentally, and otherwise competent to safely practice medicine which shall include evidence that she has complied with her June 2015 Order. The Board granted a Determination of Default and Dr. Gonzales-Weaver's Texas medical license was suspended by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Gonzales-Weaver has 20 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAION**

**Andrews, Richard, D.O., Lic. No. F7388, Dallas**

On March 3, 2017, the Board and Richard Andrews, D.O., entered into an Agreed Order of Revocation in which Dr. Andrews agreed to the revocation of his license in lieu of further disciplinary proceedings. The Board found Dr. Andrews pleaded guilty to two felony charges related to the illegal distribution of controlled substances.

**Blissard, Paul King, M.D., Lic. No. F6453, Austin**

On March 3, 2017, the Board and Paul King Blissard, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Blissard agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Blissard has indicated that rather than comply with his current Board Order and contest any charges related to non-compliance, he prefers to surrender his license at this time.

**Briones, Fermin, Jr., M.D., Lic. No. N0660, San Antonio**

On March 3, 2017, the Board and Fermin Briones, Jr., M.D., entered into an Agreed Order of Surrender in which Dr. Briones agreed to voluntarily surrender his Texas medical license. Dr. Briones was under investigation by the Board for allegations that he failed to cooperate with Board staff's reasonable requests for information relating to the status of his compliance with his 2015 Order.

**Jahani, Sam, D.O., Lic. No. H4439, Conroe**

On March 3, 2017, the Board and Sam Jahani, D.O., entered into an Agreed Order of Revocation After Formal Filing in which Dr. Jahani agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Jahani was incarcerated following entering a guilty plea for health care fraud, a Class D Felony, in U.S. District Court in Colorado.

**Kientcha-Tita, Rachel Chundenu, M.D., Lic. No. M9410, Houston**

On March 3, 2017, the Board and Rachel Chundenu Kientcha-Tita, M.D., entered into an Agreed Order of Revocation After Formal Filing in which Dr. Kientcha-Tita agreed to the revocation of her Texas license in lieu of further disciplinary proceedings. The Board found that on January 6, 2017, Dr. Kientcha-Tita pleaded guilty of felony health care fraud and was sentenced to prison for 18 months.

**Molina, Hector Oscar, M.D., Lic. No. K2755, Irving**

On March 3, 2017, the Board and Hector Oscar Molina, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Molina agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Molina was under investigation for allegations that he was indicted and pled guilty to having committed Medicare fraud.

**Simmons, Donovan Mitchell, M.D., Lic. No. L6180, Lago Vista**

On March 3, 2017, the Board and Donovan Mitchell Simmons, M.D., entered into an Agreed Order of Revocation in which Dr. Simmons agreed to the revocation of his license in lieu of further disciplinary proceedings. The Board found Dr. Simmons was found guilty of 12 felony counts to commit health care fraud, health care fraud, and engaging in monetary transactions in property derived from specified unlawful activity. This order resolves a formal complaint filed at the State Office of Administrative Hearings

**Tilly, Michael Lawrence, M.D., Lic. No. D8462, New Braunfels**

On March 3, 2017, the Board and Michael Lawrence Tilly, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Tilly agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Tilly was under investigation by the Board following his December 2015 arrest for driving while intoxicated.

**TERMINATION OF SUSPENSION**

**Ahmed, Yassar Iftikhar, M.D., Lic. No. M5611, Slough, Berkshire, England**

On March 3, 2017, the Board and Yassar Iftikhar Ahmed, M.D., entered into an Agreed Order on Formal Filing rescinding his suspension and reinstating his Texas license under the following restrictions: shall not practice in Texas until completing an independent medical evaluation and following all recommendations for care and treatment; upon completion of the evaluation, appear before the Board to determine any further modifications; prohibited from treating female patients; and shall not be permitted to supervise and delegate prescriptive authority to physician assistants, advanced practice nurses and/or supervise surgical assistants that are engaged in the clinical practice of medicine. The Board found Dr. Ahmed was alleged to have attempted to solicit a minor through the Internet. Dr. Ahmed denies the allegations and was found not guilty of any offense. He currently resides outside of the United States and states that he has no intention of returning to Texas to practice medicine. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Brooks, Ralph A., M.D., Lic. No. H3656, Fort Worth**

On March 3, 2017, the Board and Ralph B. Brooks, M.D., entered into a Modified Agreed Order lifting the suspension of his license and placing him under the following terms: restricts Dr. Brooks to a group practice or institutional setting, and a public referral to the Texas Physician Health Program. All other terms of the 2015 order remain in full effect.

**Day, Calvin Lee, Jr., M.D., Lic. No. G1883, Spring Branch**

On March 3, 2017, the Board and Calvin Lee Day, Jr., M.D., entered into an Agreed Order on Formal Filing lifting the suspension of his license for the purposes of participating in a proctorship. Dr. Day shall participate in a proctorship in the area of Mohs surgery for six months or 200 Mohs procedures and at the conclusion, if the proctor determines Dr. Day possesses sufficient skills, abilities, and knowledge to resume practice outside the proctorship, his license shall be reinstated under the following terms: limit his practice, including any office and inpatient practice, to a group or institutional setting of which he is neither an owner, an operator, an investor, or a medical director, approved in advance by the Executive Director of the Board; and continue his practice of having at least one other health professional in the room anytime he sees or treats a patient. The Board found that the criminal allegations which resulted in the Temporary Suspension against Dr. Day were eventually dismissed because discovery findings called into question the veracity of the complainants and the witnesses refused to testify. Patient complainants have refused to cooperate with the case before the State Office of Administrative Hearings (SOAH). Dr. Day recently underwent psychiatric evaluations which found no evidence of professional impairment or the need for psychiatric intervention. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Saquer, Rezik A., M.D., Lic. No. K2282, Houston**

On March 3, 2017, the Board and Rezik A. Saquer, M.D., entered into an Agreed Order lifting the suspension and subjecting him to the following terms until all criminal charges pending in Montgomery County, and any other related criminal charges filed during the pendency of this order, are finally resolved: have his practice monitored by another physician; within seven days surrender his DEA/DPS controlled substances registration certificates if he has not already done so; limit his practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Executive Director of the Board; and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found that the specific factual basis for Dr. Saquer's arrest and subsequent temporary suspension is not articulated in the November 22, 2016 indictment. In spite of Dr. Saquer's denial of guilt, the charges pending are serious and relate to his use of this medical license; however, the Board feels the entry of this order adequately protects the public.

**Way, Megan Kendra, M.D., Lic. No. M4644, Mesquite**

On March 3, 2017, the Board and Megan Kendra Way, M.D., entered into an Agreed Order lifting the suspension of her license and placing her under the following terms: requiring her to be referred to the Texas Physician Health Program (TXPHP). The Board found Dr. Way has polysubstance dependency and reports having been sober since August 28, 2016. She has completed an inpatient treatment program and is actively participating in AA and Caduceus meetings

**RESTRICTION**

**McCurley, Leeroy, M.D., Lic. No. H0618, Grand Prairie**

On March 3, 2017, the Board entered a Final Order against Leeroy McCurley, M.D., requiring him to within seven days request modification of his DEA controlled substances registration certificate to eliminate Schedule II and shall not petition the Board for permission to reapply for Schedule II until receiving written permission from the Board; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 8 hours of CME in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. McCurley, through his midlevel delegates, failed to meet the standard of care for treating multiple patients for chronic pain. The midlevels failed to obtain sufficient medical history, performed exams were that were inadequate, failed to monitor patients for abuse or diversion of controlled substances that were prescribed, and failed maintain adequate medical records and informed consent. The action was based on the findings of administrative law judges at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. McCurley has 20 days from the service of the order to file a motion for rehearing.

**Morgan, Courtney Ricardo, M.D., Lic. No. M8195, Victoria**

On March 3, 2017, the Board entered a Final Order against Courtney Ricardo Morgan, M.D., revoking his license, but staying the revocation and placing him on probation for 10 years under the following terms: within 10 days surrender his DEA controlled substances registration and not reapply for five years; restricting his practice to a pre-approved group practice or institutional setting; restricting him from treating patients for chronic pain for five years; restricting him from performing as a physician for himself, family, or close acquaintances; within 30 days schedule an assessment with KSTAR and complete any and all recommendations within one year; following KSTAR, have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: 8 hours in prescribing controlled substances, 8 hours in medical recordkeeping, 4 hours in risk management, 4 hours in obesity treatment, 4 hours in treatment of low testosterone, and 4 hours in treatment of erectile dysfunction; within one year and three attempts pass the JP Exam; and shall not supervise or delegate prescriptive authority to a PA or APRN or supervise a surgical assistant. The Board found Dr. Morgan after March 2013, failed to registered Hop Medical Services as a pain management clinic, failed to properly document his treatment of multiple patients, prescribed phentermine to himself for more than the 72 hours, and did not properly secure official prescription blanks. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. Morgan has 20 days from the service of the order to file a motion for rehearing.

## **PEER REVIEW ACTION**

### **Samuel, Donald Ray, M.D., Lic. No. H5964, Jasper**

On March 3, 2017, the Board and Donald Ray Samuel, M.D., entered into an Agreed Order requiring him to within one year complete at least 8 hours of CME, divided as follows: 4 hours in risk management and 4 hours in medical recordkeeping. The Board found Dr. Samuel was subject to peer review action for medical documentation issues.

## **NONTHERAPEUTIC PRESCRIBING**

### **Canlas, Donna Natividad, M.D., Lic. No. K3119, Houston**

On March 3, 2017, the Board and Donna Natividad Canlas, M.D., entered into an Agreed Order restricting her from prescribing Schedule II-IV controlled substances and shall only possess DEA registration for prescribing of Schedule V controlled substances; within seven days surrender her DEA controlled substances registration certificates for Schedule II-IV and shall not reregister until she receives written authorization from the Board; have her practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within 90 days pay an administrative penalty of \$5,000. The Board found Dr. Canlas owned and operated an unregistered pain management clinic and failed to adequately supervise her delegate who nontherapeutically prescribed controlled substances and failed to meet the standard of care for the treatment of multiple chronic pain patients.

### **Gutierrez, Priscilla, M.D., Lic. No. G5134, Houston**

On March 3, 2017, the Board and Priscilla Gutierrez, M.D., entered into an Agreed Order on Formal Filing prohibiting her from reregistering for a DEA controlled substances registration until receiving written authorization from the Board; have her practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: 8 hours in prescribing controlled substances, 4 hours in risk management and 4 hours in treatment of chronic pain; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Gutierrez failed to meet the standard of care in the treatment of five chronic pain patients when she failed to order required testing, perform adequate physical evaluations, and make necessary referrals; and failed to follow minimum documentation guidelines for the treatment of chronic pain. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **McNeil, Cynthia Diane, M.D., Lic. No. H6425, Houston**

On March 3, 2017, the Board and Cynthia Diane McNeil, M.D., entered into an Agreed Order publicly reprimanding Dr. McNeil and prohibiting her from treating patients for chronic pain and to cease operating any pain management clinic; requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least six hours of CME in risk management; and within 6 months pay an administrative penalty of \$15,000. The Board found Dr. McNeil and her delegates prescribed large volumes of controlled substances to multiple patients without adequate medical indication or proper monitoring and failed to meet the standard of care in her treatment of the patients.

### **Quintanilla, Mario, M.D., Lic. No. G5506, Houston**

On March 3, 2017, the Board and Mario Quintanilla, M.D., entered into a Mediated Agreed Order prohibiting him from treating any chronic pain; limiting prescription doses to 7 days; requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least four hours of CME in drug-seeking behavior; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Quintanilla breached the standard of care and nontherapeutically prescribed to five chronic pain patients seen in an emergency room setting. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Stoufflet, Paul Eric, M.D., Lic. No. H8440, Austin**

On March 3, 2017, the Board and Paul Eric Stoufflet, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days surrender his DEA/DPS controlled substances registrations with the exception of Schedule II(n) and III(n) controlled substances and shall not reregister without authorization from the Board; have his practice monitored for two consecutive monitoring cycles in addition to the eight cycles required by the 2015 order; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Stoufflet nontherapeutically prescribed controlled substances to three patients and did not follow the guidelines for treatment of chronic pain. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **IMPROPER PRESCRIBING**

##### **Long, Donald Paul, M.D., Lic. No. E7655, Port Arthur**

On March 3, 2017, the Board and Donald Paul Long, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA/DPS controlled substances certificates and not reregister until receiving written authorization from the Board; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 8 hours in ethics, 8 hours in prescribing and boundaries, and 8 hours in drug-seeking behavior; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Long treated a family member for chronic pain but did not maintain adequate medical records documenting justification for the prescriptions and despite signs of dependence. Dr. Long surrendered his DEA certificates in 2016.

#### **VIOLATION OF BOARD RULES**

##### **Calvo, Raul Niduaza, Jr., M.D., Lic. No. E6743, Abilene**

On March 3, 2017, the Board and Raul Niduaza Calvo, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME, divided as follows: 4 hours in risk management, 4 hours in medical recordkeeping, 4 hours in treatment and prescribing for pain, and 4 hours in recognizing drug seeking behavior; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Calvo failed to follow Board rules for treating chronic pain by failing to check the state Prescription Access in Texas program before prescribing, failing to utilize a pain management agreement and conduct drug screens, failing to reevaluate the patient after referring them to a specialist, failing to try non-pharmacologic therapies, and failing to conduct a proper work up of the cause of the patient's migraine headaches.

##### **Qasim, Shabnam Kanwal, M.D., Lic. No. K9397, Fort Worth**

On March 3, 2017, the Board and Shabnam Kanwal Qasim, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Qasim and requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the medical jurisprudence exam; within one year complete the course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 60 days develop a pain management contract for all chronic pain patients and submit to the Compliance Division of the Board for review and approval; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Qasim failed to maintain adequate documentation in a patient's records as they lacked sufficient information to justify the prescriptions for controlled substances, and various medical records appear to be missing, failed to adequately monitor the patient's use of the controlled substances and did not address abnormal drug screens. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Bangale, Anil Tukarampant, M.D., Lic. E7370**

On March 3, 2017, the Board and Anil Tukarampant Bangale, M.D., entered into an Agreed Order Modifying Prior Order, modifying his June 2015 Order. The modification lifts the prescribing restrictions to Schedules III-IV; requires eight cycles of chart monitoring; requires psychiatric care and treatment once a month for two years and follow all

recommendations made by the treating psychiatrist regarding continued care and treatment. The Board found that because of Dr. Bangale's prior noncompliance with chart monitoring, the results of Dr. Bangale's KSTAR competency assessment, and his presentation at the ISC, his petition to terminate his order is denied and the Board entered an order modifying his 2015 order. All other terms of the order remain in full effect

**Bianco, Joseph Anthony, D.O., Lic. No. D8661, Dallas**

On March 3, 2017, the Board and Joseph Anthony Bianco, D.O., entered into an Agreed Order prohibiting him from practicing clinical medicine in Texas until such a time as he requests in writing and personally appears before the Board and provides evidence that he is competent to safely practice clinical medicine; within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and complete any and all recommendations within a year; and shall not supervise or delegate prescriptive authority to physician assistants or advanced practice nurses or supervise surgical assistants. The Board found Dr. Bianco violated his August 2015 Order by failing to engage the Center for Personalized Education for Physicians (CPEP) to prepare an education plan within 30 days of signing the March 2016 assessment.

**Chang, Peter Ping-Chung, M.D., Lic. No. G8044, San Angelo**

On March 3, 2017, the Board and Peter Ping-Chung Chang, M.D., entered into an Agreed Order Modifying Prior Order modifying his July 2014 Order. The modification requires him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and complete any and all recommendations within one year; and upon completion, appear before a Board panel to make any modifications to the order. All other terms of the 2014 order remain in full force and effect until superseded by subsequent order of the Board.

**Ferguson, Donald William, II, M.D., Lic. No. L6039, Arlington**

On March 3, 2017, the Board and Donald William Ferguson, II, M.D., entered into an Agreed Order Modifying Prior Order, modifying his December 2015 Order. The modification extends the time period of abstaining from prohibited substances and participating in the Board's drug testing program to 15 years. The Board found Dr. Ferguson violated the terms of his December 2015 Order by testing positive for alcohol. All other terms of the 2015 order remain in full force and effect.

**Pirinelli, Jeffrey John, M.D., Lic. No. K6241, San Antonio**

On March 3, 2017, the Board and Jeffrey John Pirinelli, M.D., entered into an Agreed Order Modifying Agreed Order, modifying his June 2016 Order. The modification increases the order time period to four years; and requires him to within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Pirinelli was in violation of his 2016 order because he failed to participate or document his participation in a county or state medical society committee on physician health and rehabilitation during the third quarter of 2016 and provided a false report from the Dallas County Medical Society. All other terms of the 2016 order remain in full force and effect.

**Springer, Terry Wayne, M.D., Lic. No. G8434, Haltom City**

On March 3, 2017, the Board and Terry Wayne Springer, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Springer violated his December 2015 Order by failing to provide a copy of the order to all health care entities where he has privileges within 30 days and by failing to respond in a timely fashion to the Board's Compliance staff requests for communication.

**OTHER STATES' ACTION**

**Higgins, Stanley Michael, M.D., Lic. No. Q3691, Dallas**

On March 3, 2017, the Board and Stanley Michael Higgins, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Higgins was disciplined on June 16, 2016 by the Colorado Medical Board with a letter of admonishment related to reading an MRI in 2013.

**Muddasani, Narsimha Reddy, M.D., Lic. No. H8766, Granite City, IL**

On March 3, 2017, the Board and Narsimha Reddy Muddasani, M.D., entered into an Agreed Order publicly reprimanding Dr. Muddasani and requiring him to within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Muddasani received a Consent Order with a public reprimand from the Illinois Department of Financial and Professional Regulation Division on March 16, 2016.

**Norvill, Keith A., D.O., Lic. No. J3562, Pueblo, CO**

On March 3, 2017, the Board and Keith A. Norvill, D.O., entered into an Agreed Order requiring him to complete and comply with all terms as required by the order issued by the Colorado Medical Board on April 14, 2016; Dr. Norvill shall not practice in Texas until he requests to do so and personally appears before the Board to provide sufficient evidence that he is physically, mentally, and otherwise competent to safely practice; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Norvill was the subject of a disciplinary action by the Colorado Medical Board for failure to meet the standard of care for a surgical patient.

**Thyagaraj, Sujan, M.D., Lic. No. Q4532, Roswell, NM**

On March 3, 2017, the Board and Sujan Thyagaraj, M.D., entered into an Agreed Order on Formal Filing requiring him to complete and comply with all terms as required by the Agreed Order issued by the New Mexico Medical Board; shall not practice in Texas until he appears before the Board at an Informal Settlement Conference Hearing; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Thyagaraj was subject of a disciplinary action by the New Mexico Medical Board for sexually assaulting a patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**CRIMINAL ACTIVITY**

**Khan, Ataur-Rehman Rizwan, M.D., Lic. No. L6461, Santa Monica, CA**

On March 3, 2017, the Board and Ataur-Rehman Rizwan Khan, M.D., entered into an Agreed Order on Formal Filing subjecting him to the following terms: Dr. Khan's license remains suspended until such a time as he requests in writing to have the suspension stayed or lifted and personally appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine; prior to any request he must complete the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and follow any and all recommendations; and within 30 days undergo an independent medical evaluation and follow all recommendations for care and treatment. The Board found on March 27, 2015, Dr. Khan pleaded guilty to, and was convicted of, the felony offense of evading an officer and misdemeanor driving under the influence of an alcoholic beverage in California. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**INADEQUATE MEDICAL RECORDS**

**Sanders, Barry, M.D., Lic. No. F2434, Lewisville**

On March 3, 2017, the Board and Barry Sanders, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least 8 hours of CME, divided as follows: 4 hours in risk management and 4 hours in physician-patient communications. The Board found Dr. Sanders conferred verbally with an attending physician in response to a patient consult but the patient's records did not include a written consult. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**TXPHP VIOLATION**

**Schmidt, John Allen, M.D., Lic. No. F1975, Port Arthur**

On March 3, 2017, the Board and John Allen Schmidt, M.D., entered into an Agreed Order requiring him to within 30 days submit to an evaluation by the Texas Physician Health Program (TXPHP) and comply with any and all recommendations. The Board found Dr. Schmidt was terminated from TXPHP failed to call in for drug tests, however he was generally tested on those days he missed and there was no evidence of impairment.



## **IMPAIRMENT**

### **Carlock, Anna Rogers, M.D., Lic. No. N0677, Dallas**

On March 3, 2017, the Board and Anna Rogers Carlock, M.D., entered into an Agreed Order requiring her to be referred to the Texas Physician Health Program (TXPHP). The Board found that on March 4, 2016, Dr. Carlock signed a five-year PHP agreement but was dismissed from the program before her contract was complete.

### **Wilson, James Michael, M.D., Lic. No. J5062, Houston**

On March 3, 2017, the Board and James Michael Wilson, M.D., entered into an Agreed Order on Formal Filing subjecting him to the following terms for a period of 10 years: shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; participate in Alcoholics Anonymous activities no less than five times per week; and within 30 days submit the names of three treating psychiatrists and after board approval of the treating psychiatrist follow their recommendations for care and treatment. The Board found evidence that Dr. Wilson is impaired due to alcohol and is currently being monitored by the Harris County Medical Society. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **CEASE AND DESIST**

### **Granato, Richard A., No License, San Antonio**

On March 3, 2017, the Board and Richard A. Granato entered into an Agreed Cease and Desist Order prohibiting Mr. Granato from practicing medicine in the state of Texas; and requiring him cease and desist using the title "M.D." or "Dr." in association with his name without further denoting that he is not licensed to practice medicine in Texas. The Board found Mr. Granato acknowledges during his employment with the University of Texas San Antonio Health Science Center, he signed his name as "M.D.," wore a name badge with the designation, and had business cards with the designation without indication that he was not licensed to practice medicine in the state.

### **Heard, Duncan S., No License, Colleyville**

On March 3, 2017, the Board and Duncan S. Heard entered into an Agreed Cease and Desist Order prohibiting Mr. Heard from practicing medicine in the state of Texas. The Board found Mr. Heard, an employee of Tennant Institute, represented that he was a medical doctor in January 2016 by using the title "Dr." before his name on the company website, on his LinkedIn webpage, and on a webpage sponsored by Pivotal Health.

### **May, Misty, RN, La Marque**

On March 3, 2017, the Board and Misty May entered into an Agreed Cease and Desist Order prohibiting Ms. May from practicing medicine in the state of Texas. Ms. May shall not offer to treat patients for medical conditions in exchange for compensation, or outside the scope of her practice as a registered nurse. The Board found Ms. May, who is the owner of May Day Consultants (MDC), located at 1204 Newman Road, La Marque, Texas, offered various methods of ozone therapy as well as injections, colonics, ionic foot baths, live blood analysis, biological terrain analysis, hair analysis, and ionized water. The services were advertised on her website as alternative choices for treating multiple chronic diseases.

### **Stewart, Ross M., Ph.D., P.C., Dallas**

On March 3, 2017, the Board and Ross M. Stewart, Ph.D., P.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Stewart from practicing medicine in the state of Texas. The Board found Mr. Stewart, who had a personal and professional relationship with Felon Joe DiRuzzo who is serving a four-year sentence for injecting customers in a similar fashion, was treating customers with an unknown substance purportedly containing stem cells grown from their blood, which was a saline solution with vitamins. Mr. Stewart engaged in the unlicensed practice of medicine by claiming that this unknown substance could cure medical conditions.

### **Taboada, Carlo M., No License, San Antonio**

On March 3, 2017, the Board and Carlo M. Taboada entered into an Agreed Cease and Desist Order prohibiting Mr. Taboada from practicing medicine in the state of Texas. Mr. Taboada shall cease and desist using the title "M.D." or "Dr." without further denoting that he is not licensed to practice medicine in Texas. The Board found Mr. Taboada in

connection with his work at the Gastroenterology Clinic of San Antonio (GCSA) and related companies, used the designation "M.D." and identified himself as "Dr. Carlo M. Taboada" without designating the authority that gives rise to the title or indicating that he is not licensed to practice in Texas.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 7, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends McKinney physician**

On April 7, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Donald Okechukwu Ozumba, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Ozumba was recently arrested by the McKinney Police Department and charged with sexually assaulting two patients that he treated.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ozumba, unless the hearing is specifically waived by Dr. Ozumba.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 7, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Midland physician**

On April 7, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Noah Alexander Wempe, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Wempe on or about March 3, 2017, was arrested by the Midland Police Department on charges of Aggravated Sexual Assault of a Child.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Wempe, unless the hearing is specifically waived by Dr. Wempe.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

April 11, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Houston physician**

On April 10, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of David Vijay Jeyaraj, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Jeyaraj is operating an unlicensed pain management clinic and non-therapeutically prescribing controlled substances to multiple patients.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 4, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Physician Assistant Board suspends Dallas physician assistant**

On May 4, 2017, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, with notice, the Texas physician assistant license of Justin Casey Beard, P.A., after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Beard suffers from a mental or physical condition that affects his ability to practice. Mr. Beard was arrested on March 28, 2017 for a Hoax Bomb, Class A misdemeanor, under Texas Penal Code Section 46.08 and was placed on administrative suspension from the Veterans Affairs North Texas Health Care System.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 9, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Kingsville physician**

On May 8, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Humberto Bruschetta, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about May 4, 2017, Dr. Bruschetta, who practices in Kingsville and Mission, was arrested by the Mission Police Department for charges related to allegations of sexual assault and indecent exposure. The crimes are alleged to have occurred in Dr. Bruschetta's medical office during patient visits for treatment of endocrine conditions.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Bruschetta, unless the hearing is specifically waived by Dr. Bruschetta.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 15, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends a physician from The Woodlands**

On May 12, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Gregory Michael Gibbons, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about April 19, 2017, Dr. Gibbons, who practices in Montgomery and The Woodlands, was working a day shift at the CHI Baylor St. Luke's Emergency Center in Montgomery, Texas, was acting strangely in his behavior, his treatment of patients, and exhibited clear signs of intoxication. A blood sample obtained from Dr. Gibbons during an evaluation came back positive for ethyl alcohol at a blood alcohol concentration of 0.293.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Gibbons, unless the hearing is specifically waived by Dr. Gibbons.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 15, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Midland physician**

On June 15, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Mohsin Mazhar Syed M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on June 1, 2017, Dr. Syed was arrested for felony sexual assault based on allegations that Dr. Syed sexually assaulted a patient in December 2016 during an office visit.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Syed, unless the hearing is specifically waived by Dr. Syed.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 27, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Laredo physician**

On June 27, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Antonio Salinas, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on June 23, 2017, Dr. Salinas was arrested by the Laredo Police Department on charges related to possessing child pornography.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Salinas, unless the hearing is specifically waived by Dr. Salinas.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 30, 2017

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 61 physicians at June meeting**

At its June 16, 2017 meeting, the Texas Medical Board disciplined 61 licensed physicians and issued four cease and desist orders.

The disciplinary actions included: seven orders related to quality of care violations, twelve orders related to unprofessional conduct, two revocations, one suspension, eight voluntary surrenders/revocations, four restrictions, three orders related to peer review action, four orders related to nontherapeutic prescribing, three orders related to improper prescribing, three orders related to improper supervision or delegation, four orders related to violation of prior Board order, five orders related to other states' actions, four orders related to inadequate medical records, and one order related to impairment.

The Board issued 172 physician licenses at the June meeting, bringing the total number of physician licenses issued so far in FY17 to 3,816.

No rules were adopted at the June meeting.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Arauzo, Arturo C., M.D., Lic. No. G2896, Plano**

On June 16, 2017, the Board and Arturo C. Arauzo, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 8 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in drug seeking behavior. The Board found Dr. Arauzo failed to meet the standard of care for one patient by prescribing exceedingly high doses of Adderall and Vyvanse.

##### **Atun, Victor J., M.D., Lic. No. K6986, Sugar Land**

On June 16, 2017, the Board and Victor J. Atun, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in surgical protocols, four hours in risk management and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Atun's operative report inaccurately stated that the tendon operated on during the wrong site surgery was severed and that Dr. Atun acknowledged his mistake and improved his process for marking patients for surgery.

##### **Castaneda-Mendoza, Flavio, M.D., Lic. No. L9129, Laredo**

On June 16, 2017, the Board and Flavio Castaneda-Mendoza, M.D., entered into an Agreed Order requiring him to complete at least 12 hours of CME, divided as follows: eight hours in interventional radiology including complications and abnormal anatomy, and four hours in risk management. The Board found Dr. Castaneda-Mendoza failed to review an existing CT scan to help select an alternative diagnostic modality to fluoroscopy-guided biopsy which likely led to injury to adjacent organs and complications.

**Lane, Randall Brent, M.D., Lic. No. E2667, Dallas**

On June 16, 2017, the Board and Randall Brent Lane, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in treating individuals with substance abuse histories. The Board found Dr. Lane failed to check the online prescription database to determine if a patient with substance abuse history was obtaining controlled substances from other providers and to verify the patient's compliance with treatment.

**Loredo, Pedro Juan, III, M.D., Lic. No. N0228, Hurst**

On June 16, 2017, the Board and Pedro Juan Loredo, III, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: 8 hours in medical recordkeeping, 4 hours in ethics and 4 hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Loredo failed to meet the standard of care in the treatment of a patient because there was no documented justification in the medical records for ordering toxicology and DNA testing at initial consult prior to a surgery.

**Sparks, Vicki Jean, M.D., Lic. No. E6215, San Antonio**

On June 16, 2017, the Board and Vicki Jean Sparks, M.D., entered into an Agreed Order requiring her to within one year complete at least 20 hours of CME, divided as follows: four hours in detecting signs of possible drug seeking behavior, eight hours in treating patients with psychiatric disorders, with a focus on attention-deficit disorder, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Sparks prescribed Adderall to a patient without documenting an appropriate history or evaluation that would support her diagnoses for ADHD.

**Unini, Fidelis Kanayo, M.D., Lic. No. M5959, Fort Worth**

On June 16, 2017, the Board and Fidelis Kanayo Unini, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in risk management and eight hours in medical recordkeeping. The Board found Dr. Unini violated the standard of care for six patients by ordering multiple CT scans which were not clinically indicated.

**UNPROFESSIONAL CONDUCT**

**Anderson, Timothy W., M.D., Lic. No. F5819, Houston**

On June 16, 2017, the Board and Timothy W. Anderson, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in ethics and/or risk management. The Board found Dr. Anderson failed to timely sign a death certificate using the Texas Electronic Death Registry (TEDR) system for one patient.

**Boss, Donald Jeffrey, M.D., Lic. No. TM00013, Rolling Hills Estate, CA**

On June 16, 2017, the Board and Donald Jeffrey Boss, M.D., entered into an Agreed Order publicly reprimanding Dr. Boss and requiring him to within one year complete at least four hours of CME in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Boss received a public reprimand from the Medical Board of California for a conviction of driving under the influence which was later expunged in 2016. Dr. Boss was disciplined by the Kentucky Board of Medical Licensure and New Mexico Medical Board for failure to report the DWI conviction in California. Dr. Boss failed to report his arrest and conviction on his 2015 Texas Medical license renewal application.

**Buffa, Peter Michael, Sr., M.D., Lic. No. N4315, Harlingen**

On June 16, 2017, the Board and Peter Michael Buffa, Sr., M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within 90 days complete the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Buffa was arrested and charged with a felony for allegedly physically assaulting a minor child, which he is contesting in court. Dr. Buffa did not report the 2016 arrest to the Board as is required.

**Do, Khanh Gia, M.D., Lic. No. J6405, San Antonio**

On June 16, 2017, the Board and Khanh Gia Do, M.D., entered into an Agreed Order requiring him to within 90 days obtain an independent medical evaluation and follow all recommendations for care and treatment; within one year complete the professional boundaries course offered by Vanderbilt Medical Center for Professional Health; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Do engaged in unprofessional conduct by engaging in conduct of a sexual nature with a patient. The incident was an isolated relationship and Dr. Do acknowledged the wrongdoing.

**Fontenot, James T., M.D., Lic. No. E5518, Houston**

On June 16, 2017, the Board and James T. Fontenot, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in ethics. The Board found Dr. Fontenot failed to utilize the Texas Electronic Death Registry (TEDR) system to electronically complete the death certificate of a patient.

**Friday, Albert Delloyd, Jr., M.D., Lic. No. E6029, Trenton**

On June 16, 2017, the Board and Albert Delloyd Friday, Jr., M.D., entered into an Agreed Order on Formal Filing requiring Dr. Friday to within one year complete the delinquent nine hours, which includes two hours of ethics, of category 1 CME, and the delinquent two hours of informal CME; within one year complete four hours in risk management; and within 180 days pay an administrative penalty of \$500. The Board found Dr. Friday failed to obtain and/or document all of his CME credit for his license renewal period audit of June 1, 2013 through May 31, 2015. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Madsen, Terry Douglas, M.D., Lic. No. L8816, Richardson**

On June 16, 2017, the Board and Terry Douglas Madsen, M.D., entered into an Agreed Order publicly reprimanding him and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 8 hours of CME in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Madsen failed to timely self-report a 2011 arrest for public intoxication for which charges were eventually dismissed, failed to self-report hospital suspensions for failing to complete medical records and resigned his privileges at Baylor Hospital while under investigation for being intoxicated while on call.

**Palmer, J. Mark, M.D., Lic. No. G3047, Fort Worth**

On June 16, 2017, the Board and J. Mark Palmer, M.D., entered into an Agreed Order requiring him to within one year complete and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 12 hours of CME, divided as follows: four hours in appropriate prescribing, four hours in professional communications and four hours in ethics; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Palmer resigned his privileges while under investigation by his peers for sending inappropriate text messages to a hospital employee and Dr. Palmer admitted to inappropriately phoning in a prescription for a girlfriend.

**Pierre, James Darian, M.D., Lic. No. L8474, Houston**

On June 16, 2017, the Board and James Darian Pierre, M.D., entered into an Agreed Order restricting his practice under the following terms for five years: shall not prescribe for or otherwise treat chronic pain; shall not prescribe controlled substances for any period in excess of 72 hours; limit his practice to PPG (outpatient internal medicine group), Veteran's Administration Hospital, Harris County, institutional inpatient or outpatient primary care, behavioral or mental health practice approved in advance by the Board; have his practice monitored by another physician for 12 consecutive monitoring cycles; within two years complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Pierre operated an unregistered pain management clinic, and violated the standard of care by prescribing nontherapeutic medications to multiple patients.

**Pratho, Scott Mason, M.D., Lic. No. G8350, Willow Park**

On June 16, 2017, the Board and Scott Mason Pratho, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of

CME in risk management. The Board found Dr. Pratho pre-signed prescription forms used for Schedule II controlled substances and surrendered his DEA prescribing registration for Schedule II-V while under investigation.

**Rodriguez, Gabriel, M.D., Lic. No. J8744, Nassau Bay**

On June 16, 2017, the Board and Gabriel Rodriguez, M.D., entered into an Agreed Order requiring him to have a chaperone when completing a patient history and/or physical examination on a female patient for a period of two years; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least four hours of CME in ethics. The Board found Dr. Rodriguez had a prior professional relationship with the patient when the patient was employed as a nurse. The patient sought care from Dr. Rodriguez and he admitted to having a sexual relationship with her while she was his patient.

**Rousch, Daniel Eric, D.O., Lic. No. J4488, Bedford**

On June 16, 2017, the Board and Daniel Eric Rousch, D.O., entered into an Agreed Order publicly reprimanding Dr. Rousch and requiring him to within one year complete at least eight hours of CME in risk management. The Board found Dr. Rousch closed his office without providing proper notice to patients and an appropriate opportunity to obtain medical records. Dr. Rousch failed to timely respond to communications from a patient who contacted him several times regarding her treatment after the office closure.

**REVOCACTION**

**Gross, Robert Hadley, M.D., Lic. No. G5125, San Angelo**

On June 16, 2017, the Board entered a Final Order against Robert Hadley Gross, M.D., revoking his Texas medical license. The Board found Dr. Gross is imprisoned following his felony conviction for health care fraud and is scheduled for release on December 11, 2018. The order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Gross has 20 days from the service of the order to file a motion for rehearing. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Nguyen, Giam Minh, D.O., Lic. No. L9394, Houston**

On June 16, 2017, the Board and Giam Minh Nguyen, D.O., entered into an Agreed Order of Revocation, revoking Dr. Nguyen's Texas medical license. The Board found Dr. Nguyen was incarcerated following his convictions on 47 counts of health care fraud. Dr. Nguyen agreed to the revocation of his license in lieu of further disciplinary proceedings. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**SUSPENSION**

**Hassenflug, Jeffrey Allyn, M.D., Lic. No. Q9370, Beaumont**

On June 16, 2017, the Board and Jeffrey Allyn Hassenflug, M.D., entered into an Agreed Order suspending Dr. Hassenflug's Texas medical license until such a time as he appears before the Board and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine which shall include evidence that the criminal charges against him have been dismissed. The Board found that Dr. Hassenflug was indicted on three felony charges related to child pornography. His trial is set for September 25, 2017.

**VOLUNTARY SURRENDER/REVOCACTION**

**Blumberg, Elliot Jay, M.D., Lic. No. C4944, Arlington**

On June 16, 2017, the Board and Elliot Jay Blumberg, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Blumberg agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Blumberg self-reported to the Board that he has a medical/physical condition that precludes him from practicing medicine at this time.

**Bullock, Gerald Lynn, M.D., Lic. No. F0802, The Woodlands**

On June 16, 2017, the Board and Gerald Lynn Bullock, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Bullock agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Bullock was being investigated for allegations of failure to meet the standard of care for one patient. Dr. Bullock notified the Board that he has been diagnosed with Parkinson's disease and has indicated his desire to surrender his medical license.

**Fischer, Stephen Carl, M.D., Lic. No. F9421, Spring**

On June 16, 2017, the Board and Stephen Carl Fischer, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Fischer agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Fischer reports he has a physical condition that prevents him from continuing to practice medicine.

**Foxx, Gerald Peter, M.D., Lic. No. E8473, Tyler**

On June 16, 2017, the Board and Gerald Peter Foxx, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender, in which Dr. Foxx agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Foxx was under investigation by the Board for allegations that he was indicted for violations of federal law related to the practice of medicine.

**Friedman, Jeffrey E., M.D., Lic. No. P8901, Gainesville, FL**

On June 16, 2017, the Board and Jeffrey E. Friedman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Friedman agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Friedman has a medical impairment that he is being treated for and desires to surrender his license.

**Hawkins, Willie James, M.D., Lic. No. G2147, Missouri City**

On June 16, 2017, the Board and Willie James Hawkins, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Hawkins agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Hawkins reported to the Board that he has a medical condition that precludes him from practicing medicine.

**Porter, Charles Thomas, Jr., M.D., Lic. No. H5606, Galveston**

On June 16, 2017, the Board and Charles Thomas Porter, Jr., M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Porter agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Porter was under investigation for allegations of violation of the Act related to the prescription of controlled substances.

**Sumner, G. Gardner, M.D., Lic. No. F7210, Austin**

On June 16, 2017, the Board and G. Gardner Sumner, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sumner agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Sumner self-reported that he has a medical condition that precludes him from practicing medicine at this time.

**RESTRICTION**

**Goodman, Cynthia D., M.D., Lic. No. J1640, Richardson**

On June 16, 2017, the Board and Cynthia D. Goodman, M.D., entered into an Agreed Order After Formal Filing restricting Dr. Goodman's license to the practice of administrative medicine. Dr. Goodman shall not engage in the clinical practice of medicine in any capacity that involves direct or indirect patient contact; shall not engage in any employment, practice or work in any professional capacity with a pain management clinic; within seven days surrender her DEA controlled substances registration certificates; and within 10 days pay an administrative penalty of \$10,000. The Board found that the allegations of aiding and abetting the operation of an unregistered pain management clinic and failure to adequately supervise those involved in patient care are supported by adequate evidence. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**McClung, Tony S., M.D., Lic. No. E6138, Houston**

On June 16, 2017, the Board and Tony S. McClung entered into an Agreed Order on Formal filing restricting his license under the following terms: shall not engage in the treatment of chronic pain; shall not administer, dispense or prescribe any opioid, benzodiazepine, SOMA, or any derivative for a period longer than seven days, with one refill not to exceed an additional seven days; shall not be permitted to delegate prescriptive authority to a physician assistant or advanced practice nurse; within one year and three attempts pass the Medical Jurisprudence Exam; immediately surrender any and all existing pain management clinic certificates; immediately terminate all prescriptive delegation registrations and agreements; and within one year complete at least four hours of CME in medical ethics. The Board found Dr. McClung failed to adhere to the guidelines in the treatment of chronic pain, failed to adequately supervise the activities of those acting under his supervision and failed to obtain registration for a pain management clinic. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Moehlman, William David, M.D., Lic. No. E6526, Yoakum**

On June 16, 2017, the Board and William David Moehlman, M.D., entered into an Agreed Order, lifting Dr. Moehlman's suspension and placing him under the following terms: public referral to the Texas Physician Health Program (TXPHP) and shall comply with all terms of his agreement with TXPHP; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board received confirmation that Dr. Moehlman's referral to TXPHP was resolved, and that he has entered an interim testing agreement with the Board.

**Smith, Jack Coldwell, III, M.D., Lic. No. L3131, Amarillo**

On June 16, 2017, the Board and Jack Coldwell Smith, III, M.D., entered into a Modified Agreed Order, modifying his August 2014 Order. The modification restricts Dr. Smith's practice to a group or institutional setting, prohibits him from performing cardiac intervention procedures, and requires him to see a Board-approved mental health provider practicing in the area of addiction to provide quarterly reports to the Board. The Board determined in order to protect the public health and welfare it would be appropriate to modify Dr. Smith's 2014 order as he returns to practice in Texas as addressed in the termination of his 2015 order.

**PEER REVIEW ACTION**

**Haygood, Kenneth D., M.D., Lic. No. K2341, Tyler**

On June 16, 2017, the Board and Kenneth D. Haygood, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: 4 hours in anger management, 4 hours in ethics, 4 hours in risk management and 4 hours in communication with colleagues. The Board found Dr. Haygood was subject to peer review action for failure to complete a contested Professional Practice Evaluation.

**Ibanez, Marc Albert, M.D., Lic. No. M4188, Corpus Christi**

On June 16, 2017, the Board and Marc Albert Ibanez, M.D., entered into an Agreed Order publicly reprimanding Dr. Ibanez and requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Ibanez was disciplined by peer review action and subsequently had his hospital privileges terminated for delinquent charts.

**Mummert, Diana Ioana, M.D., Lic. No. M8858, Denton**

On June 16, 2017, the Board and Diana Ioana Mummert, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in prescribing with a focus on controlled substances, four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Mummert resigned her privileges at the JPS Health Network prior to an investigation into the allegation that she had a resident under her supervision sign a blank prescription which was used in an attempt to acquire controlled substances for a close family member.



## **NONTHERAPEUTIC PRESCRIBING**

### **Costa, Dennis James, M.D., Lic. No. H5160, Flower Mound**

On June 16, 2017, the Board and Dennis James Costa, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 8 consecutive monitoring cycles; have his billing monitored for 8 consecutive monitoring cycles; within one year complete at least 20 hours of CME, divided as follow: 8 hours in billing, 4 hours in medical recordkeeping, four hours in physician-patient communications and 4 hours in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Costa violated the standard of care by nontherapeutically prescribing Rituximab to 13 cancer patients beyond the time period guidelines, adding significant costs to the treatment. Dr. Costa has not published results of his alternative treatment protocol nor has he conducted a study to establish the protocol's efficacy.

### **Easter, Thomas Glenn, M.D., Lic. No. G7801, El Paso**

On June 16, 2017, the Board and Thomas Glenn Easter, M.D., entered into an Agreed Order restricting his practice under the following terms for 10 years: shall not treat any patients for chronic pain complaints or conditions, refer all patients with chronic pain complaints or conditions to another provider for pain treatment; within seven days restrict DEA controlled substances registration to Schedule V controlled substances and shall not reregister without Board permission; within 30 days enroll into Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) and complete any recommendations within one year; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follow: eight hours in identifying drug-seeking patients and eight hours in risk management; and shall not be permitted to supervise or delegate prescriptive authority for Schedules II, III, or IV to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Easter failed to meet the standard of care in the treatment of chronic pain for 15 patients, failed to maintain adequate medical records and document a therapeutic benefit to justify repeated prescriptions, failed to include a rational for prescribed medications and failed to meet the minimum guidelines for treatment of chronic pain.

### **Flores, Michael A., M.D., Lic. No. L7377, Donna**

On June 16, 2017, the Board and Michael A. Flores, M.D., entered into an Agreed Order prohibiting him from treating patients for chronic pain; have his practice monitored by another physician for four consecutive monitoring cycles to run consecutively to any remaining cycles required the 2016 Order for a total of 12 cycles; and within 90 days pay an administrative penalty of \$1,500. The Board found Dr. Flores failed to address non-compliant drug screens for street drugs as well as non-compliance through negative tests for opioids, did not document failure of other treatments or interventions before commencing treatment with opioids and did not adequately discuss and document a discussion with patients regarding risks, benefits and potential side-effects of opioid treatment.

### **Jamal, Syed M. A., M.D., Lic. No. J8000, Jacksboro**

On June 16, 2017, the Board and Syed M. A. Jamal, M.D., entered into an Agreed Order publicly reprimanding Dr. Syed and prohibiting him from treating chronic pain or engaging in the practice of pain management for five years. Dr. Syed shall refer all current chronic paint patients to appropriate specialists within 30 days; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 32 hours of in-person CME, divided as follows: eight hours in chronic pain, eight hours in anxiety, eight hours in medical recordkeeping and eight hours in drug seeking behavior; within 60 days pay an administrative penalty of \$5,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Jamal was operating an unlicensed pain management clinic and that his prescribing to 15 patients was below the standard of care and nontherapeutic in nature.

## **IMPROPER PRESCRIBING**

### **Caivano, Roy Louis, D.O., Lic. No. J7923, Burleson**

On June 16, 2017, the Board and Roy Louis Caivano, D.O., entered into an Agreed Order prohibiting him from treating or otherwise serving as a physician for his immediate family or anyone for whom he has a close personal relationship and

shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs to anyone with whom he had a close relationship; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in drug seeking behavior; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Caivano prescribed benzodiazepines and Adderall to a family member in absence of immediate need and did not maintain adequate medical records.

**Procter, Brian Charles, M.D., Lic. No. K7202, McKinney**

On June 16, 2017, the Board and Brian Charles Procter, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in treatment of ADHD. The Board found Dr. Procter prescribed controlled substances to himself and family members without appropriately documenting the medical records and prescribed beyond the 72-hour period of immediate need.

**Thurman, Benjamin Hill, V, M.D., Lic. No. F4604, Fort Worth**

On June 16, 2017, the Board and Benjamin Hill Thurman, V, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 28 hours of CME, divided as follows: 8 hours in risk management, 8 hours in appropriate prescribing of controlled substances, 8 hours in obtaining informed consent and 4 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$4,000. The Board found Dr. Thurman improperly prescribing testosterone to himself and to someone with whom he has a close personal relationship, beyond the 72-hour period of immediate need, failed to maintain accurate logs of his purchase and dispensation of testosterone, improperly managed controlled substances at his home practice location, failed to use proper diligence in obtaining informed consent for ozone treatment and failed to adhere to guidelines for practicing complementary and alternative medicine.

**IMPROPER SUPERVISION OR DELEGATION**

**Cortes, Zenia Esther, M.D., Lic. No. L8658, Garden Grove, CA**

On June 16, 2017, the Board and Zenia Esther Cortes, M.D., entered into an Agreed Order requiring her to within one year complete at least 12 hours of CME in supervision and delegation; within 30 days submit all written delegation orders to the Board; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Cortes failed to adequately supervise a midlevel Advanced Practice Nurse who inappropriately prescribed and failed to register the collaboration with the Board.

**Qureshi, Parvez Anjum, M.D., Lic. No. K5384, Houston**

On June 16, 2017, the Board and Parvez Anjum Qureshi, M.D., entered into an Agreed Order publicly reprimanding Dr. Qureshi; prohibiting him from treating chronic pain conditions outside of a hospice or hospital setting; have his practice monitored by another physician for 12 consecutive monitoring cycles; within 30 days schedule an assessment with Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) and complete any recommendations; within one year complete at least 24 hours of CME, divided as follows: 8 hours in prescribing opioids, 8 hours in medical recordkeeping, 4 hours in identifying drug-seeking behavior and 4 hours in supervision and delegation; shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Qureshi failed to ensure written protocols and standing delegation orders were in place for his delegate, an APRN, who failed to meet the standard of care for 15 patients and failed to maintain adequate medical records. Dr. Qureshi also assisted in the operation of the unregistered pain management clinic by supervising and delegating to the APRN at the clinic.

**Springer, Paula Lynn, M.D., Lic. No. G3810, Houston**

On June 16, 2017, the Board and Paula Lynn Springer, M.D., entered into a Mediated Agreed Order under the following terms: shall not administer, dispense, or prescribe medications containing hydrocodone or carisoprodol for any purpose; shall only prescribe Schedule II controlled substances for the treatment of ADHD; may prescribe controlled substances for treatment of acute pain but not beyond 72-hours of immediate need; shall not treat chronic pain; have her practice

monitored by another physician for six consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year pay an administrative penalty of \$5,000. The Board found Dr. Springer failed to adequately supervise APRNs which resulted in a failure to meet the standard of care for five chronic pain patients. The APRNs failed to justify the therapeutic benefit for the related controlled substances prescriptions and Dr. Springer failed to ensure the delegates followed the minimum documentation guidelines for the treatment of chronic pain. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Ince, Christopher Werner, M.D., Lic. No. N4491, Willow Park**

On June 16, 2017, the Board and Christopher Werner Ince, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Ince did not provide notice of his June 2016 Order to health care entities in a timely manner as required by the order.

##### **Maat, Owen, M.D., Lic. No. J5609, Bellaire**

On June 16, 2017, the Board and Owen Maat, M.D., entered into a Mediated Agreed Order revoking his Texas medical license, immediately staying the revocation and placing him on probation under the following terms: restricting his practice to a group or institutional setting and may not petition the Board for modification of this provision for a minimum of two years; for 15 years shall abstain from the consumption of prohibited substances as defined in the order and may not petition the Board for modification of this provision for a minimum of 10 years; participate in the Board's drug testing program; within seven days surrender DEA controlled substances registration certificates for Schedules II and III and shall not petition the Board for modification of this provision for two years; participate in 90 meetings of AA for the first 90 days and three times a week thereafter; within 30 days obtain names of three treating psychiatrists to submit to the Board and follow treating psychiatrist's recommendations for care and treatment; participate in all activities of a county and state medical society committee on physician health and rehabilitation; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Maat admitted to violating the terms of his 2013 order by consuming alcohol. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **McCall, Norman Joel, M.D., Lic. No. E6137, Richardson**

On June 16, 2017, the Board and Norman Joel McCall, M.D., entered into an Agreed Order Modifying Prior Order modifying his 2009 as modified by the 2010 and 2012 order. The modification requires him to within one year complete at least four hours of CME in risk management. The Board found Dr. McCall violated his prior order by failing to timely pay his chart monitor and failing to timely notify his compliance officer of his change in place of employment. All other terms of the 2009 order, as modified, remain in full effect.

##### **Uribe-Botero, Gonzalo, M.D., Lic. No. E1956, Houston**

On June 16, 2017, the Board and Gonzalo Uribe-Botero, M.D., entered into an Agreed Order requiring him to within 30 days undergo an independent neuro-psychological evaluation and follow all recommendations for care and treatment; comply with all terms of his 2015 order, including all recommendations made by the chart monitor; and as recommended by the chart monitor, within six months complete the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program assessment and complete any and all retraining recommendations. The Board found that Dr. Uribe-Botero violated his February 2015 Order by failing to follow the recommendations of his chart monitor and failed to enroll and complete the KSTAR program, as recommended.

#### **OTHER STATES' ACTIONS**

##### **De La Garza, Miguel Adan, M.D., Lic. No. N3605, New Port Richey, FL**

On June 16, 2017, the Board and Miguel Adan De La Garza, M.D., entered into an Agreed Order requiring him to complete and comply with all terms and conditions of the 2016 Order entered by the Florida Department of Health

(FDOH). The Board found Dr. De La Garza entered into a Settlement Agreement with the FDOH related to deficiencies in medical record documentation.

**Olade, Roger, M.D., Lic. No. Q2173, Pearland**

On June 16, 2017, the Board and Roger Olade, M.D., entered into an Agreed Order requiring him to complete and comply with all terms set forth in the 2015 Order entered by the Maryland Board of Physicians and the 2016 Letter of Reprimand issued by the Arizona Medical Board. The Board found Dr. Olade was reprimanded by the Arizona Medical Board following an investigation involving the care of one patient, and Dr. Olade failed to disclose the investigation upon applying for renewal of licensure in the state of Maryland and, as a result, he was disciplined by the Maryland Board of Physicians.

**Ravipudi, Sanjeev D., M.D., Lic. No. K0366, Brownwood**

On June 16, 2017, the Board and Sanjeev D. Ravipudi, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Ravipudi was disciplined by the Missouri Board of Registration for the Health Arts related to his failure to properly delegate to and supervise a physician assistant in Missouri. A reciprocal order was also issued by the Medical Board of California.

**Rodney, John Rocco MacMillan, M.D., Lic. No. N4707, Memphis, TN**

On June 16, 2017, the Board and John Rocco MacMillan Rodney, M.D., entered into an Agreed Order requiring him to complete and comply with all terms required by the Tennessee Board of Medical Examiners (TBME) Consent Order issued on July 20, 2016. The Board found Dr. Rodney entered into a Consent Order with TBME, placing him on probation for two years, requiring him to undergo an evaluation at Bradford Health Services, and requiring him to pay a penalty of \$2,000. The action was the result of his unprofessional and dishonorable conduct.

**Tran, Ann Anh, M.D., Lic. No. TM00126, Eden Prairie, MN**

On June 16, 2017, the Board and Ann Anh Tran, M.D., entered into an Agreed Order publicly reprimanding Dr. Tran and requiring her to complete and comply with all terms required by the Wisconsin Medical Examining Board (WMEB) Order issued on December 21, 2016. The Board found Dr. Tran was disciplined by the WMEB with a Board Order for Public Reprimand arising out of treatment of a patient in Massachusetts in 2009.

**INADEQUATE MEDICAL RECORDS**

**Bosquez, Lourdes Ramirez, M.D., Lic. No. K2422, The Woodlands**

On June 16, 2017, the Board and Lourdes Ramirez Bosquez, M.D., entered into an Agreed Order requiring her to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Bosquez did not maintain adequate medical records because she failed to record a concise mental status exam and patient history.

**Konen, Andrew Albert, M.D., Lic. No. K0506, Dallas**

On June 16, 2017, the Board and Andrew Albert Konen, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Konen's medical recordkeeping did not sufficiently document his efforts to monitor a patient's follow-up on his specialist referrals. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Mark, Corey Justin James, M.D., Lic. No. M5351, Granbury**

On June 16, 2017, the Board and Corey Justin James Mark, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in risk management. The Board found Dr. Mark did indeed have a discussion regarding complications of surgery with the patient but failed to document it post-operatively in the medical records.

**Shelton, Michael Vise, M.D., E8905, Odessa**

On June 16, 2017, the Board and Michael Vise Shelton, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of in-person CME, divided as follows: four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Shelton failed to take an adequate history for a patient and portions of his medical records are illegible.

**IMPAIRMENT****Theodore, Gregory, M.D., Lic. No. H7839, Carlise, PA**

On June 16, 2017, the Board and Gregory Theodore, M.D., entered into an Agreed Order Modifying Prior Order, modifying his August 2016 Order. The modification allows Dr. Theodore to return to practice in Texas and places him under the following terms for 10 years, which after passage of a five year period, he may seek amendment: shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; participate in Narcotics Anonymous activities no less than four times a week; and receive care and treatment from a Board approved psychiatrist no less than once a month. The Board found Dr. Theodore pleaded guilty to intentional unauthorized purchase and to unlawful possession of a schedule II controlled substance and was sentenced to three years' probation in Pennsylvania. He has been sober since July 1, 2015. The Board panel concluded Dr. Theodore deserves the chance to return to practice in Texas doing locum tenens and that stringent monitoring is in the best interest of Dr. Theodore and the public. All other terms of the 2016 order remain in full effect.

**CEASE AND DESIST****Fortner, Lance, No License, Dallas**

On June 16, 2017, the Board and Lance Fortner entered into an Agreed Cease and Desist Order prohibiting Mr. Fortner from practicing medicine in the state of Texas and ordering him to cease and desist from identifying himself as a doctor. The Board found that on or after February 2010, Mr. Fortner held himself out as or otherwise impersonated a physician using the fictitious name "Brendan DeMarco, M.D.," as well as his legal name, Lance Fortner.

**Morrow, Robert, D.C., No License, Houston**

On June 16, 2017, the Board and Robert Morrow, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Morrow from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and requiring him to ensure that all medical services provided by independent contract physicians and that all services provided by Mr. Morrow remain administrative in nature or within the parameters of his license as a chiropractor. The Board found Mr. Morrow contracted with two physicians to provide medical care to clinic patients, who delegated specific medical tasks to assistants and Mr. Morrow, including initial patient examinations.

**Precourt, Laura, D.C., No License, Plano**

On June 16, 2017, the Board and Laura Precourt, D.C., entered into an Agreed Cease and Desist Order prohibiting Ms. Precourt from practicing medicine in the state of Texas, shall cease and desist using the titles Doctor, Medical Doctor, or Physician unless licensed by the Texas Medical Board. Because Ms. Precourt is a licensed Chiropractor, she may use the title of "Doctor of Chiropractic" or "D.C." Ms. Precourt shall cease and desist from using the post-nominal titles of Doctor of Functional Medicine, Doctor of Pastoral Medicine, or any other title that is not recognized by Texas as an authority authorizing her use of the prenominal title of Doctor. Ms. Precourt shall denote in all promotional materials and biographies that she is not licensed to practice medicine in Texas. The Board found Ms. Precourt has identified herself in online promotional materials and biographies using the prenominal title Doctor and used the post-nominal title of Doctor of Pastoral Sciences and Functional Medicine Doctor as the authority authorizing her use of the prenominal title of Doctor neither of which is recognized in the state of Texas.

**Rivaux, George Richard, No License, San Antonio**

On June 16, 2017, the Board and George Richard Rivaux entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Rivaux was alleged to have engaged in the unlicensed practice of medicine by fraudulently portraying himself as a

physician assistant when meeting with patients and to bill Medicare. He was indicted on June 15, 2016 on two counts of health care fraud and has pleaded not guilty to all the charges.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 6, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Arlington physician**

On July 5, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Randy Davis, D.O., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Davis is in violation of his 2014 Order which requires him to abstain from the consumption of alcohol and other prohibited substances. Dr. Davis has tested positive for prohibited substances on multiple occasions and is noncompliant with the order.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Davis, unless the hearing is specifically waived by Dr. Davis.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 21, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Corpus Christi physician**

On July 20, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jamie Sandoval, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that from approximately February 12, 2009 to April 27, 2017, Dr. Sandoval engaged in a pattern of inappropriate conduct with five female patients in which he violated sexual boundaries through inappropriate touching, actions and comments, which were offensive and of a sexual nature.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Sandoval, unless the hearing is specifically waived by Dr. Sandoval.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 21, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Sherman physician**

On July 20, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Howard Gregg Diamond, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on July 6, 2017, an indictment was filed against Dr. Diamond in the United States District Court for the Eastern District of Texas, Sherman Division. The indictment indicates an alleged pattern of practice which includes prescribing dangerous controlled substances with a risk of abuse and diversion for no legitimate medical purpose.

Dr. Diamond appeared at detention hearings on July 14 and 18, 2017. He has requested release from jail, but as of the drafting of the temporary suspension/restriction application, staff has reason to believe Dr. Diamond remains incarcerated.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Diamond, unless the hearing is specifically waived by Dr. Diamond.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 28, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On July 28, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Gazelle Craig, D.O., after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on July 6, 2017, Dr. Craig was indicted in the United States District Court Southern District of Texas Houston Division. The indictment alleges that Dr. Craig conspired to unlawfully distribute and dispense controlled substances, and aided and abetted unlawful distributing and dispensing of controlled substances.

Dr. Craig signed an Order Setting Conditions of Release on July 10, 2017. The order restricts her from employment in a pain management clinic and from writing prescriptions for certain controlled substances.

Dr. Craig's Texas Prescription Monitoring Program Prescriber Activity Report drawn from April 26, 2016 through July 26, 2017 shows that among other controlled substances, she issued over 10,300 prescriptions for Hydrocodone/Acetaminophen 10/325mg and over 10,400 prescriptions for Carisoprodol 350mg. The prescriber report also shows that since Dr. Craig's release on July 10, 2017, four prescriptions for Carisoprodol, four prescriptions for Alprazolam, and 21 prescriptions for Promethazine/Codeine syrup were issued under her DEA number.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Craig, unless the hearing is specifically waived by Dr. Craig.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 14, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On August 11, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Steven Wade Fath, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Fath is in violation of his June 2016 Board Order which requires him to comply with any and all recommendations made by the proficiency testing program. Dr. Fath's proficiency testing report found Dr. Fath was not competent to practice medicine and that he requires further evaluation and training. The report also recommends that he not engage in the active practice of medicine until the additional evaluation and training occurs. On August 4, 2017, Dr. Fath indicated to Board staff that he would be working on at a clinic in Houston.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Fath, unless the hearing is specifically waived by Dr. Fath.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

September 8, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 38 physicians at August meeting**

At its August 25, 2017 meeting, the Texas Medical Board disciplined 38 licensed physicians and issued five cease and desist orders.

The disciplinary actions included: six orders related to quality of care violations, nine orders related to unprofessional conduct, one revocation, five voluntary surrenders/revocations, three restrictions, three orders related to peer review action, two orders related to violation of Board rules, two orders related to improper prescribing, one order related to improper supervision or delegation, one order related to violation of prior Board order, one order related to other states' actions, two orders related to inadequate medical records, and two orders related to impairment.

The Board issued 159 physician licenses at the August meeting, bringing the total number of physician licenses issued in FY17 to 4,719.

No rules were adopted at the August meeting.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Atallah, George Michel, D.O., Lic. No. P1162, Houston**

On August 25, 2017, the Board and George Michel Atallah, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 8 hours of CME in risk management. The Board found Dr. Atallah failed to meet the standard of care for several patients receiving chronic opioid therapy, failed to adequately document his care and comply with Board rules relating to the treatment of chronic pain, and should have been more diligent in performing adequate physical exams and monitoring.

##### **Binur, Nir Shamaï, M.D., Lic. No. J1621, Port Arthur**

On August 25, 2017, the Board and Nir Shamaï Binur, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within 30 days submit evidence that his surgical center continues to be accredited by the American Association for Accreditation of Ambulatory Surgical Facilities (AAAASF), and if not, submit to an in-person audit by the Board to provide evidence of accreditation as well as written protocols regarding patient emergencies; and within one year complete at least 20 hours of CME, divided as follows: four hours in preoperative screening, four hours in risk management, eight hours in medical recordkeeping, and four hours in performing conscious sedation. The Board found Dr. Binur failed to meet the standard of care in the performance of a liposuction procedure and the patient subsequently expired.

##### **Brickey, David Allen, D.O., Lic. No. J2931, Lorena**

On August 25, 2017, the Board and David Allen Brickey, D.O., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in recognizing high risk patients and eight hours in risk management; and within one year complete the physician assessment program offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Brickey did not

meet the standard of care for three patients.

**Emslie, Graham J., M.D., Lic. No. G0999, Dallas**

On August 25, 2017, the Board and Graham J. Emslie, M.D., entered into an Agreed Order publicly reprimanding Dr. Emslie and requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: eight hours in drug-seeking behavior, eight hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Emslie failed to meet the standard of care in the treatment of one patient to whom he prescribed benzodiazepines and amphetamines. Dr. Emslie did not properly examine the patient, failed to identify drug-seeking behavior, and continued prescribing to the patient who later committed suicide.

**Escobedo, Michael Scott, M.D., Lic. No. K0463, Austin**

On August 25, 2017, the Board and Michael Scott Escobedo, M.D., entered into a Mediated Agreed Order requiring him to within 45 days schedule an assessment with the Texas A&M Health Science Center Rural and Community Health Institute (K-STAR) and comply with any and all recommendations; and adopt informed consent forms which meet the minimum standards of the Texas Medical Disclosure Panel. The Board found Dr. Escobedo failed to perform adequate perioperative management of a patient, failed to adequately document medical records at preoperative visits and Dr. Escobedo's informed consent forms lacked required disclosures. This order resolves a formal complaint filed at the State Office of Administrative Hearings

**Martinez, Agustin, M.D., Lic. No. J6167, Edinburg**

On August 25, 2017, the Board and Agustin Martinez, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in communication, four hours in ethics, four hours in risk management, and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Martinez failed to document an operative note for a patient's biopsy and failed to timely communicate the result to the patient.

**UNPROFESSIONAL CONDUCT**

**Baca, Americo Miguel, M.D., Lic. No. H9597, San Juan**

On August 25, 2017, the Board and Americo Miguel Baca, M.D., entered into an Agreed Order requiring him to pay an administrative penalty of \$1,500 within 60 days. The Board found Dr. Baca failed to timely certify the death certificate for one patient.

**Baird, Kenneth Ewell, M.D., Lic. No. H5658, Carrollton**

On August 25, 2017, the Board and Kenneth Ewell Baird, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Baird failed to properly notify patients regarding the closure of his practice; resulting in a missed appointment and inability to access medical records for one patient.

**Chiang, Eric Ping, M.D., Lic. No. Q2116, Corpus Christi**

On August 25, 2017, the Board and Eric Ping Chiang, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations made for care and treatment; within 60 days complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have a chaperone present anytime he performs a physician examination on a female patient; and within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in ethics. The Board found Dr. Chiang inappropriately lifted a patient's shirt and examined a patient's breasts.

**Elwell, Daniel Mark, D.O., Lic. No. N6282, Waco**

On August 25, 2017, the Board and Daniel Mark Elwell, D.O., entered into an Agreed Order requiring him to comply with all terms of his community supervision as outlined in his plea agreement; within one year complete the anger

management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in professional responsibility. The Board found Dr. Elwell pleaded guilty to a crime of moral turpitude, specifically, assault family violation, a Class A misdemeanor offense.

**Lim, Jose Audie Eduarte, M.D., Lic. No. K4486, Wichita Falls**

On August 25, 2017, the Board and Jose Audie Eduarte Lim, M.D., entered into an Agreed Order on Formal Filing requiring him to offer female patients the option of having a chaperone anytime he performs a physical examination; within one year complete the boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in medical recordkeeping. The Board found Dr. Lim made unprofessional comments to a patient and did not document that he terminated the physician-patient relationship until after a complaint was filed with the Board. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Nawaz, Mohammad, M.D., Lic. No. L2497, Frisco**

On August 25, 2017, the Board and Mohammad Nawaz, M.D., entered into an Agreed Order requiring him to have his billing practice monitored for 8 consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in billing and coding; and shall comply with any and all terms of his Pre-Trial Diversion Agreement. The Board found that on February 20, 2015, Dr. Nawaz signed a Pre-Trial Diversion Agreement in U.S. District Court related to allegations of false billing claims.

**Patel, Vivek-Sagar, M.D., Lic. No. Q7945, Houston**

On August 25, 2017, the Board and Vivek-Sagar Patel, M.D., entered into an Agreed Order requiring him to comply with and complete the terms of his criminal probation; and within one year complete at least eight hours of CME in professionalism. The Board found Dr. Patel was convicted in the state of Michigan of a misdemeanor crime of disorderly conduct related to an underlying arrest for assault of his then domestic partner, and was sentenced to 24 months of probation requiring drug testing, abstinence, and community service.

**Waxali, Anisha Vakil, M.D., Lic. No. K2133, Sugar Land**

On August 25, 2017, the Board and Anisha Vakil Waxali, M.D., entered into an Agreed Order publicly reprimanding Dr. Waxali and requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Waxali engaged in a sexual relationship with a patient. Dr. Waxali had a friendship with the individual before the person became a patient, however, the sexual relationship started after the physician-patient relationship had been established.

**Zepeda, Luis Ernesto, M.D., Lic. No. K1739, Houston**

On August 25, 2017, the Board and Luis Ernesto Zepeda, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in ethics. The Board found Dr. Zepeda failed to release copies of medical records upon request.

**REVOCATION**

**Somerville, Judson Jeffrey, M.D., Lic. No. H6622, Laredo**

On August 25, 2017, the Board entered a Final Order regarding Judson Jeffrey Somerville, M.D., revoking his Texas medical license. The Board found Dr. Somerville operated unlicensed pain management clinics, improperly supervised and delegated to unlicensed medical staff, violated state law by pre-signing prescription forms, and did not meet the standard of care in his treatment of multiple patients for chronic pain. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. Somerville has 20 days from the service of the order to file a motion for rehearing.

## **VOLUNTARY SURRENDER/REVOCAION**

### **Ahmed, Faiz, M.D., Lic. No. J4683, Houston**

On August 25, 2017, the Board and Faiz Ahmed, M.D., entered into an Agreed Order of Voluntary Surrender After Formal Filing in which Dr. Ahmed agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Ahmed is currently awaiting sentencing after a jury returned a verdict finding him guilty of health care fraud charges. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Benson, Leslie Wayne, M.D., Lic. No. H2243, Temple**

On August 25, 2017, the Board and Leslie Wayne Benson, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Benson agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Benson was under investigation by the Board, however, he reported to the Board that he suffers from a medical condition that precludes him from practicing medicine at this time.

### **Floyd, William Forrest, M.D., Lic. No. C5668, Gatesville**

On August 25, 2017, the Board and William Forrest Floyd, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Floyd agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Floyd has self-reported that he has a medical/physical condition that precludes him from practicing medicine at this time.

### **Sandoval, Jaime, M.D., Lic. No. K1921, Corpus Christi**

On August 25, 2017, the Board and Jaime Sandoval, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender in which Dr. Sandoval agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Sandoval's license was previously under temporary suspension based on inappropriate conduct with multiple female patients in which he violated sexual boundaries through inappropriate touching, actions and comments, which were offensive and of a sexual nature.

### **Windsor, Robert E., M.D., Lic. No. H0953, Marietta, GA**

On August 25, 2017, the Board and Robert E. Windsor, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Windsor agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Windsor is incarcerated in the United States Bureau of Prisons after he pleaded guilty to two felony health care fraud charges in Georgia. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **RESTRICTION**

### **Huff, William Kenneth, M.D., Lic. No. F9597, Quitman**

On August 25, 2017, the Board and William Kenneth Huff, M.D., entered into an Agreed Order on Formal Filing, terminating the suspension of his license, publicly reprimanding him, and placing him under the following terms: limit his practice to a group or institutional setting approved by the Board; shall not care for or treat females under the age of 21; have a chaperone present during physical exams of female patients; within one year complete the professional boundaries course offered by the California San Diego Physician Assessment and Clinical Education (PACE) program; within 30 days receive care and treatment from Board approved psychiatrist no less than once a month and follow all recommendations for care and treatment; and pay an administrative penalty of \$10,000. The Board found Dr. Huff pleaded guilty to a Class A misdemeanor of selling, distributing, and displaying harmful material to a minor and was sentenced to two years' probation. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Mardock, Julian King, M.D., Lic. No. E6492, New Braunfels**

On August 25, 2017, the Board and Julian King Mardock, M.D., entered into an Agreed Order prohibiting him from practicing until he requests permission and personally appears before the Board to provide evidence he is physically, mentally, and otherwise competent to safely practice medicine; and lifting the restriction for the sole purpose of permitting Dr. Mardock to enroll in and successfully complete the Clinical Competence Course offered by the Center for

Personalized Education for Physicians (CPEP) program and comply with all recommendations made by CPEP. The Board determined that prior to being permitted to return to practice in Texas, Dr. Mardock's competency must be further evaluated. The order supersedes all previous orders entered by the Board.

**Vittimberga, Frank John, Jr., M.D., Lic. No. M2857, Fort Lauderdale, FL**

On August 25, 2017, the Board and Frank John Vittimberga, Jr., M.D., entered into an Agreed Order restricting his practice in that he shall not perform surgery of any kind to the head or neck of any Texas patient until he petitions the Board and personally appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to perform said procedures and surgeries and satisfies all other terms of the order; within one year complete at least eight hours of CME in general tissue resections in the head the neck region; and within 90 days pay an administrative penalty of \$5,000. The Board found Dr. Vittimberga violated the standard of care by mistakenly incising a patient's carotid artery while attempting a biopsy which ultimately led to the patient's death. Dr. Vittimberga relied on previous providers' assessments and radiology finding of the patient's mass to be an enlarged lymph node rather than his independent assessment.

**PEER REVIEW ACTION**

**Aarons, Scott Paul, M.D., Lic. No. G9050, Baytown**

On August 25, 2017, the Board and Scott Paul Aarons, M.D., entered into an Agreed Order requiring him to within 30 days submit to an evaluation by the Texas Physician Health Program (PHP) and comply with any and all recommendations made by PHP; within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management; and within one year complete at least 8 hours of CME, divided as follows: four hours in ethics and four hours in physician communication. The Board found Dr. Aarons resigned his hospital privileges while under investigation for disruptive behavior.

**Herrera, Larry, M.D., Lic. No. J2075, Temple**

On August 25, 2017, the Board and Larry Herrera, M.D., entered into an Agreed Order requiring him to within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in professional communication, and four hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Herrera's hospital privileges were suspended and Dr. Herrera later resigned due to delinquent medical records.

**Kuhne, Robert Christopher, M.D., Lic. No. H2519, Frisco**

On August 25, 2017, the Board and Robert Christopher Kuhne, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program. The Board found Dr. Kuhne's hospital privileges were suspended after testing positive for hydrocodone and hydromorphone.

**VIOLATION OF BOARD RULES**

**Malone, Mark Thomas, M.D., Lic. No. G3580, Round Rock**

On August 25, 2017, the Board and Mark Thomas Malone, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME, divided as follows: four hours in identifying drug-seeking behavior and four hours in drug testing and laboratory analysis; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Malone failed to exercise proper diligence in documenting and addressing, through counseling or other action, certain aberrant drug screening results obtained from patients being treated for pain.

**Tomaszek, David Edward, M.D., Lic. No. K9191, Spring**

On August 25, 2017, the Board and David Edward Tomaszek, M.D., entered into an Agreed Order requiring him to within 30 days submit the pain management contract he will be using in his practice to the Board; within one year complete the physician prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year



complete at least 12 hours of CME, divided as follows: four hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Tomaszek's documentation of a patient's history, physical examination and progress lack substantive detail to support the laminectomy and other treatments performed, and he failed to adequately monitor or follow up to assess the patient's compliance with the treatment plan and any indications of abuse or diversion.

#### **IMPROPER PRESCRIBING**

##### **Fierro-Stevens, Rodolfo, M.D., Lic. No. J4111, El Paso**

On August 25, 2017, the Board and Rodolfo Fierro-Stevens, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Fierro-Stevens inappropriately prescribed to three people with whom he had a personal and/or familial relationship beyond the 72-hour period of immediate need for their pre-existing conditions, failed to perform physical examinations, and failed to maintain medical records for the patients.

##### **Punzi, Henry Anthony, M.D., Lic. No. G1520, Carrollton**

On August 25, 2017, the Board and Henry Anthony Punzi, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in appropriate prescribing of controlled substances. The Board found Dr. Punzi inappropriately prescribed controlled substances to a close family member beyond the period of immediate need.

#### **IMPROPER SUPERVISION OR DELEGATION**

##### **Bruce, Lena Rochelle, M.D., Lic. No. H6081, Santa Fe**

On August 25, 2017, the Board and Lena Rochelle Bruce, M.D., entered into an Agreed Order publicly reprimanding Dr. Bruce and requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: six hours in risk management and six hours in supervision; and within 60 days pay an administrative penalty of \$4,500. The Board found Dr. Bruce failed to assess or examine three patients prior to ordering prescriptions for colonic irrigation performed by a registered nurse, failed to maintain any medical records for the patients and failed to adequately supervise the delegate.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Durairaj, Vikram, M.D., Lic. No. Q4391, San Antonio**

On August 25, 2017, the Board and Vikram Durairaj, M.D., entered into an Agreed Order Modifying Prior Order, modifying his August 2016 Order. The modification requires Dr. Durairaj to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management. The Board found Dr. Durairaj violated his August order by failing to submit to alcohol testing on time. All other terms of the order, as modified, remain in full effect.

#### **OTHER STATES' ACTIONS**

##### **Struven, Christian Paul, III, M.D., Lic. No. N5418, Plainfield, IL**

On August 25, 2017, the Board and Christian Paul Struven, III, M.D., entered into an Agreed Order Upon Formal Filing publicly reprimanding Dr. Struven and requiring him to pay an administrative penalty of \$1,500 within 60 days; and shall not reregister a DEA controlled substances certificate without authorization from the Board. The Board found that Dr. Struven was disciplined by the Illinois Department of Financial and Professional Regulation for surrendering his DEA certificate of registration while under investigation and failing to report the surrender. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **INADEQUATE MEDICAL RECORDS**

### **Benavides, Richard Alex, M.D., Lic. No. F9189, Dallas**

On August 25, 2017, the Board and Richard Alex Benavides, M.D., entered into a Mediated Agreed Order requiring him to within 60 days pay an administrative penalty of \$4,000. The Board found Dr. Benavides did not document the necessary components to justify billing codes for five patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Varughese, Annie Thomas, M.D., Lic. No. J8408, Houston**

On August 25, 2017, the Board and Annie Thomas Varughese, M.D., entered into a Mediated Agreed Order Upon Formal Filing requiring her to within 30 days submit all informed consent forms regarding the use of Enhanced External Counter Pulsation (EECP) in use at her clinic to the Board for review; within 180 days complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and have her practice monitored by another physician for six consecutive monitoring cycles, specifically as it relates to medical record documentation for patients receiving EECP treatments and related billing. The Board found Dr. Varughese routinely treated patients with EECP but did not fully document medical indications or her medical rationale for EECP. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **IMPAIRMENT**

### **Hamilton, Kyle Lloyd, M.D., Lic. No. F4043, Corsicana**

On August 25, 2017, the Board and Kyle Lloyd Hamilton, M.D., entered into an Agreed Order requiring him to limit his practice to a group or institutional setting approved in advance by the Board; shall not practice more than 40 hours per week; and within 30 days submit to an evaluation by the Physician Health Program (PHP) and comply with any and all recommendations made by PHP. The Board found Dr. Hamilton was terminated from his employment for job performance which was affected by an underlying mental health condition. Dr. Hamilton has sought assistance from PHP and is currently under a Cease Practice Agreement.

### **Wilson, Ellen, D.O., Lic. No. Q9090, Lubbock**

On August 25, 2017, the Board and Ellen Wilson, D.O., entered into an Agreed Order publicly referring her to the Texas Physician Health Program (PHP) and requiring her to within 30 days submit to an evaluation by PHP and comply with any recommendations. The Board found Dr. Wilson did not comply with the terms after voluntarily entering into a monitoring agreement with PHP in an effort to cope and manage her care to prevent future alcohol abuse, which has affected her ability to practice medicine. Dr. Wilson is not currently practicing.

## **CEASE AND DESIST**

### **Hunter, Catharina/AKA Katinca Lindeque/AKA Katherine, No License, San Antonio**

On August 25, 2017, the Board and Catharina Hunter entered into an Agreed Cease and Desist Order prohibiting Ms. Hunter from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Hunter is the owner of Love Life and Sugarberry's Wellness Spa which advertises that the business combined "medical expertise with an authentic spa care experience to make the largest health benefit impact possible." The website showed that Ms. Hunter offered spa treatments that referred to aiding the treatment of certain medical conditions. She has since revised the website to remove all reference to "medical expertise" or the appearance of the treatment of any medical conditions.

### **Masri, Amjed Ismail, No License, Houston**

On August 25, 2017, the Board and Amjed Ismail Masri entered into an Agreed Cease and Desist Order prohibiting Mr. Masri from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and shall not treat patients outside the scope of practice for a medical assistant. The Board found Mr. Masri was employed as a medical assistant at a clinic where the physician allegedly delegated medical duties to Mr. Masri, specifically, the in-office administration of controlled substances.

**Painter, Tesina, No License, Frisco**

On August 25, 2017, the Board and Tesina Painter entered into an Agreed Cease and Desist Order prohibiting Ms. Painter from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and shall immediately cease and desist from advertising, offering to treat, treating, partnering, or assisting another in treating anyone in the state of Texas with stem cells. The Board found Ms. Painter sent a marketing email to an unknown number of recipients advertising umbilical stem cell treatment for testosterone deficiency, vaginal rejuvenation, and anti-aging at an alleged clinic outside of Mexico City.

**Randall, Mark, No License, Conroe**

On August 25, 2017, the Board and Mark Randall entered into an Agreed Cease and Desist Order prohibiting Mr. Randall from practicing medicine in the state of Texas without a license issued by the Texas Medical Board; shall cease and desist any unlicensed practice of medicine; and shall cease and desist from identifying himself as a doctor. The Board found Mr. Randall operates a business under the name Simple Wellness and a website and Facebook page where he claims to offer various health services, including "Frequency Specific Microcurrent (FSM) which can be used to treat the following: scar reduction, pain, injuries, fat loss, performance and recovery, energy mood, brain-injury, nerve issues, stress trauma, emotions, anxiety, sleep, addiction, ADHD/Focus, autism, depression and PTSD." Mr. Randall also advertises these services in publications such as Psychology Today where he refers to himself as Dr. Mark Randall, and states on his website and other promotional materials that he is licensed by the Pastoral Medical Association, an entity that does not confer any authority upon Mr. Randall to practice medicine in the state of Texas under the Medical Practice Act.

**Wilson, Kimberly M., No License, Fort Worth**

On August 25, 2017, the Board and Kimberly M. Wilson entered into an Agreed Cease and Desist Order prohibiting Ms. Wilson from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and ordering her to cease and desist any unlicensed practice of medicine. The Board found Ms. Wilson owns and operates Innovations Wellness Centers using the same address as Innovations Medical, a cosmetic surgery facility owned by Bill Johnson, M.D., and Innovations Facial Plastic Surgery, owned by Daniel Joseph Verret, M.D. Innovations Wellness Center is unaffiliated with both Innovations Medical and Innovations Facial Plastic Surgery. Ms. Wilson advertises Innovations Wellness Center as an award winning medical center with state of the art exams and procedure rooms. This is a medical facility used by multiple physician providers. Ms. Wilson, uses the title Dr. and states that she is a Board Certified Naturopathic Medical Doctor (NMD) on her website. She is depicted on her website wearing a lab coat and stethoscope and claims that her primary areas of health coaching is on aging well through the development of a personal wellness plan for each patient, stress management, addictions, detoxification programs, nutrition and weight loss, women and children's health, and chronic conditions, including cancer, candidiasis, hormone imbalance, hypertension, diabetes, autoimmune disease, pain and fatigue.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 20, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Carrollton physician-in-training**

On October 19, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas physician-in-training permit of J. Alan Waters, Jr., M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Waters is unable to safely practice medicine due to substance abuse. While deployed with the Army National Guard, Dr. Waters was apparently called to serve in a medical unit in his capacity as a physician to treat civilian patients in Beaumont for Hurricane Harvey relief.

On or about September 6, 2017, during this service, Dr. Waters was working the night shift as the "doctor on duty." Several medics were also on duty at the same time at the same facility.

During the night, the medics witnessed Dr. Waters acting strangely. Dr. Waters emerged from the temporary sleeping room and asked the medics on duty why they were still awake, and told them to go to sleep. Several hours later, Dr. Waters again emerged from the sleeping room. He stumbled down the hallway, leaning against the wall for support, and was mumbling incoherently. The medics assisted Dr. Waters to a cot and began providing medical assistance. Dr. Waters was observed to have IV site marks on all four extremities, including in between his toes. One medic went into the sleeping room and observed dozens of used syringes, bloody combat gauze, and empty bags of IV fluids strewn about. There were also empty vials and bottles of medications.

Several weeks after this incident, Dr. Waters failed to disclose to the Board his reported abuse of drugs and work as a physician.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Waters, unless the hearing is specifically waived by Dr. Waters.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

November 3, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 26 physicians at October meeting, adopts rules changes**

At its October 20, 2017 meeting, the Texas Medical Board disciplined 26 licensed physicians and issued one cease and desist order.

The disciplinary actions included: six orders related to quality of care violations, four orders related to unprofessional conduct, four voluntary surrenders/revocations, one suspension, two terminations of suspension, one order related to nontherapeutic prescribing, one order related to improper prescribing, four orders related to violation of prior Board order, and three orders related to other states' actions.

The Board issued 139 physician licenses at the October meeting, bringing the total number of physician licenses issued in FY18 to 580.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 163. LICENSURE**

The amendments to **§163.2**, **163.4**, **163.6**, **163.13**, and the repeal of **§163.7**, concerning Licensure.

The amendment to **§163.2**, concerning Full Texas Medical License, deletes language under subsection (d)(5)(A) setting forth requirements related to §163.7 of this title (relating to the Ten Year Rule). The amendments reflect the repeal of §163.7 of this title.

The amendment to **§163.4**, concerning Procedural Rules for Licensure Applicants, deletes language under subsection (d)(5)(D) related to §163.7 of this title. The amendments reflect the repeal of §163.7 of this title.

The amendment to **§163.6**, concerning Examinations Accepted for Licensure, deletes language under subsection (e)(1), requiring that an applicant pass the jurisprudence examination within three attempts. The changes are made pursuant to Senate Bill 674 (85th Legislature, Regular Session).

The repeal of **§163.7**, concerning Ten Year Rule, repeals requirements that an applicant have passed an examination listed in §163.6(a) of this title (relating to Examinations Accepted for Licensure) for licensure within the ten-year period prior to the filing date of the application. The amendments remove an unnecessary impediment to licensure for physicians who have maintained competency through the active practice of medicine, and otherwise meet all general eligibility requirements.

The amendment to **§163.13**, concerning Expedited Licensure Process, adds a new subsection (b), creating an expedited licensing process for out-of-state psychiatrists. The new language is in accordance with Senate Bill 674, 85th Legislative Regular Session, which requires the Board to create an expedited licensing process for applicants who hold an unrestricted license to practice medicine issued in another state, are board certified in psychiatry, and meet other general eligibility requirements.

#### **CHAPTER 171. POST GRADUATE TRAINING PERMITS**

The amendment to **§171.3**, concerning Physician-in-Training Permits, adds language to subsection (d)(2)(C), clarifying that a physician-in-training permit shall expire not only upon the date the permit holder obtains full licensure, but

temporary or limited licensure as well. The purpose of the amendment is to align the language of §171.3 with §163.9 of this title (relating to Only One License), which provides that a person may not have more than one license or permit at the same time, and that upon the issuance of any license or permit, all previously issued licenses and permits, including postgraduate training permits, shall be considered to be terminated.

#### **CHAPTER 172. TEMPORARY AND LIMITED LICENSES**

The amendments to **§172.4**, concerning State Health Agency Temporary License and **§172.8**, concerning Faculty Temporary License.

The amendments to **§172.4**, deletes language under paragraphs (1)(C) and (2)(A) referencing §163.7 of this title (relating to the Ten Year Rule). The amendments reflect the repeal of §163.7 of this title.

The amendments to **§172.8**, deletes language under subsection (a)(2), requiring that an applicant pass the jurisprudence examination within three attempts. The changes are made pursuant to Senate Bill 674 (85th Legislature, Regular Session). Further amendments to subsection (k), delete language referencing §163.7 of this title. The amendments reflect the repeal of §163.7.

#### **CHAPTER 174. TELEMEDICINE**

The amendments to **§§174.1 - 174.3, 174.5 - 174.9** and new **§174.4**, concerning Mental Health Services and the repeal of **§§174.10 - 174.12**, concerning Telemedicine.

The title of Chapter 174 is renamed to "Telemedicine and Mental Health Services" and creates a new Subchapter A, "Telemedicine" and a new Subchapter B, "Mental Health Services".

The amendments to **§174.1**, concerning Purpose, add language that the purpose of the telemedicine rules is to clarify the requirements of Chapter 111 of the Texas Occupations code related to the provision of telemedicine health services.

The amendments to **§174.2**, concerning Definitions, delete multiple definitions dealing with telemedicine while adding new definitions of "Prescription," "Store and forward technology," "Telehealth services," "Telemedicine medical services," and "Ultimate user" to comport with the new definitions in Senate Bill 1107 dealing with telemedicine and telehealth services.

The amendments to **§174.3**, concerning Prevention of Fraud and Abuse, delete the current detailed requirements for protocols to prevent fraud and abuse through the use of telemedicine services, and substitute a requirement that a consistent physician's protocols to prevent fraud and abuse must be consistent standard established by the Health and Human Services Commission pursuant to §531.02161 of the Government Code.

New **§174.4**, concerning Notice to Patients, adds language requiring physicians communicating with patients by electronic communications other than telephone or facsimile to provide patients with written or electronic notification of the physician's privacy practices prior to providing telemedicine services. The amendment further requires that the notices of privacy practice be consistent with federal standards under 45 CFR Parts 160 and 164. Additionally, the amendments require physicians providing telemedicine medical services to provide patients with notice of how to file a complaint with the Board.

The amendments to **§174.5**, concerning Issuance of Prescriptions, sets out requirements for valid prescriptions issued as a result of a telemedicine medical service and limits the treatment of chronic pain through telemedicine medical services.

The amendments to **§174.6**, concerning Minimum Standards for the Provision of Telemedicine Medical Services, delete multiple requirements for providing telemedicine services and substitute simplified minimum requirements for providing a health care service or procedure as a telemedicine medical service that comport with Senate Bill 1107.

The amendments to **§174.7**, concerning Enforcement Authority rename the section and delete language related to providing telemedicine services under the Board's former definitions and requirements. The amendments clarify the Board's enforcement authority to investigate and discipline physicians for violations of statutes and rules to telemedicine services.

The amendments to **§174.8**, concerning State Licensure, rename the section, delete language related to evaluation and treatment of the patient superseded by SB 1107, and add language clarifying that physicians providing telemedicine services must possess a full Texas Medical license when treating residents of Texas.

The amendments to **§174.9**, concerning Provision of Mental Health Services, delete former rules regarding the provision of mental health care through telemedicine services and substitute simplified requirements for providing mental health services. These requirements include: a requirement of licensure or certification; establishment of a provider/patient relationship; and a requirement to conform with the standard of care. The amendments make clear that technology may be used to provide mental health services to patients in a different location from the licensed or certified provider. The amendments also make clear that the Board may investigate and discipline, or appropriately refer provider to proper regulatory authority, for violations of rules related to the provision of mental health services.

The repeal of **§174.10**, concerning Medical Records for Telemedicine Medical Services, **§174.11**, concerning On Call Services, and **§174.12**, concerning State Licensure. The repeals are necessary to ensure that the Board rules comport with SB 1107 and are not duplicative of other Board rules related to the provision of telemedicine and telemedicine services.

#### **CHAPTER 175. FEES AND PENALTIES**

The amendments to **§175.1**, concerning Application and Administrative Fees; and **§175.2**, concerning Registration and Renewal Fees.

The amendment to **§175.1** deletes language tying fee calculation for the Prescription Drug Monitoring Program (PMP) to Article IX, §18.55 of House Bill 1, 84th Legislature, and adds language requiring fee calculation to be made in accordance with the Texas General Appropriations Act. The amendment will increase flexibility under the rules for any future PMP fee changes necessitated by amendments made to the Medical Board's cost allocation for PMP administration through the General Appropriations Act.

The amendment to **§175.2** deletes language tying fee calculation for the Prescription Drug Monitoring Program to Article IX, §18.55 of House Bill 1, 84th Legislature, and adds language requiring fee calculation to be in accordance with the Texas General Appropriations Act. The amendment will increase flexibility under the rules for any future PMP fee changes necessitated by amendments made to the Medical Board's cost allocation for PMP administration through the General Appropriations Act.

#### **CHAPTER 178. COMPLAINTS**

The amendments to **§178.3**, concerning Complaint Procedure Notification.

The amendment to **§178.3** deletes the word "Procedure" from the title, deletes language related to the type size of printed copies of the board approved notification statement regarding complaints on billing statements and written contracts for services. The amendment adds language setting allowing telemedicine providers to provide the Board approved complaint notification statement through: a prominently displayed link on a website, in a provider app; by recording, or in a bill for services.

#### **CHAPTER 187. PROCEDURAL RULES**

The amendments to **§187.16**, concerning Informal Show Compliance Proceedings (ISCs), **§187.18**, concerning Informal Show Compliance Proceeding and Settlement Conference Based on Personal Appearance, and **§187.83**, concerning Proceedings for Cease and Desist Orders.

The amendments to **§187.16** set out a finding that the statutory minimum requirements related to the Informal Show Compliance Proceedings (ISCs), as set out in the Texas Occupations Code, §164. et.seq., are comprehensive and complete. The amendments state that rules related to ISC proceedings will be promulgated only as necessary to be consistent with statutory requirements. The amendment deletes provisions duplicative of §164 of the Texas Occupations Code and deletes an incorrect reference to providing 30 rather than 45 days notice prior to an ISC. The amendments also changes the title of rule 187.16 to read “Informal Show Compliance (ISC) Information and Notices,” as this title is more descriptive of the contents of the rule and abbreviated the references to “informal meetings” and “Informal Show Compliance Proceedings” to “ISC.”

The amendment to **§187.18**, deletes ISC requirements duplicative of those set out in §164.003 and §164.0031 of the Occupations Code and clarify the procedures for conducting an ISC. The amendment also changes the title of section 187.18 to read “ISC Scheduling, Process and Procedures,” as this is more descriptive of the contents of the rule and adopted a change to the preamble of subsection (d) to read “ISCs shall be conducted in accordance with §164.003 and §164.0032 of the Act. In addition to ISC requirements under these laws, the board representative may also....”

The amendment to **§187.83**, corrects a typographical error in a citation to Texas Occupations Code §164.052.

## **CHAPTER 190. DISCIPLINARY GUIDELINES**

The amendments to **§190.8(1)(L)**, concerning Violation Guidelines.

The amendment deletes language and requirements related to establishing a defined physician-patient relationship before prescribing any dangerous drug or controlled substance, and substitutes language requiring establishing a valid practitioner-patient relationship, a term defined by SB 1107 in amended Texas Occupations Code §111.005.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Armstrong, Raymond G., M.D., Lic. No. D6364, San Antonio**

On October 20, 2017, the Board and Raymond G. Armstrong, M.D., entered into an Agreed Order prohibiting him from treating patients for addiction or providing psychiatric care to patients unless such patients are being treated by him for those conditions in an emergency department setting; within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Armstrong failed to recognize and appropriately respond to a patient by failing to appreciate the patient’s distress and make appropriate referrals for her in a timely manner which resulted in the patient’s suicide.

#### **Castillon, Frank, III, M.D., Lic. No. M0682, Lubbock**

On October 20, 2017, the Board and Frank Castillon, III, M.D., entered into an Agreed Order on Formal Filing requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: eight hours in surgical safety, eight hours in neurological monitoring and eight hours in risk management; and within 60 days pay an administrative penalty of \$6,000. The Board found Dr. Castillon failed to meet the standard of care for several surgical patients. Specifically, he failed to use adequate surgical technique during an operation requiring corrective surgery, performed an incorrect, and non-consented, spinal level surgery, improperly discharged a patient after failing to recognize a small cerebral contusion which was also missed by interpreting radiologist, and diagnosed a fourth patient with loss of brainstem function too soon after anesthetic agents had been administered. Ultimately, however, the patient did meet brain death criteria. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **Skie, Gregory, M.D., Lic. No. G5617, Arlington**

On October 20, 2017, the Board and Gregory Skie, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 12 hours of CME, divided as follows: eight hours in risk management and four hours in proper prescribing. The Board found Dr. Skie failed to safeguard against potential complication for a high risk patient by renewing controlled substances



prescriptions instead of adjusting his prescribing based on the patient having a surplus of medications rather than issuing full prescriptions.

**Thomas, John P., M.D., Lic. No. J6763, Lubbock**

On October 20, 2017, the Board and John P. Thomas, M.D., entered into an Agreed Order on Formal Filing requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles. The Board found Dr. Thomas failed to timely address a post-operative internal bleed after performing a gallbladder surgery and failed to timely address a post-operative bile leak after a surgery for a second patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Lowery, Erica Herndon, M.D., Lic. No. P2482, Baytown**

On October 20, 2017, the Board and Erica Herndon Lowery, M.D., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 28 hours of CME, divided as follows: eight hours in handling high risk pregnancy, eight hours in medical recordkeeping, eight hours in risk management and four hours in informed consent. The Board found Dr. Lowery failed to meet the standard of care in the obstetric care of one patient by failing to timely address the signs of fetal distress, failed to perform and document an adequate patient history and failed to obtain the patient's written informed consent for a surgical vaginal delivery.

**Velasquez, Michael A., D.O., Lic. No. L2726, El Paso**

On October 20, 2017, the Board and Michael A. Velasquez, D.O., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in drug-seeking behavior; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Velasquez failed to meet the standard of care in the treatment and management of a patient's chronic non-cancer pain and did not follow through on referrals to specialists.

**UNPROFESSIONAL CONDUCT**

**Devaneson, Paul Prabhakar, M.D., Lic. No. F8465, Lubbock**

On October 20, 2017, the Board and Paul Prabhakar Devaneson, M.D., entered into and Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in anger management and eight hours in ethics. The Board found Dr. Devaneson sent harassing and sexually inappropriate messages to his former office manager through social media.

**Lin, Nicholas, M.D., Lic. No. N6911, San Antonio**

On October 20, 2017, the Board and Nicholas Lin, M.D., entered into an Agreed Order on Formal Filing publicly referring Dr. Lin to the Texas Physician Health Program and requiring him to within 90 days pay an administrative penalty of \$5,000. The Board found Dr. Lin entered into a deferred adjudication of a Class A Misdemeanor offense related to a physical altercation with two females. The circumstances surrounding his arrest were not connected with the practice of medicine. Dr. Lin is required pursuant to Community Supervision and Correction Department Rehabilitation Program to participate in abstinence, drug testing and an Aggression Control Program. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Loftus, Thomas Stuart, M.D., Lic. No. L5439, Austin**

On October 20, 2017, the Board and Thomas Stuart Loftus, M.D., entered into a Mediated Agreed Order requiring him to modify the disclosures that are provided to his patients to adequately and fully reflect his financial interest in Capitol Neurodiagnostics, PLLC and to indicate whether they are an in-network or out-of-network provider, and provide copies of the modified disclosures within 30 days to the Board; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in medical recordkeeping, eight hours in risk management and four hours in medical ethics; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Loftus failed to disclose his financial relationship with Capitol Neurodiagnostics, PLLC. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Martin, Earl Edward, D.O., Lic. No. L4559, Tomball**

On October 20, 2017, the Board and Earl Edward Martin, D.O., entered into an Agreed Order publicly reprimanding Dr. Martin and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete the prescribing course offered by the PACE program; within one year complete at least 20 hours of CME, divided as follows: four hours in risk management, four hours in ethics, four hours in treating migraine headaches, four hours in treatment of chronic pain and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Martin failed to take an adequate history and document an adequate medical rationale for opioids he prescribed to a patient for migraine headaches and admitted to having a sexual relationship with the patient.

**VOLUNTARY SURRENDER/REVOICATION**

**Conner, Byron Felton, M.D., Lic. No. J8496, North Richland Hills**

On October 20, 2017, the Board and Byron Felton Conner, M.D., entered into an Agreed Order of Revocation Upon Formal Filing, in which Dr. Conner agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found that Dr. Conner entered a guilty plea to conspiracy to commit health care fraud and is awaiting sentencing, which has been deferred pending the prosecution of other health care providers against whom charges are pending, and Dr. Conner's cooperation in such prosecution. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Diamond, Howard, M.D., Lic. No. H4283, Sherman**

On October 20, 2017, the Board and Howard Diamond, M.D., entered into an Agreed Order of Revocation, in which Dr. Diamond agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found that on July 6, 2017, an indictment was filed against Dr. Diamond in the United States District Court for the Eastern District of Texas, Sherman Division. Dr. Diamond has pleaded not guilty to the criminal charges.

**Jeyaraj, David Vijay, M.D., Lic. No. L2354, Houston**

On October 20, 2017, the Board and David Vijay Jeyaraj, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Jeyaraj agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Jeyaraj improperly operated an unregistered pain management clinic.

**Warshawsky, Benjamin Joseph, M.D., Lic. No. BP10057676, Austin**

On October 20, 2017, the Board and Benjamin Joseph Warshawsky, M.D., entered into an Agreed Order of Voluntary Surrender on Formal Filing in which Dr. Warshawsky agreed to voluntarily surrender his Texas physician in training permit in lieu of further disciplinary proceedings. The Board found Dr. Warshawsky was arrested by the Temple Police Department for driving while intoxicated and entered into the Bell County Pre-Trial Intervention Program. Dr. Warshawsky later resigned from employment with his residency program in lieu of termination. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**SUSPENSION**

**Fath, Steven Wade, M.D., Lic. No. K8144, Dallas**

On October 20, 2017, the Board and Steven Wade Fath, M.D., entered into an Agreed Order of Voluntary Suspension suspending Dr. Fath's Texas medical license until he requests in writing to have the suspension stayed or lifted, and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine, which shall include at a minimum, completion of the specific cognitive and health evaluations recommended by the Center for Professional Education for Physicians (CPEP) in Denver, Colorado in the proficiency testing and completion of a residency-like program. Dr. Fath shall reappear before the Board to request modification of this order so he may enroll and participate in the residency-like program. The Board found Dr. Fath was recommended by CPEP to not

engage in the active practice of medicine until he completes a specified cognitive and health evaluation, as well as a residency-like training.

#### **TERMINATION OF SUSPENSION**

##### **Deaton, Benjamin Andrew, M.D., Lic. No. M1623, Houston**

On October 20, 2017, the Board and Benjamin Andrew Deaton, M.D., entered into an Agreed Order Granting Termination of Suspension under the following terms: publicly reprimanding him; limit his practice to a group or institutional setting approved in advance; abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; within 30 days obtain a Board-approved treating psychiatrist and follow all recommendations for care and treatment; and participate in Alcoholics Anonymous activities no less than three times a week. The Board found Dr. Deaton agreed to voluntarily surrender his Colorado Medical License to avoid a disciplinary hearing related to his failure to report his participation in the Texas Physician Health Program on his initial licensure application. Results from his Independent Medical Evaluation are that he is safe to resume the practice of medicine provided he participates in on-going psychiatric treatment and substance abuse monitoring.

##### **Gibbons, Gregory Michael, M.D., Lic. No. N3670, Bellaire**

On October 20, 2017, the Board entered an Order Granting Termination of Suspension, reinstating Dr. Gibbon's Texas medical license under the following terms: abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; within 30 days submit to the Board physicians who agree to serve as a treating psychiatrist and follow all recommendations for care and treatment by the Board-approved physician; and participate in Alcoholics Anonymous activities no less than three times a week. Dr. Gibbons was previously temporarily suspended for attempting to treat three patients while impaired due to alcohol consumption.

#### **NONTHERAPEUTIC PRESCRIBING**

##### **Aguirre-Burgos, Jesus Ignacio, M.D., Lic. No. E6206, Laredo**

On October 20, 2017, the Board and Jesus Ignacio Aguirre-Burgos, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates and shall not reregister without authorization from the Board; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours of in-person CME in risk management, eight hours in drug-seeking behavior and eight hours in in-person CME in medical recordkeeping; and within one year pay an administrative penalty of \$3,000. The Board found Dr. Aguirre-Burgos voluntarily surrendered his DEA registration due to concerns related to his prescribing practices, failed to meet the standard of care when prescribing to multiple patients for chronic pain, failed to meet the standard of care when he prescribed phentermine to three patients, and failed to maintain adequate medical records.

#### **IMPROPER PRESCRIBING**

##### **Seabold, Chad, M.D., Lic. No. N1442, Houston**

On October 20, 2017, the Board and Chad Seabold, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Seabold, publicly referring him to the Texas Physician Health Program, and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Seabold prescribed dangerous drugs and controlled substances over a period of several years to someone with whom he had a close personal relationship and prescribed dangerous drugs to himself over a period of several years. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **VIOLATION OF PRIOR BOARD ORDER**

### **Lucas, Marshall Brent, M.D., Lic. No. J0080, The Woodlands**

On October 20, 2017, the Board and Marshall Brent Lucas, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within one year complete at least eight hours of CME in ethics and/or risk management; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Lucas did not release a patient's medical records within 15 days of receipt of the request. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Parkey, Paul James, M.D., Lic. No. D3362, Wichita Falls**

On October 20, 2017, the Board and Paul James Parkey, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Parkey violated his 2014 Order by failing to timely pay his chart monitor fees as required.

### **Saifee, Nafees Fatima, M.D., Lic. No. E3762, Fort Worth**

On October 20, 2017, the Board and Nafees Fatima Saifee, M.D., entered into an Agreed Order Modifying Prior Order which modifies her June 2016 Order. The modification requires her to within six months complete at least 6.5 hours of CME in the topic of HIPAA. The Board found Dr. Saifee failed to timely complete all the CME required under the 2016 Order. All other terms of the 2016 Order remain in effect.

### **Stoufflet, Paul Eric, M.D., Lic. No. H8440, Austin**

On October 20, 2017, the Board and Paul Eric Stoufflet, M.D., entered into an Agreed Order publicly reprimanding Dr. Stoufflet. The Board found Dr. Stoufflet violated his 2015 and 2017 Orders by failing to timely compensate a chart monitor and by failing to pay an administrative penalty within the required timeframe.

## **OTHER STATES' ACTIONS**

### **Baghdoian, Michael, M.D., Lic. No. D8654, Southgate, MI**

On October 20, 2017, the Board and Michael Baghdoian, M.D., entered into an Agreed Order prohibiting Dr. Baghdoian from practicing in Texas until he requests permission and appears before the Board to provide evidence that adequately indicates that he is physically, mentally, and otherwise competent to safely practice. The Board found Dr. Baghdoian entered into a Consent Order with the Michigan Board of Medicine for performing wrong site surgery, was reprimanded and paid a fine of \$1,000.

### **Dimowo, John Oruyopita, M.D., Lic. No. K4883, El Paso**

On October 20, 2017, the Board entered a Final Order regarding John Oruyopita Dimowo, M.D., restricting him from practicing medicine in the state of Texas until he requests permission and appears before the Board to provide evidence that indicates he is physically, mentally, and otherwise competent to safely practice. The Board found Dr. Dimowo was authorized to return to practice medicine in the state of California following misdemeanor convictions for unlawfully prescribing controlled substances. The action was based on the findings of an administrative law judge. This order resolves a formal complaint filed at SOAH. Dr. Dimowo has 25 days from the service of the order to file a motion for rehearing.

### **Lawal, Adegboyega Hakeem, M.D., Lic. No. L3372, Milwaukee, WI**

On October 20, 2017, the Board and Adegboyega Hakeem Lawal, M.D., entered into an Agreed Order requiring him to comply with all terms of the Final Decision and Order entered by the Wisconsin Medical Examining Board (WMEB). The Board found that on April 19, 2017, Dr. Lawal was disciplined by the WMEB and received a one week suspension of his license for failing to meet the standard of care in the treatment of a patient.

## **CEASE AND DESIST**

### **Ethridge, Christopher, No License, Whitehouse**

On October 20, 2017, the Board and Christopher Ethridge entered into an Agreed Cease and Desist order prohibiting Mr. Ethridge from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr.

Ethridge shall also cease and desist from identifying himself as a doctor. The Board found that on or about March 20, 2017, Mr. Ethridge engaged in the practice of medicine by diagnosing, or offering to treat a patient's injury and publicly professed to be a physician, by identifying himself as a physician to emergency response personnel responding to an emergency call involving a patient with a self-inflicted gunshot wound to the head.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 3, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On November 2, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Raymond T. Alexander, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Alexander is unable to practice medicine with reasonable skill and safety to patients due to an illness, or mental or physical condition.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Alexander, unless the hearing is specifically waived by Dr. Alexander.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 3, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Corpus Christi physician**

On November 2, 2017, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Richard Martin Roberts, M.D., after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Roberts is required to have a chaperone present anytime he performs an examination on any patient, in-person or otherwise.

The Board panel found that Dr. Roberts' conduct constitutes a pattern of practice including professional boundary violations wherein he inappropriately performs genital examinations on patients without sufficient medical justification and fails to obtain adequate consent.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 21, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Addison physician**

On November 20, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Daniel Burgess Lankford, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Lankford was arrested for terroristic threat, a class B misdemeanor, and an ongoing criminal investigation continues. Dr. Lankford has a pattern of receiving treatment for substance abuse and continues to have difficulty with substance abuse.

The panel found that Dr. Lankford is unable to practice medicine with reasonable skill and safety to patients due to an illness, use of drugs or other substances, or as a result of any mental or physical condition.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Lankford, unless the hearing is specifically waived by Dr. Lankford.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 6, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Plano physician**

On December 5, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Lisa D. Hooper, M.D., after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Hooper poses an immediate threat to the public health due to an impairment related to drug and/or alcohol abuse, which culminated in Dr. Hooper being intoxicated while on duty.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hooper, unless the hearing is specifically waived by Dr. Hooper.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 6, 2017

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On December 5, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Joshua Kless Kern, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on November 1, 2017, Dr. Kern was arrested by the Dallas County Hospital District Police Department and charged with Diversion of Controlled Substances by Registrants, Dispensers, and Certain Other Person, a state jail felony. The arrest was related to two incidents that occurred at Parkland Hospital in September 2017.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Kern, unless the hearing is specifically waived by Dr. Kern.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 6, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Lubbock physician**

On December 5, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of David L. Vermillion, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on November 9, 2017, Dr. Vermillion reported his impairment as part of the investigation into his criminal cases for violating a protective order. Dr. Vermillion failed to disclose his failure and refusal to abstain from the use or possession of drugs or alcohol or the revocation of his community supervision for his conduct.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Vermillion, unless the hearing is specifically waived by Dr. Vermillion.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 20, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Levelland physician**

On December 19, 2017, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Petros Kosmas Chapanos, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found Dr. Chapanos is unable to practice medicine with reasonable skill and safety to patients because of an illness, or mental or physical condition.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Chapanos, unless the hearing is specifically waived by Dr. Chapanos.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 21, 2017

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 31 physicians at December meeting, adopts rules changes**

At its December 8, 2017 meeting, the Texas Medical Board disciplined 31 licensed physicians and issued two cease and desist orders.

The disciplinary actions included: six orders related to quality of care violations, one order related to criminal activity, two orders related to unprofessional conduct, two revocations, three voluntary surrenders/revocations, one suspension, two orders related to nontherapeutic prescribing, two orders related to improper prescribing, three orders related to violation of Board rule, one order related to peer review action, three orders related to violation of prior Board order, three orders related to other states' actions, and two related to inadequate medical records.

The Board issued 158 physician licenses at the December meeting, bringing the total number of physician licenses issued in FY18 to 1,030.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 160. MEDICAL PHYSICISTS**

The amendments to **§160.7**, concerning Qualifications for Licensure, amend the rule by deleting a reference to a foreign educational credentialing service that is no longer in operation and adds language authorizing international credit evaluations from credential evaluation organizations approved by the American Board of Radiology. The amendment also removes language regarding a master or doctorate degree that was unnecessary and covered by another section of the rule.

The amendments to **§160.10**, concerning Training Licensure, amend the rule by eliminating the term "training license" and substituting the term "temporary license" to be consistent with language in the Medical Physicist Act. The amendments increase the number of temporary license which an applicant may be granted from four to twelve, with the proviso that after the seventh renewal the Board shall perform an evaluation to determine if an applicant is making progress in a medical physicist training program. The amendment also eliminates the term "renewal," because that term was inaccurate as temporary licenses are not renewed, but rather each license requires a new application. The amendment further adds language authorizing the executive director, at the executive director's discretion, to approve a supervisor of temporary licensees to supervise more than two temporary licensees. Finally, the amendment adds language allowing a supervisor at a CAMPEP approved medical physics training program to supervise more than two temporary licensees without requesting executive director approval.

#### **CHAPTER 182. USE OF EXPERTS**

The amendments to **§182.8**, concerning Expert Physician Reviewers, removes language from subsection (c) which requires that a report, prepared by an expert reviewer, include the expert's general qualifications; the rule is further amended to add language requiring the expert's specialty areas be included in such reports.

#### **CHAPTER 188. PERFUSIONISTS**

The amendments to **§188.5**, concerning Procedural Rules for Licensure Applicants, removes language from subsection (a)(6) requiring a "sworn" application. This change is in accordance with and pursuant to the passage of SB 674 (85th Regular Session), which amended §603.252 of the Texas Occupations Code.

The amendments to **§188.9**, concerning License Renewal, removes the reference to "affidavit" which infers that an application for renewal is a "sworn" application. This change is in accordance with and pursuant to the passage of SB 674 (85th Regular Session), which amended §603.252 of the Texas Occupations Code.

#### **CHAPTER 189. COMPLIANCE PROGRAM**

The amendments to **§189.15**, concerning Determination of Successful Completion of an Order, amend the language in subsection (d) to clarify the provisions related to tolling and extension of an Order's time period resulting from tolling. The amendments also add a new subsection (e) to include a description of "partial tolling" and new subsection (f) to delineate the terms, requirements or conditions that may not be tolled.

#### **CHAPTER 193. STANDING DELEGATION ORDERS**

The amendments to **§193.8**, concerning Prescriptive Authority Agreements: Minimum Requirements, changes the requirements set forth in paragraphs (9) - (11) and adds a new paragraph (12), relating to the frequency physicians must meet with physician assistants to whom they delegate and supervise. These changes are in accordance with, and pursuant to, the passage of SB 1625 (85th Regular Session), which amended §157.0512 of the Texas Occupations Code.

#### **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

##### **SUBCHAPTER B. NON-CERTIFIED TECHNICIANS SUPERVISED BY PHYSICIANS**

The repeal of Chapter 194, Subchapter B, **§§194.34 - 194.43**, concerning Medical Radiologic Technology, was adopted in accordance with Senate Bill No. 674 (85<sup>th</sup> Legislature, R.S.), which repealed requirements under §601.252 of the Texas Occupations Code related to the Medical Board's registration of non-certified technicians (NCT) employed by physicians. The Medical Board provides administrative resources to support the Medical Radiologic Technology Board's general registry for NCTs performing radiologic procedures in Texas. The repeal will eliminate inefficiencies related to Medical Board's resources allocated to supporting a second registry for a subset of NCTs working for physicians.

#### **CHAPTER 193. PAIN MANAGEMENT CLINICS**

The amendments to **§195.3**, concerning Inspections, implements the legislature's intent that Chapter 168.052 of the Medical Practice Act allows inspection of clinics or facilities not certified under Chapter 168.101 to determine if they are required to be certified. The amendment also clarifies the legislature's intent that subpoenas requiring immediate production, inspection, and copying of medical and billing are authorized in Board inspections and investigations in order to protect the public health and welfare. The amendment also sets forth criteria establishing the grounds on which a clinic or facility may be inspected to determine if it is required to be certified as a pain management clinic under Chapter 168.101 of the Medical Practice Act. Finally, the rules recognize the new grant of authority for the Board to enforce compliance with Board subpoenas by filing a suit to enforce in district court.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Hamilton, Franchell Richard, M.D., Lic. No. P3167, Keller**

On December 8, 2017, the Board and Franchell Richard Hamilton, M.D., entered into an Agreed Order on Formal Filing requiring her to within one year complete at least 28 hours of CME, divided as follows: twelve hours in vascular complications, eight hours in risk management and eight hours in physician communications; and within 60 days pay an administrative penalty of \$1,500. The Board found that during an elective bariatric surgical procedure, despite utilizing appropriate techniques, an injury occurred to the aorta while Dr. Hamilton was placing the primary trocar. The lead surgeon attempted to repair the injury temporarily by suturing the defect. The injury could not be repaired as the facility did not have a vascular surgeon or vascular grafts available. Dr. Hamilton failed to fully document all communications regarding the transfer of the patient to high level care. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Hamilton, James Merriwether, M.D., Lic. No. C5536, Overton**

On December 8, 2017, the Board and James Merriwether Hamilton, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles. The Board found Dr. Hamilton

failed to meet the standard of care and to maintain adequate medical records for 15 patients in the treatment of weight loss issues.

**Land, David B., D.O., Lic. No. H0543, Eagle Pass**

On December 8, 2017, the Board and David B. Land, D.O., entered into an Agreed Order on Formal Filing requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the National Board of Medical Examiners Subject Exam, Obstetrics and Gynecology Clinical Science Subject Test; within one year complete at least 43 hours of CME, divided as follows: ten hours in pharmacology, ten hours in managing obstetrical emergencies, ten hours in handling gynecological surgical complications, eight hours in diagnosis, assessment, and treatment of liver disease and five hours in communications; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Land failed to meet the standard of care by failing to recognize a patient's fetal distress and did not timely perform a C-section, resulting in the infant's death. Dr. Land also failed to order Hepatitis C genotyping prior to initiating the treatment for Hepatitis C for another patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Leeds, Timothy Gerard, M.D., Lic. No. M9449, Round Rock**

On December 8, 2017, the Board and Timothy Gerard Leeds, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: eight hours in anger management, eight hours in risk management and four hours in pregnancy complications. The Board found Dr. Leeds failed to exercise due diligence in his treatment of one patient who ultimately died of preeclampsia and was the subject of peer review that resulted in the termination of his hospital privileges regarding unprofessional behavior.

**Sundaresan, Sanjoy, M.D., Lic. No. K1083, Wichita Falls**

On December 8, 2017, the Board and Sanjoy Sundaresan, M.D., entered into a Mediated Agreed Order Modifying Prior Order, modifying his 2012 Agreed Order. The modification requires Dr. Sundaresan for a period of five years, to participate in the Physician Enhancement Program (PEP) offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 60 days contact PACE for the purpose of enrolling in the PEP program; within one year complete the prescribing controlled drugs course offered by The Center for Personalized Education for Physicians (CPEP); and within one year complete the Evidence-Based Spine Interventions Seminar sponsored by the Spine Intervention Society. The Board found Dr. Sundaresan's treatment of pain management patients fell below the standard of care. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Sundaresan has completed Ordering Paragraphs Nos. 5 through 8 of the 2012 order. All other terms of the 2012 order remain in full effect.

**Wells, John Arthur, M.D., Lic. No. F7294, Austin**

On December 8, 2017, the Board and John Arthur Wells, M.D., entered into an Agreed Order publicly reprimanding Dr. Wells and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within two years complete at least 40 hours of CME, divided as follows: eight hours in risk management, eight hours in professionalism, eight hours in medical recordkeeping, twelve hours in supervision/delegation and eight hours in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Wells failed to meet the standard of care for two patients whom he failed to properly evaluate and also improperly delegated to licensed vocational nurses and failed to keep adequate medical records. Dr. Wells acted unprofessionally by making inappropriate remarks to staff.

**CRIMINAL ACTIVITY**

**Daniel, Kathleen, M.D., Lic. No. D5952, San Antonio**

On December 8, 2017, the Board and Kathleen D. Daniel, M.D., entered into an Agreed Order suspending Dr. Daniel's license, staying the suspension, and placing her on probation for a period of five years under the following terms: shall not practice in Texas until she requests in writing and appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice, which shall include results and/or reports from an independent medical evaluation; within 30 days undergo an independent medical evaluation by a Board-approved psychiatrist and follow any and all recommendations for care and treatment; and shall not be permitted to supervise or

delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Daniel was convicted of a second degree felony on September 1, 2016, when a jury found her guilty of Aggravated Assault with a Deadly Weapon.

#### **UNPROFESSIONAL CONDUCT**

##### **Cohen, Dan Chaim, M.D., Lic. No. P0363, Lakeway**

On December 8, 2017, the Board and Dan Chaim Cohen, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in ethics and eight hours in boundaries. The Board found Dr. Cohen admits to, and has taken full responsibility for, engaging in unprofessional behavior with a patient when he texted inappropriate comments to the patient.

##### **Nance, Jeff Emory, III, M.D., Lic. No. L5843, Dallas**

On December 8, 2017, the Board and Jeff Emory Nance, III, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in ethics and eight hours in risk management; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Nance became personally involved with a patient in an inappropriate manner, exchanging hundreds of texts messages over multiple months, and improperly soliciting the patient to participate in a multi-level marketing business.

#### **REVOCAION**

##### **Chong, Soo Young, M.D., Lic. No. N5626, Houston**

On December 8, 2017, the Board entered a Final Order against Soo Young Chong, M.D., revoking his Texas medical license. The Board found Dr. Chong operated an unregistered pain management clinic, failed to properly supervise his midlevel, and failed to meet the standard of care for treating chronic pain with respect to multiple patients. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. Chong has 20 days from the service of the order to file a motion for rehearing.

##### **Dailey, Warren Bertrand, M.D., Lic. No. F8454, Houston**

On December 8, 2017, the Board entered a Final Order against Warren Bertrand Dailey, M.D., revoking his Texas medical license. The Board found Dr. Dailey was convicted of five felony counts related to health care fraud and is currently serving a term of 63 months of incarceration. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. Dailey has 25 days from the service of the order to file a motion for rehearing.

#### **VOLUNTARY SURRENDER/REVOCAION**

##### **Anderson, Rexford, Jr., M.D., Lic. No. D4912, Abilene**

On December 8, 2017, the Board and Rexford Anderson, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Anderson agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Anderson was under investigation for allegations of violating a prior Board order. He has indicated he is unable to practice and comply with his order due to a physical illness.

##### **Barri, Yousri M. H., M.D., Lic. No. L3572, Plano**

On December 8, 2017, the Board and Yousri M. H. Barri, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Barri agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Barri was under investigation involving allegations that he has a medical condition that prohibits him from practicing medicine.



**Franczek, Scott Parker, M.D., Lic. No. J4125, Melbourne, FL**

On December 8, 2017, the Board and Scott Parker Franczek, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Franczek agreed to voluntarily surrender his Texas medical license. The Board found Dr. Franczek's contract with the Texas Physician Health Program was terminated due to a positive drug analysis.

**SUSPENSION**

**Howie, David Ian, M.D., Lic. No. H2472, Cleveland**

On December 8, 2017, the Board and David Ian Howie, M.D., entered into an Agreed Order on Formal Filing, under the following terms for 10 years: suspending Dr. Howie's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted, appears before the Board and provides clear and convincing evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include compliance with terms of this order; within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations made; abstain from the consumption for prohibited substances as defined in the order; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than three times a week; and shall not be permitted to supervise or delegate prescriptive authority to a physician or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Howie pleaded guilty to two second degree felony charges of aggravated assault. Dr. Howie stated he is an alcoholic and began participating in Alcoholics Anonymous in 2016, appeared remorseful and accepts responsibility for his actions, and is currently under the conditions of his deferred adjudication probation

**NONTHERAPEUTIC PRESCRIBING**

**Fish, Daniel B., M.D., Lic. No. J6105, Seminole**

On December 8, 2017, the Board and Daniel B. Fish, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Fish and requiring him to have his practice monitored by another physician for 12 monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics, four hours in billing practices and four hours in risk management; within one year pay an administrative penalty of \$5,000; and shall not be permitted to supervise or delegate prescriptive authority to a physician or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Fish failed to meet the standard of care for all 15 patients in the case and nontherapeutically prescribed to 14 patients, failed to adhere to the requirements for the treatment of pain, failed to maintain adequate medical records, and was the subject of peer review action due to substandard care. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Singleton, Wright Wiley, M.D., Lic. No. J0266, The Colony**

On December 8, 2017, the Board and Wright Wiley Singleton, M.D., entered into an Agreed Order Upon Formal Filing requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete the physician prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 8 hours of CME in medical recordkeeping; and within 90 days pay an administrative penalty of \$3,000. The Board found Dr. Singleton failed to meet the Board guidelines for the treatment of chronic pain, failed to adequately assess or document patients' compliance with the treatment plan and any indications of abuse or diversion, and failed to provide adequate detail of medical histories, treatment plans, and assessments. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**IMPROPER PRESCRIBING**

**Harrison, Mark L., M.D., Lic. No. G4598, Harlingen**

On December 8, 2017, the Board and Mark L. Harrison, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME,

divided as follows: eight hours in prescribing controlled substances and eight hours in risk management. The Board found Dr. Harrison prescribed prescription drugs and controlled substances (non-opioid) to himself and his immediate family members in absence of immediate need.

**Martincheck, David J., M.D., Lic. No. N5841, Waco**

On December 8, 2017, the Board and David J. Martincheck, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Martincheck and requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Martincheck admitted that he knowingly treated and prescribed controlled substances to a patient with whom he had a sexual relationship in violation of Board rules and failed to adhere to the Board's guidelines on documenting the treatment of chronic pain. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**VIOLATION OF BOARD RULE**

**Hall, Brad Bailey, M.D., Lic. No. E8532, San Antonio**

On December 8, 2017, the Board and Brad Bailey Hall, M.D., entered into a Mediated Agreed Order requiring him to abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug and alcohol testing program; and participate in Alcoholics Anonymous activities no less than one time per week. The Board found Dr. Hall may have an alcohol use disorder, as acknowledged by his previous involvement in a 12-step recovery program several years ago, and attending an inpatient treatment program in 2013. Dr. Hall denies a current alcohol use disorder although he admits to drinking on a social basis. This order resolves a formal complaint filed at the State Office of Administrative Hearings

**Lucas, Marshall Brent, M.D., Lic. No. J0080, The Woodlands**

On December 8, 2017, the Board and Marshall Brent Lucas, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within one year complete at least eight hours of CME in ethics and/or risk management; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Lucas did not release a patient's medical records within 15 days of receipt of the request. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Zimmerman, Robert Owin, M.D., Lic. No. J2436, Paris**

On December 8, 2017, the Board and Robert Owin Zimmerman, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in medical recordkeeping and four hours in cancer screening (to include patients getting hormone treatment, if possible); and within 30 days revise his bioidentical hormone replacement therapy (BHRT) consent forms to conform with Board Rule 200 and present the revised consent form to the Board for approval. The Board found Dr. Zimmerman failed to meet the Board Rule 200 requirement for appropriate disclosures. Dr. Zimmerman's consent form failed to disclose potential risks of BHRT, and he failed to document that he discussed the risks and benefits of the treatment and the patient's laboratory testing. Dr. Zimmerman also failed to recommend and/or document that recommended appropriate cancer screening for the patient he treated with BHRT.

**PEER REVIEW ACTION**

**Quinones, Marlon P., M.D., Lic. No. Q4829, San Antonio**

On December 8, 2017, the Board and Marlon P. Quinones, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Quinones voluntarily surrendered his privileges at Laurel Ridge Treatment Center in San Antonio while an investigation was pending, and failed to cooperate with Board staff's request for information.

## **VIOLATION OF PRIOR BOARD ORDER**

### **Shelton, Kevin James, M.D., Lic. No. N1893, Celina**

On December 8, 2017, the Board and Kevin James Shelton, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Shelton failed to comply with a term of his 2013 Order by failing to timely complete CME in medical billing and coding within the prescribed time period, and created confusion by advertising on his website that he is a “Board Certified family physician” after his certification lapsed and that he “specialized in Hormone Replacement Therapy” when there is no Board certification in that area.

### **Thomas, Flavia La Nell, D.O., Lic. No. K8520, Sugar Land**

On December 8, 2017, the Board and Flavia La Nell Thomas, D.O., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Thomas. The Board found Dr. Thomas violated her 2016 order by failing to pay the chart monitor’s fees for the first cycle of monitoring performed. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Venegas, Carlos, M.D., Lic. No. K0566, Dallas**

On December 8, 2017, the Board and Carlos Venegas, M.D., entered into an Agreed Order Modifying Prior Order, modifying his 2016 Agreed Order. The modification requires Dr. Venegas to complete any and all retraining within the deadlines set forth by the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program’s March 27, 2017 report; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Venegas failed to timely complete a KSTAR assessment, making further recommendation for remediation and testing. All other terms of the 2016 order remain in full effect.

## **OTHER STATES’ ACTIONS**

### **Galizia, James Joseph, M.D., Lic. No. K3196, Eagle Pass**

On December 8, 2017, the Board and James Joseph Galizia, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program; and requiring him to within one year complete at least eight hours of CME in ethics. The Board found Dr. Galizia falsely represented that he relinquished his license in California because of his “schedule,” and failed to disclose his positive tests for alcohol, the Medical Board of California’s (MBC) licensure revocation actions, or the surrender of his license while the revocation action by the MBC was pending.

### **Granberry, Michael Lee, M.D., Lic. No. G8857, Mobile, AL**

On December 8, 2017, the Board and Michael Lee Granberry, M.D., entered into an Agreed Order publicly reprimanding Dr. Granberry. The Board found Dr. Granberry was disciplined by the Alabama State Board of Medical Examiners for failure to complete sufficient CME for licensure.

### **Johnson, Jonathan Michael, M.D., Lic. No. P0610, Madison, WI**

On December 8, 2017, the Board and Jonathan Michael Johnson, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$775. The Board found Dr. Johnson entered into a Consent Order with the Maryland Board of Physicians for failure to complete CME requirements.

## **INADEQUATE MEDICAL RECORDS**

### **Benhamou, Elias, M.D., Lic. No. J2442, Bellaire**

On December 8, 2017, the Board and Elias Benhamou, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Benhamou failed to adequately document in the medical records aspects of the patient’s behavior and demeanor that he believed contributed to a patient’s risk for opioid abuse thus justifying the urine toxicology tests ordered.

**Pacheco-Serrant, Helson, M.D., Lic. No. K6208, El Paso**

On December 8, 2017, the Board and Helson Pacheco-Serrant, M.D., entered into an Agreed Order requiring him to within six months complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2000. The Board found Dr. Pacheco-Serrant failed to keep adequate medical records for two patients by failing to document appropriate history, physical exam, and post-operative reports for surgical procedures.

**CEASE AND DESIST**

**Martiz, Jamie, No License, Houston**

On December 8, 2017, the Board and Jamie Martiz entered into an Agreed Cease and Desist Order prohibiting Mr. Martiz from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Martiz shall also ensure all advertising materials he uses in Texas state that he is not licensed to practice medicine in the state of Texas. The Board found Mr. Martiz is a graduate of a foreign medical school and holds a license to practice medicine in another country and completed fellowships at Texas medical schools. In advertisements for his consulting business, Mr. Martiz is identified as "Jamie Martiz, M.D." and "Dr. Martiz." Mr. Martiz does not clarify that he is not licensed by the state of Texas to practice medicine.

**Salvaggio, Louanna, No License, San Antonio**

On December 8, 2017, the Board and Louanna Salvaggio entered into an Agreed Cease and Desist Order prohibiting Ms. Salvaggio from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found that personal acquaintances believed Ms. Salvaggio was a licensed physician and one paid Ms. Salvaggio for counseling services with the understanding that she worked as a psychiatrist.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 28, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Dallas physician**

On December 28, 2017, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Joshua Kless Kern, M.D., after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Kern's temporary suspension is lifted and he is immediately placed under the following terms and conditions: publicly referred to the Texas Physician Health Program; abstain from the consumption of prohibited substances as defined in his signed interim agreement with the Board; notify the Compliance Department of the Board within ten days of any drug screening violation; within 30 days undergo an independent medical evaluation and follow all recommendations made by the evaluating psychiatrist.

The Board panel found that on November 1, 2017, Dr. Kern was arrested by the Dallas County Hospital District Police Department and charged with Diversion of Controlled Substances. The arrest was related to two incidents that occurred at Parkland Hospital in September 2017.

Dr. Kern submitted evidence to the panel demonstrating that he has completed inpatient rehabilitation and is actively participating in outpatient programs, including drug screening and attending twelve step recovery meetings. He has not had any positive drug screens since entering treatment.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 29, 2017

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Wichita Falls physician**

On December 19, 2017, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Daalon Braundre Echols, M.D., after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

The restriction requires Dr. Echols to limit his practice to TelemedX, a telemedicine practice whereby Dr. Echols writes prescriptions for orthotic braces; and Dr. Echols is prohibited from prescribing, administering, or dispensing dangerous drugs or controlled substances.

The Board panel found based on the evidence presented, that Dr. Echols violated the Act and Board rules, including engaging in a sexual relationship with a patient while also prescribing this patient opioids and other medications, his loss of clinical privileges due to findings made by United Regional Health Care System that he was placing patients at risk of harm and disrupting the orderly operation of the hospital, his arrest for and reported use of illicit substances in 2012 and thereafter, his reported unauthorized use of a motor vehicle that led to an arrest and indictment, and his repeated refusals to respond to Board staffs' requests for information and to otherwise cooperate with Board staff.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 5, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Amarillo physician**

On January 3, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jeffrey Donald Cone, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Cone was arrested and charged with sexual assault of a child, under Texas Penal Code Section 22.011(2)(A). In addition, three patients have come forward alleging Dr. Cone engaged in sexually inappropriate behavior with them during examinations.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Cone, unless the hearing is specifically waived by Dr. Cone.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 17, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On January 12, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Oscar Francisco Quintana, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that based on information it has received, Dr. Quintana is using cocaine, and is impaired due to substance abuse. Dr. Quintana has a disciplinary history involving substance abuse going back to 2003.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Quintana, unless the hearing is specifically waived by Dr. Quintana.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 25, 2018

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Harlingen physician**

On January 25, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jason Evans, M.D. (Lic. No. M9268), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that a high volume of prescriptions have been written or electronically submitted under Dr. Evans' controlled substances registration, requiring the Board to investigate to determine if Dr. Evans is in compliance with the Act. He has not cooperated with Board staff. Given his failure to cooperate and potential impaired status, Dr. Evans presents a continuing threat to the public.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Evans, unless the hearing is specifically waived by Dr. Evans.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 1, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On January 31, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Philip Llewellyn Kelton, Jr., M.D. (Lic. No. D7112), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found, based on the evidence provided, that Dr. Kelton operated an unregistered pain management clinic, permitted unlicensed office staff to order Schedule II controlled substances, failed to maintain adequate medical documentation for the patients he treated, and prescribed opioids to patients in a manner inconsistent with the public health.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 1, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Fredericksburg physician**

On January 31, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Joseph Michael Cohn, M.D. (Lic. No. K4664), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Cohn, who has a history of alcohol abuse disorder, recently relapsed. While enrolled in the Board's drug testing program, Dr. Cohn tested positive for alcohol.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Cohn, unless the hearing is specifically waived by Dr. Cohn.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 12, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On February 9, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Myrtle Oates, M.D. (Lic. No. J3565), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Oates has been operating an unregistered pain management clinic and a recent review of her electronic prescribing information determined a site visit to obtain patient records was necessary. Records showed patients were paying \$250 to \$400 in cash for visits and that patients were receiving a combination of cocktail drugs including opioids and carisoprodol.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Oates, unless the hearing is specifically waived by Dr. Oates.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 2, 2018

Media contact: Megan Goode, [Megan.Goode@tmb.state.tx.us](mailto:Megan.Goode@tmb.state.tx.us)

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Seguin physician**

On March 1, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Robert E. Fadal, II, M.D. (Lic. No. J0822), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about February 25, 2018, Dr. Fadal was arrested and charged with capital murder of multiple persons.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Fadal, unless the hearing is specifically waived by Dr. Fadal.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 2, 2018

Media contact: Megan Goode, [Megan.Goode@tmb.state.tx.us](mailto:Megan.Goode@tmb.state.tx.us)

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Weatherford physician**

On March 1, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Dennis Phuong Doan, M.D. (Lic. No. N9041), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about February 15, 2018, Dr. Doan, who practices in Fort Worth and Weatherford, was booked into the Parker County jail for charges of assault causing bodily injury. Since the arrest numerous cases related to unprofessional, sexual misconduct have been filed with the Weatherford Police Department by Dr. Doan's other patients as well as by employees of the Heart Center of North Texas.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Doan, unless the hearing is specifically waived by Dr. Doan.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 9, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Laredo physician**

On March 8, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Francisco I. Pena, M.D. (Lic. No. F9107), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found, based on the evidence, Dr. Pena is operating an unregistered pain management clinic and prescribing large amounts of controlled substances to patients without adequately monitoring patients.

On or about January 9, 2018, Dr. Pena was indicted by the U.S. Attorney's Office, Southern District of Texas, Brownsville Division, for ten counts of criminal charges relating to health care fraud.

Dr. Pena's continued practice of medicine, in addition to his federal criminal charges related to his practice of medicine, poses a continuing threat to public welfare.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 9, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On March 9, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Stephen Sebastian Rodrigues, M.D. (Lic. No. K3434), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found the evidence demonstrates that Dr. Rodrigues is impaired due to mental or physical health conditions or professional behavior problems and is unable to practice medicine consistent with public health and welfare and with reasonable skill and safety to patients.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Rodrigues, unless the hearing is specifically waived by Dr. Rodrigues.

The temporary suspension remains in place until the Board takes further action.

**###**



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 13, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On March 13, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of James Earl Kirkham, M.D. (Lic. No. C5124), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Kirkham suffers from an impairment that makes him unable to safely practice medicine. In spite of Dr. Kirkham's impairment, he has continued to prescribe controlled substances that have a risk of abuse and diversion.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Kirkham, unless the hearing is specifically waived by Dr. Kirkham.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 15, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 52 physicians at March meeting, adopts rules changes**

At its March 2, 2018 meeting, the Texas Medical Board disciplined 52 licensed physicians and issued two cease and desist orders.

The disciplinary actions included: eight orders related to quality of care violations, seven orders related to unprofessional conduct, three revocations, six voluntary surrenders/revocations, three suspensions, one order related to improper prescribing, one order related to improper supervision or delegation, four orders related to violation of Board rule, one order related to peer review action, two orders related to violation of prior Board order, seven orders related to other states' actions, four orders related to inadequate medical records, four orders related to impairment, and one order related to TXPHP violation.

The Board issued 195 physician licenses at the March meeting, bringing the total number of physician licenses issued in FY18 to 1,898.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 163. LICENSURE**

The amendments to **§163.11**, concerning Active Practice of Medicine, were adopted in accordance with Senate Bill 1148, adopted by the 85th Legislature, which prohibits the Board from requiring maintenance of certification by an applicant to be eligible for a medical license.

#### **CHAPTER 166. PHYSICIAN REGISTRATION**

The amendments to **§166.3**, concerning Retired Physician Exception, and **§166.6**, concerning Exemption From Registration Fee for Retired Physician Providing Voluntary Charity Care, were adopted in accordance with Senate Bill 1148, adopted by the 85th Legislature, which prohibits the Board from requiring maintenance of certification by an applicant to be eligible for initial or renewal registration permit for a medical license.

#### **CHAPTER 172. TEMPORARY AND LIMITED LICENSES**

The amendments to **§172.12**, concerning Out-of-State Telemedicine License, were adopted in accordance with Senate Bill 1148, adopted by the 85th Legislature, which prohibits the Board from requiring maintenance of certification by an applicant to be eligible for a medical license.

#### **CHAPTER 175. FEES AND PENALTIES**

The amendments to **§175.1**, concerning Application and Administrative Fees, corrects language in paragraph (1)(H)(i) so that fees related to physician-in-training permits are lowered to \$200. Further language is added outlining application and administrative fees for processing licenses for medical physicists, medical radiologic technologists, non-certified technicians, perfusionists, and respiratory care practitioners.

The amendments to **§175.2**, concerning Registration and Renewal Fees, adds language outlining renewal fees for continuing licenses, permits, and certificates for medical physicists, medical radiologic technologists, non-certified technicians, perfusionists, and respiratory care practitioners.

The amendments to **§175.3**, concerning Penalties, moves language providing an exemption for individuals serving as military members to new paragraph (11). The amendments further add language outlining penalty amounts for late renewals of licenses for perfusionists, respiratory care practitioners, medical physicists, and medical radiologic technologists.

The amendment to **§175.5**, concerning Payment of Fees or Penalties, amends language clarifying the rule's allowance for fee refunds applies to applicants who timely withdraw applications, in addition to other requirements. Further language is added clarifying that refunds of fees may be granted to licensees who retire or request cancellation of their licenses within 90 days of paying a renewal fee.

#### **CHAPTER 177. BUSINESS ORGANIZATIONS AND AGREEMENTS**

The amendments to **§177.18 (Subchapter E)**, concerning Purpose and Scope, and **§177.20**, concerning Call Coverage Minimum Requirements, and repeal of **§177.19**, concerning Definitions, provide a more flexible framework for call coverage agreements between physicians practicing in Texas so as to provide continuity of care to patients during a regular treating physician's absence, while ensuring the covering physician's accountability for meeting the standard of care and documenting the care provided during the call coverage period. The amendments eliminate the two-model approach under §177.20(b), allow all call coverage agreements to be contracted orally or in writing, and eliminate the requirement that certain agreements require real-time access to a patient's medical records at the time of the call coverage period.

#### **CHAPTER 187. PROCEDURAL RULES**

The amendments to **§187.21(a)**, concerning Board and District Review Committee Members Participation, and **§187.44(3)**, concerning Probationer Show Compliance Proceedings, correct the title of the reference to §187.18 of this chapter, which was recently changed to "ISC Scheduling, Process, and Procedures."

The amendment to **§187.76(c)(3)**, concerning Notice of Intention to Impose Administrative Penalty; Response, removes the undefined term "informal meeting" and replaces it with "ISC," which is defined in §187.2 of this chapter (relating to Definitions).

The amendment to **§187.79**, concerning Personal Appearance at an Informal Meeting, changes the title to "Personal Appearance at an ISC," as "Informal Meeting" is not a defined term and "ISC" is a defined term and is the correct reference within the rule. The amendment in subsection (a) corrects the reference to "informal meeting" and replaces it with "ISC." The amendment in subsection (b) also corrects the reference to "informal meeting" and replaces it with "ISC" and corrects the title of the reference to §187.18 of this chapter, which was recently changed to "ISC Scheduling, Process, and Procedures."

The amendment to **§187.80(c)**, concerning Imposition of Administrative Penalty, removes the undefined term "informal meeting" and replaces it with "ISC," which is defined in §187.2 of this chapter.

#### **CHAPTER 189. COMPLIANCE PROGRAM**

The amendments to **§189.11**, concerning Process for Approval of Physicians, Other Professionals, Group Practices and Institutional Settings, eliminates the words "or remedial plan" from the provision describing the mechanism under which the Board may require a licensee to practice with an approved physician or other professional to serve as a proctor, monitor, or supervisor or in an approved group practice or institutional setting, as §164.0015 of the Texas Occupations Code states that Remedial Plans may not contain provisions that limit or restrict a licensee's practice.

#### **CHAPTER 183. ACUPUNCTURE**

The amendments to **§183.4**, concerning Licensure, add new language under subsection (a)(5) that allows an applicant for licensure to appear before the licensure committee of the Board to request reconsideration of the applicant's ineligibility based on their failure to pass the NCCAOM examination within five attempts. Such amendment allows the Board discretion to reconsider such ineligibility determination. The proposed amendments delete obsolete language from subsection (a)(7). The proposed amendments to subsection (a)(9) provide an alternate mechanism to cure active

practice issues faced by some licensure applicants. The remainder of the changes are corrections to punctuation and grammar.

The amendments to **§183.19**, concerning Acupuncture Advertising, remove language requiring that an acupuncturist include their license number on print advertising.

The amendments to **§183.20**, concerning Continuing Acupuncture Education, add language to subsection (b)(1) to clarify the criteria for the courses from which the requisite CAE hours are taken. The proposed amendment adds new subsection (b)(2) to specify the number of CAE hours and specific topics which must be taken each year. New subsection (b)(3) is added to clarify the number of CAE hours from courses approved under each category delineated under subsection (b)(1). Spelling corrections were made in subsections (h) and (o).

## **CHAPTER 186. RESPIRATORY CARE CHAPTER 186. RESPIRATORY CARE**

The amendment to **§186.2**, concerning Definitions, adds new language under paragraph (41) that defines “voluntary charity care.”

The amendments to **§186.4**, concerning Procedural Rules and Qualifications for Certificate Applicants, add language to subsection (a)(2) to specify that application fees are set forth in 22 T.A.C. §175.1. The amendments also add language to subsection (g) to detail alternative certification procedures for military service members and military veterans, in addition to military spouses.

The amendments to **§186.6**, concerning Biennial Renewal of Certificate, add language to subsections (a), (d), and (j)(1) to reference specific rules in Chapter 175 that list certain fees.

The amendments to **§186.7**, concerning Temporary Permit, add language to subsection (a)(1) to detail that temporary permits issued under this subsection pertain to applicants who have signed an Agreed Order or Remedial Plan and are awaiting board approval. The amendments also add language to subsection (a)(3) to reference fees listed in 22 T.A.C. §175.1. Additionally, the amendments add language to subsection (c) to make clear that requirements listed in this subsection apply only to those applicants who have active practice issues.

The amendments to **§186.8**, concerning Inactive Certificate, add language to subsection (a) to clarify that inactive certificates must be renewed each year.

The amendments to **§186.10**, concerning Continuing Education Requirements, add language to subsection (a) to state that at least two hours of the required 24 hours must be in the topic of ethics. Additionally, the amendments add subsection (b)(2)(C) to give non-traditional continuing education credit to those who teach or instruct a course in an accredited respiratory care educational program. The amendments also add language to subsection (b)(3) to clarify that credit may be awarded for credentialing or re-credentialing examinations listed in this subsection. The National Asthma Education Certification Board (NAECB) Certified Asthma Educator (AE-C) and neonatal resuscitation program (NRP) examinations are also added to this subsection. Language is also added to subsection (b)(3)(J) to explain how often credit may be awarded when the same examination is taken for initial credentialing purposes and re-credentialing purposes.

The amendments to **§186.13**, concerning Identification Requirements, adds subsection (b) to require respiratory care practitioners holding a temporary permit to hold themselves out as temporary care practitioners or TRCPs.

The amendments to **§186.17**, concerning Grounds for Denial of Certification and for Disciplinary Action, adds language in paragraph (4) to make clear that disciplinary action or denial of certification based on criminal history is done in accordance with Chapter 53 of the Texas Occupations Code.

The amendments to **§186.28**, concerning Retired Certificate, adds language in subparagraph (2)(A) to reference the new definition of voluntary charity care adopted in 22 T.A.C. §186.2(41).

## **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

The amendment to **§194.3**, concerning Meetings and Committees, deletes subsection (f) and language providing that the board may at a regular or special meeting remove the secretary from office upon a majority vote, with other amendments re-lettering the remaining subsections. Language related to licensure and disciplinary committee functions is revised to clarify that the committees do not draft rules, but rather review draft language prepared by staff. Amendments further add a new paragraph (4) to subsection (f), setting forth new rules related to the creation of a new Education Committee. The proposed committee's functions include recommending rules to the full board regarding education and training requirements certification as a radiologic technologist or registration as a non-certified technician (NCT), continuing education requirements for renewal of a Texas MRT certificate or NCT registration, and standards for the approval or rescinding approval of radiologic technologist certificate education program curricular and instructors.

The amendments to **§194.5**, concerning Applicability of Chapter; Exemptions, delete language referring to §194.14 of this title (relating to Alternate Training Requirements for Podiatric Medical Assistants), reflecting the repeal of §194.14.

The amendments to **§194.6**, concerning Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry, amend language so that an applicant is not deemed per se ineligible for a certificate or registration, based upon action taken against another license issued by a licensing authority in this or another state that is subject to probation or other disciplinary action not involving revocation or suspension. The board will continue to have the authority to deny a certificate or placement on the general registry based upon all such action, regardless if it is an action not involving revocation or suspension, but the amendments will allow the board more discretion in certain cases. The amendments further delete language under subsection (c)(8) and move it to a new paragraph (2), maintaining the board's discretion to consider the nature of any final disciplinary action, other than suspension or revocation, when determining whether to issue the certificate or other authorization. Amendments to subsection (f)(3) and subsection (i), with language referring to §194.14 of this title, are deleted, to reflect the repeal of §194.14. Amendments to subsection (j) adding clarifying language to make it clearer that non-certified technicians must comply with the active practice requirements under the rules in order to show eligibility for placement on the general registry. Amendment to subsection (l) make corrections to typographical errors.

The repeal of **§194.14**, concerning Alternate Training Requirements for Podiatric Medical Assistants, was adopted to comport with S.B. 674, which amended Texas Occupations Code, Chapter 601, and eliminated dual registration for non-certified technicians by certain state licensing boards, including the Podiatry Board. The MRT Board will maintain a single set of minimum training requirements in order to obtain eligibility for placement on a general registry for non-certified technicians (NCT).

The amendment to **§194.16**, concerning Hardship Exemptions, amends language in order to comport with S.B. 674, which amended Texas Occupations Code, §601.203, so that in order to show that an applicant faces a hardship in hiring a certificate holder or NCT due to an inability to attract and retain medical radiologic technologists, the applicant must also show evidence that the location for which the hardship exemption is sought must be located in a county with a population of less than 50,000. Amendments further delete subsection (b)(4)(B)(vi), so that the use of only a hand-held fluoroscope with a maximum operating capability of 65 kilovolts and 1 milliampere, or similar type of x-ray unit for upper extremities only, with the radiation produced by the radiographic equipment representing a minimal threat to the patient and the operator of the equipment, no longer qualifies for a hardship exemption. The basis for the repeal is that the use of such equipment should be performed by individuals who have completed minimum training and obtained registration as a NCT or certification as a MRT or LMRT.

The amendment to **§194.17**, concerning Dangerous or Hazardous Procedures, removes language referring to §194.14 of this title, reflecting the repeal of §194.14.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

**Chang, Daniel Tung, M.D., Lic. No. TM00384, Santa Monica, CA**

On March 2, 2018, the Board and Daniel Tung Chang, M.D., entered into an Agreed Order publicly reprimanding Dr. Chang and requiring him to within one year complete at least eight hours of CME in risk management. The Board found Dr. Chang failed to identify and report bowel perforations in a post-operative CT scan contributing in a delay in treatment. The patient ultimately deceased from sepsis and organ failure arising from this bowel injury. Dr. Chang was also disciplined by the Rhode Island Medical Board.

**Daryanani, Michelle, D.O., Lic. No. Q1809, Lancaster, PA**

On March 2, 2018, the Board and Michelle Daryanani, D.O., entered into an Agreed Order under the following terms: shall not administer or provide anesthesia in any procedure defined by the American Society of Anesthesiologists (ASA) Physical Status Classification System as an ASA PT III or IV, until she has completed all terms pertaining to physician proctoring as defined in the Order; and within one year complete at least eight hours of CME in perioperative management in anesthesia. The Board found Dr. Daryanani failed to meet the standard of care in making clinical decisions that may have contributed to complications a patient experienced during a procedure by electing to place a laryngeal mask during induction rather than an arterial line.

**Fazel, Mohammad Reza, M.D., Lic. No. G1003, Windthorst**

On March 2, 2018, the Board and Mohammad Reza Fazel, M.D., entered into an Agreed Order publicly reprimanding Dr. Fazel and placing him under the following terms: shall not treat or otherwise serve as a physician for his immediate family or others in which there is a close personal relationship and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs to immediate family or others in which there is a close personal relationship; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Fazel violated the standard of care by prescribing medications (including controlled substances) to a patient for multiple years without ordering necessary labs or creating and maintain medical records, and prescribed to a family member beyond the period of immediate need and failed to maintain adequate medical records.

**Hernandez, Carlos Enrique, M.D., Lic. No. K2490, Eagle Pass**

On March 2, 2018, the Board and Carlos Enrique Hernandez, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in-person on the topic of high risk obstetrical patients, four hours in communicating with patients and staff and four hours in risk management. The Board found Dr. Hernandez violated the standard of care by failing to timely perform a Cesarean section after nurses notified him of fetal distress.

**Koppersmith, Daniel Leonce, M.D., Lic. No. H3691, Pasadena**

On March 2, 2018, the Board and Daniel Leonce Koppersmith, M.D., entered into a Mediated Agreed Order prohibiting him from accepting any new patients who are under the age of 18. Dr. Koppersmith is permitted to continue treating current patients under the age of 18. The Board found Dr. Koppersmith failed to meet the standard of care when he failed to obtain Depakote levels or monitor blood glucose or lipids when he prescribed atypical anti-psychotic medication to two minor patients. Dr. Koppersmith also failed to maintain adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Odulaja, Kolawole Ademuyiwa, M.D., Lic. No. N2694, San Antonio**

On March 2, 2018, the Board and Kolawole Ademuyiwa Odulaja, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificate and shall not reregister without authorization from the Board; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Odulaja violated the standard of care and Board rules that govern the treatment of pain for 15 patients. In addition, Dr. Odulaja failed to maintain adequate medical records.

**Simmons, Kevin James, M.D., Lic. No. M5508, Missouri City**

On March 2, 2018, the Board and Kevin James Simmons, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in drug seeking behavior, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Simmons' documentation lacked his rationale for continuing to treat a patient with

controlled substances when he was aware of the patient's alcohol and marijuana use. Dr. Simmons failed to check the patient's Prescription Monitoring Program (PMP) report prior to prescribing controlled substances.

**Stroud, Robert Lee, M.D., Lic. No. E2888, Austin**

On March 2, 2018, the Board and Robert Lee Stroud, M.D., entered into an Agreed Order On Formal Filing requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping; and within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Stroud failed to meet the standard of care by failing to comply with Board rules for the treatment of chronic pain for four patients, failed to provide sufficient documentation to justify his diagnoses, treatment, and prescribing practices and failed to adequately monitor the patients' use of their chronic pain medications. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**UNPROFESSIONAL CONDUCT**

**Burgest, Sean Gregory, M.D., Lic. No. L9637, Harker Heights**

On March 2, 2018, the Board and Sean Gregory Burgest, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within one year pay an administrative penalty of \$1,000. The Board found Dr. Burgest wrote prescriptions and supervised a physician assistant who wrote prescriptions under his delegated authority while Dr. Burgest's medical license was expired as of May 31, 2017. Dr. Burgest renewed his medical license on July 27, 2017. Dr. Burgest failed to timely respond to approximately five Board staff requests for information between September 7, 2017 and October 4, 2017.

**Contreras, Christine Ann, M.D., Lic. No. N8176, San Antonio**

On March 2, 2018, the Board and Christine Ann Contreras, M.D., entered into an Agreed Order under the following terms: shall not treat or otherwise serve as a physician for her immediate family or anyone with whom Dr. Contreras has a close personal relationship; shall not prescribe, dispense, administer, or authorize any controlled substances or dangerous drugs to herself, her immediate family or anyone with whom she has a close personal relationship; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Contreras became personally involved with a patient because she was treating the patient for almost a year, and employed the patient while treating him. Dr. Contreras adopted the patient during the term of her treating him.

**Fuentes, Rosa A., M.D., Lic. No. K1817, San Antonio**

On March 2, 2018, the Board entered a Final Order against Rosa A. Fuentes, M.D., prohibiting her from possessing, administering, dispensing, or prescribing Schedule II or III controlled substances with the sole exception of testosterone therapy and may only prescribe Schedules IV and V controlled substances to patients for periods of 30 days or less with no refills for any patients. Dr. Fuentes is prohibited from issuing any refills for controlled substances for a minimum of five years. Dr. Fuentes shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Fuentes has 25 days from the service of the order to file a motion for rehearing.

**Miranda, Hernan Emilio, M.D., Lic. No. N0984, Flower Mound**

On March 2, 2018, the Board and Hernan Emilio Miranda, M.D., entered into an Agreed Order publicly reprimanding Dr. Miranda and requiring him to have a chaperone present anytime he performs a physical examination on a female patient; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course: "Maintaining Proper Boundaries" offered by Vanderbilt University School of Medicine Center for Professional Health; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Miranda engaged in sexually inappropriate behavior

with a patient in 2011, and was disciplined by peers in 2016 when his employment was terminated based on alleged unprofessional behavior.

**Pandya, Mayank, M.D., Lic. No. N1039, San Antonio**

On March 2, 2018, the Board and Mayank Pandya, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management. The Board found Dr. Pandya engaged in unprofessional or dishonorable conduct that was disruptive to hospital staff, specifically the nursing staff. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Reddy, Tarakumar B., M.D., Lic. No. J0644, Arlington**

On March 2, 2018, the Board and Tarakumar B. Reddy, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete four hours of CME in risk management. The Board found Dr. Reddy failed to properly maintain two patients' medical records which were lost by office staff.

**Yau, Franklin See-Lai, M.D., Lic. No. K2829, Rowlett**

On March 2, 2018, the Board and Franklin See-Lai Yau, M.D., entered into an Agreed Order publicly reprimanding Dr. Yau and requiring him to within 30 days obtain an independent medical evaluation and follow all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least eight hours of in-person CME in ethics; and within 120 days pay an administrative penalty of \$7,500. The Board found Dr. Yau, for approximately five years, engaged in an intimate relationship with a patient for whom he provided medical services and maintained no medical record.

**REVOCAATION**

**Ezukanma, Noble Uwaoma, M.D., Lic. No. K8745, Fort Worth**

On March 2, 2018, the Board entered a Final Order against Noble Uwaoma Ezukanma, M.D., revoking his Texas medical license. The Board found that on September 13, 2017, Dr. Ezukanma was sentenced to 200 months in prison following his conviction of seven felony counts of conspiracy to commit health care fraud after a trial by jury. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Ezukanma has 25 days from the service of the order to file a motion for rehearing.

**Hamoudi, Walid H., M.D., Lic. No. K7027, Pearland**

On March 2, 2018, the Board entered a Final Order against Walid H. Hamoudi, M.D., revoking his Texas medical license. The Board found Dr. Hamoudi was sentenced to 60 months' incarceration following his felony conviction for conspiracy to commit health care fraud. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Hamoudi has 25 days from the service of the order to file a motion for rehearing.

**Sajadi, Cyrus, M.D., Lic. NO. G1766, Houston**

On March 2, 2018, the Board entered a Final Order against Cyrus Sajadi, M.D., revoking his Texas medical license. The Board found Dr. Sajadi was sentenced to 148 months in prison following his conviction of six felony counts related to health care fraud. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Sajadi has 25 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAATION**

**Claus, James Gerad, M.D., Lic. No. D1581, Dallas**



On March 2, 2018, the Board and James Gerard Claus, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Claus agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Claus was under investigation for alleged physical/mental impairment.

**Cone, Jeffrey Donald, M.D., Lic. No. E4265, Amarillo**

On March 2, 2018, the Board and Jeffrey Donald Cone, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Cone agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Cone was previously suspended for allegations of patient misconduct. Dr. Cone has suffered from nuclear sclerosis in both eyes and states his condition made it impossible for him to continue his medical practice.

**Garcia, Pedro, Jr., M.D., Lic. No. E4345, Pharr**

On March 2, 2018, the Board and Pedro Garcia, Jr., M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Garcia agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Garcia was convicted of a felony after he pleaded guilty to one count of conspiracy to commit health care fraud.

**Gilbertson, Jeffrey Keith, M.D., Lic. No. L1327, Graham**

On March 2, 2018, the Board and Jeffrey Keith Gilbertson, M.D., entered into an Agreed Order of Voluntary Surrender on Formal Filing in which Dr. Gilbertson agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that due to his medical impairment Dr. Gilbertson desires to surrender his license in lieu of further contesting the matter. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Stanton, James Paul, M.D., Lic. No. F1254, Austin**

On March 2, 2018, the Board and James Paul Stanton, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Stanton agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Stanton reports that he has a medical/physical condition that precludes him from practicing medicine at this time.

**Tucker, Myrna Blanca, M.D., Lic. No. H6667, Laredo**

On March 2, 2018, the Board and Myrna Blanca Tucker, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Tucker agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Tucker had been the subject of a Board investigation involving allegations that she had a medical condition that prohibits her from practicing medicine.

**SUSPENSION**

**Cohn, Joseph Michael, M.D., Lic. No. K4664, Fredericksburg**

On March 2, 2018, the Board and Joseph Michael Cohn, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Cohn's license is suspended until he requests in writing to have the suspension stayed or lifted and appears before the Board to provide convincing evidence that indicates that he is physically, mentally, and otherwise competent to safely practice medicine, which at a minimum shall include objective evidence of at least six months of sustained sobriety. Dr. Cohn shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The order shall remain in effect until superseded by an order of the Board.

**Morris, Arnold J., Jr., M.D., Lic. No. F4307, Arlington**

On March 2, 2018, the Board entered a Final Order against Arnold J. Morris, Jr., M.D., immediately suspending his Texas medical license; except the suspension is automatically lifted for the sole purpose of Dr. Morris undergoing an assessment by the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program's Clinical Competency Assessment Program offered by the Texas A&M Health Science Center or the Physician Assessment and Clinical Education (PACE) physician competency assessment program offered by the University of California, San Diego. Within 30 days Dr. Morris shall contact either the KSTAR or PACE program to schedule an assessment and within one year complete any and all recommendations based upon the assessment. Following the competency evaluation he may

request in writing to have the suspension stayed or lifted and appears in-person before the Board to provide convincing evidence that indicates that he is physically, mentally, and otherwise competent to safely practice medicine. Further, Dr. Morris shall immediately surrender his DEA registration and not reregister or otherwise obtain controlled substances registrations. The DEA surrender is intended to be indefinite; however, after one year has elapsed he can request permission for Board authorization to re-apply for a DEA registration. Any decision to allow him to re-apply for a DEA registration is at the discretion of the board. Dr. Morris shall not possess, administer, dispense, or prescribe any controlled substances or dangerous drugs with potential for abuse. The Board found Dr. Morris failed to meet the standard of care with respect to multiple patients being treated for chronic pain, nontherapeutically prescribed controlled substances, and failed to maintain adequate medical records. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH).

**Waters, J. Alan, M.D., Lic. No. BP10053816, Carrollton**

On March 2, 2018, the Board and J. Alan Waters, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Waters' Texas physician-in-training permit is suspended. Dr. Waters had been temporarily suspended due to impairment. Dr. Waters has entered into an interim agreement with the Board to undergo Board drug testing. This order shall remain in effect until superseded by an order of the Board.

**IMPROPER PRESCRIBING**

**Patel, Kanubhai A., M.D., Lic. No. G4373, McKinney**

On March 2, 2018, the Board and Kanubhai A. Patel, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hour in appropriately prescribing controlled substances, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Patel inappropriately prescribed controlled substances to two family members outside the 72-hour period of immediate need.

**IMPROPER SUPERVISION OR DELEGATION**

**Marquis, Alejandro Felix, M.D., Lic. No. K1248, Houston**

On March 2, 2018, the Board and Alejandro Felix Marquis, M.D., entered into a Mediated Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in physician-patient communication, four hours in supervision and delegation, and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Marquis did not adequately supervise non-licensed "research assistants" in their communications with two patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**VIOLATION OF BOARD RULE**

**Burzynski, Gregory S., M.D., Lic. No. N8382, Houston**

On March 2, 2018, the Board and Gregory S. Burzynski, M.D., entered into a Mediated Agreed Order requiring him to within one year and three attempts pass the Special Purpose Examination (SPEX) as promulgated by the Federation of State Medical Boards. The Board found Dr. Burzynski did not adequately document informed consent for one patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**True, Robert Leroy, M.D., Lic. No. H0117, Colleyville**

On March 2, 2018, the Board and Robert Leroy True, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. True improperly advertised that he was board certified by the American Board of Anti-Aging and Regenerative Medicine (ABAARM), a certifying organization that is not a member of the American Board of Medical Specialties and has not been approved for advertising of certification by the Board. Dr. True also improperly advertised using photographs and videos without explicitly identifying the subjects as models and not actual patients.

**Yi, Zanhua, M.D., Lic. No. N9666, Houston**

On March 2, 2018, the Board and Zanhua Yi, M.D., entered into a Mediated Agreed Order requiring him to within two years complete at least 24 hours of CME, divided as follows: 8 hours in informed consent, 4 hours in medical recordkeeping, 4 hours in risk management, 4 hours in supervision and delegation, and four hours in patient communication; and within 90 days pay an administrative penalty of \$2,000. The Board found Dr. Yi did not obtain adequate informed consent for a patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Zadeh, Joseph Hassan, D.O., Lic. No. J5523, Euless**

On March 2, 2018, the Board and Joseph Hassan Zadeh, D.O., entered into an Agreed Order on Formal Filing under the following terms: shall not treat chronic pain; within 90 days refer all chronic pain patients to other providers not affiliated with his clinic; after 90 days prescriptions for opioids, benzodiazepines, barbiturates, and carisoprodol shall be limited to a patient's immediate need, defined as no more than 72-hours and on a one-time basis with no refills permitted; within one year complete the medical recordkeeping course offered by University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete the physician prescribing course offered by the PACE program; and shall not be permitted to supervise or delegate prescriptive authority to physician assistants and advanced practice nurses but may supervise or delegate to midlevel practitioners for duties other than prescribing. The Board found Dr. Zadeh was operating an unregistered pain management clinic, failed to maintain adequate medical records and failed to adequately enforce pain management contracts for chronic pain patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**PEER REVIEW ACTION****Jarrah, Taysir Fawzi, M.D., Lic. No. E6438, McKinney**

On March 2, 2018, the Board and Taysir Fawzi Jarrah, M.D., entered into an Agreed Order prohibiting him from practicing interventional cardiology in any setting until he requests in writing to resume such practice and appears before the Board to provide evidence that he is competent to safely practice interventional cardiology. Evidence at a minimum shall include successful completion of an assessment by the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and any recommendations made. The Board found Dr. Jarrah relinquished his hospital privileges while his care was under peer review. Dr. Jarrah failed to meet the standard of care as he did not accurately interpret cineangiograms and overestimated the severity of stenosis with respect to six patients.

**VIOLATION OF PRIOR BOARD ORDER****Anderson, Bernice, D.O., Lic. No. H9489, Granbury**

On March 2, 2018, the Board entered a Final Order against Bernice Anderson, D.O., publicly reprimanding Dr. Anderson. The Board found Dr. Anderson violated her 2009 Order as modified by the 2012 Order. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order does not supersede the terms contained in previously issued orders of the Board. This order resolves a formal complaint filed at SOAH. Dr. Anderson has 25 days from the service of the order to file a motion for rehearing.

**McCall, Norman Joel, M.D., Lic. No. E6137, Tyler**

On March 2, 2018, the Board and Norman Joel McCall entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation by a Board approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. McCall violated his 2009 Order as modified by failing to timely file logs documenting his Alcoholics Anonymous attendance and failing to communicate and cooperate with the Board's compliance officer.

**OTHER STATES' ACTIONS****DiSanto, Vinson M., D.O., Lic. No. P1540, McKinney**

On March 2, 2018, the Board and Vinson M. DiSanto, D.O., entered into an Agreed Order requiring him to comply with the Order and any terms imposed by the Idaho Board in their Order; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. DiSanto was disciplined by the Idaho State Board of Medicine on June 2, 2017 related to issuing prescriptions for testosterone via telephone and without obtaining the required prescriptive registrations from the Idaho Pharmacy Board and DEA.

**Macias, Melissa Yvonne, M.D., Lic. No. N3851, Corpus Christi**

On March 2, 2018, the Board and Melissa Yvonne Macias, M.D., entered into an Agreed Order under the following terms for a period of 15 years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and within 30 days obtain an independent medical evaluation by a Board approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Macias was arrested on March 1, 2016 in Wisconsin for DUI and later convicted, her third DUI offense. Dr. Macias was also disciplined by the Wisconsin Medical Examining Board due to her March 2016 arrest.

**Michaels, Brooks Carlton, M.D., Lic. No. Q5228, Porter Ranch, CA**

On March 2, 2018, the Board and Brooks Carlton Michaels, M.D., entered into an Agreed Order prohibiting Dr. Michaels from practicing in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Michaels' medical license was revoked by the Medical Board of California but the revocation was stayed and he was placed on probation for four years effective August 25, 2017. The action arose from Dr. Michaels' prescribing of opioids. Dr. Michaels reports he is physically impaired from severe lumbar-sacral spinal stenosis.

**Saunders, Jeffrey Austin, M.D., Lic. No. Q0559, Pensacola Beach, FL**

On March 2, 2018, the Board and Jeffrey Austin Saunders, M.D., entered into an Agreed Order requiring him to comply with all terms of the Final Order issued by the Florida Board of Medicine (FBM). The Board found Dr. Saunders was disciplined by the FBM on June 28, 2017 which arose from his failure to identify injury to L4 and further failure to order additional imaging studies of the lumbar spine for one patient.

**Teng, Edward Chao Hung, M.D., Lic. No. P0506, Phoenix, AZ**

On March 2, 2018, the Board and Edward Chao Hung Teng, M.D., entered into an Agreed Order prohibiting him from practicing in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found that Dr. Teng entered into an Interim Consent Agreement with the Arizona Medical Board (AMB) that prohibited him from practicing medicine in Arizona until he completed a substance abuse evaluation and complied with any recommendations from the evaluation. The AMB action arose from Dr. Teng's use of alcohol, cocaine, nitrous oxide, and arrest for domestic violence.

**Watson, Stephen David, M.D., Lic. No. P0887, Tampa**

On March 2, 2018, the Board and Stephen David Watson, M.D., entered into an Agreed Order requiring him to comply with all terms of the Final Order issued by the Florida Board of Medicine (FBM) effective August 16, 2016. The Board found Dr. Watson was disciplined by the FBM for standard of care and medical record violations for one patient after a minimally invasive spine surgery.

**Zhuge, Wu, M.D., Lic. No. M9104, Cocoa Beach, FL**

On March 2, 2018, the Board and Wu Zhuge, M.D., entered into an Agreed Order publicly reprimanding Dr. Zhuge and requiring him to comply with all terms of his Order with the Washington Medical Quality Assurance Commission (WMQAC) entered on January 5, 2017. The Board found Dr. Zhuge was disciplined by the WMQAC for unprofessional conduct while performing a spinal procedure.

**INADEQUATE MEDICAL RECORDS**

**Duclair, Cesar Pierre, M.D., Lic. No. N2064, Fort Worth**

On March 2, 2018, the Board and Cesar Pierre Duclair, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in

prescribing controlled substances. The Board found Dr. Duclair failed to maintain an adequate medical record for a patient by failing to document proper patient history, a treatment plan, and checking the prescription drug monitoring database prior to prescribing controlled substances for chronic pain management.

**Joo, Sang Bai, M.D., Lic. No. E9252, Houston**

On March 2, 2018, the Board and San Bai Joo, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 90 days of completion of the course, Dr. Joo shall appear before the Board to consider his assessment and determine if further action is recommended to address any deficiencies found in the PACE results. The Board found Dr. Joo's electronic medical records for five patients were inadequate due to disorganization in the treatment notes.

**Sebring, Lane, M.D., Lic. NO. J7661, Wimberley**

On March 2, 2018, the Board and Lane Sebring, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 30 days submit all informed consent forms in use in his practice to the Board for review; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Sebring failed to document performing a full history and physical related to the patient's complaints, failed to document justification for his treatments for the patient, and Dr. Sebring's records were deficient and contained diagnoses for conditions that were not based on evidence from tests, exams, evaluations or diagnoses, but were simply patient-reported diagnoses. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Vanderheiden, David Loyd, D.O., Lic. No. H8480, Corpus Christi**

On March 2, 2018, the Board and David Loyd Vanderheiden, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles. The Board found Dr. Vanderheiden failed to maintain adequate medical records for five patients on chronic opioid therapy.

**IMPAIRMENT**

**Chapanos, Petros Kosmas, M.D., Lic. No. J9640, Levelland**

On March 2, 2018, the Board and Petros Kosmas Chapanos, M.D., entered into an Agreed Order under the following terms: restricted to administrative medicine as defined in the Order; within 30 days submit to an evaluation by the Texas Physician Health Program and comply with any and all recommendations; within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow all recommendations for care and treatment, which shall include both psychiatric and psychological treatment; within 30 days obtain a Board-approved treating psychologist and follow all recommendations for care and treatment. Dr. Chapanos' license was previously temporarily suspended. The Board found Dr. Chapanos suffers from a mood disorder that is at times uncontrolled and renders him from time to time unable to safely practice medicine. Dr. Chapanos is in need of ongoing monitoring and treatment for his mental health disorder.

**Grant, Erica Nicole, M.D., Lic. No. N4438, Dallas**

On March 2, 2018, the Board and Erica Nicole Grant, M.D., entered into an Agreed Order Upon Formal Filing subjecting her to the following terms for a period of ten years: within one year and three attempts pass the Medical Jurisprudence Exam; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a Board-approved treating psychiatrist and follow all recommendations for care and treatment, including at least a monthly visit with the treating psychiatrist; participate in the activities of Alcoholics Anonymous no less than three times per week; obtain a Board-approved practice monitor; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Grant admitted that she diverted drugs and that these violations impacted patient care and involved lying to patients and her employer. Dr. Grant also admitted that she has struggled with addiction and substance abuse. Dr. Grant was suspended from her position at Parkland Hospital after a peer review action related to her diversion of controlled substances and her substance abuse issues. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Thomas, Ira Lee, IV, M.D., Lic. No. M8462, Amarillo**

On March 2, 2018, the Board and Ira Lee Thomas, IV, M.D., entered into an Agreed Order under the following terms for a period of 15 years: limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Board; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a Board-approved treating psychiatrist or licensed counselor and follow all recommendations for care and treatment, including no less than two visits each month; and participate in the activities of Alcoholics Anonymous no less than five times per week. The Board found Dr. Thomas has struggled with sobriety and relapsed in 2015 and most recently in March 2017. In the midst of a family emergency, Dr. Thomas forgot he was on call at a hospital, and had several drinks. In May 2017, Dr. Thomas completed a comprehensive sober living program and has had verifiable sobriety since March 3, 2017.

**Vermillion, David L., M.D., Lic. No. L9588, Lubbock**

On March 2, 2018, the Board and David L. Vermillion, M.D., entered into an Agreed Order lifting his license suspension and placing him under the following terms: limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Board; and he is publicly referred to the Texas Physician Health Program. Dr. Vermillion had been temporarily suspended for impairment due to his use of methamphetamine.

**TXPHP VIOLATION**

**Gossett, Carl W., M.D., Lic. No. G3403, Fort Worth**

On March 2, 2018, the Board and Carl W. Gossett, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation and upon completion appear before the Board to discuss results and for any further modification of the Order. The Board found Dr. Gossett failed to cooperate with the Texas Physician Health Program and voluntarily surrendered both his Colorado and Wyoming licenses while under investigation by those respective state medical boards.

**CEASE AND DESIST**

**De La Rosa, Alejandro, No License, Irving**

On March 2, 2018, the Board and Alejandro De La Rosa entered into an Agreed Cease and Desist Order prohibiting Mr. De La Rosa from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. De La Rosa's website contains videos advertising "laser lipo" services and "plasma 4TA generacion," which involves giving patients injections in their scalp. In the video, Mr. De La Rosa explains that the procedure requires injecting the patient's own blood back into their scalp to stimulate hair follicles growth.

**Gonzales-Angeles, Alfredo, No License, Houston**

On March 2, 2018, the Board and Alfredo Gonzales-Angeles entered into an Agreed Cease and Desist Order prohibiting Mr. Gonzales-Angeles from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found that Mr. Gonzales-Angeles was arrested after an undercover Houston Police Department officer went to Mr. Gonzales-Angeles' clinic for an appointment to receive Botox injections. On or about July 20, 2017, Mr. Gonzales-Angeles was indicted for Practicing Medicine without a License, a felony, in the 262<sup>nd</sup> Criminal District Court in Harris County.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 9, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Rockwall physician**

On April 6, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Kurt Loring Pflieger, M.D. (Lic. No. J5444), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Pflieger suffers from an impairment that makes him unable to safely practice medicine.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Pflieger, unless the hearing is specifically waived by Dr. Pflieger.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

April 13, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### Medical Board Names Executive Director



Pictured L to R: Dr. Sherif Zaafran, Stephen Brint Carlton and Scott Freshour

The Texas Medical Board today named Stephen Brint Carlton Executive Director of the agency, effective April 23, 2018.

Mr. Carlton, of Orange, Texas, has experience as a county judge and prosecutor for Orange County, and prior to that was in private law practice. He holds a Master of Health Administration from the University of Florida at Gainesville and his Juris Doctor and Master of Business Administration degrees from St. Mary's University in San Antonio.

Carlton also holds the rank of Major in the United States Air Force Reserve, and joined the United States Air Force as a first lieutenant, Medical Service Corps officer, after graduating from the University of Florida. He spent nearly four years on active duty stationed at the 17th Medical Group, Goodfellow Air Force Base, Texas. He was responsible for disaster management and group practice management as a health administrator. Mr. Carlton also deployed to the 386th Expeditionary Medical Group, Ali Al Salem Air Base, Kuwait for six months in 2009 and helped coordinate aeromedical evacuation missions for Operations Iraqi Freedom and Enduring Freedom.

“Our committee worked diligently on the agency’s executive search this past year and we are very excited with the skills and talent that Mr. Carlton will bring to the agency,” said Dr. Sherif Zaafran, M.D., Board President. “We look forward to working with Mr. Carlton on fulfilling the Board’s core mission of public protection. I also want to acknowledge Scott Freshour, who served as acting Executive Director leading the agency during the interim. We’re very thankful for his continued leadership.”

Mr. Freshour will resume his role as the agency’s General Counsel.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 19, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Cleburne physician**

On April 18, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of John Tai Dang, M.D. (Lic. No. J4068), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found, based on the evidence provided, that Dr. Dang engaged in inappropriate behavior with three patients, including sexual contact with two patients, becoming financially or personally involved with a patient in an inappropriate manner, and violated the Board rules regarding the treatment of pain.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 23, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Temple physician**

On April 23, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of John Middlemiss Palmer, M.D. (Lic. No. P6237), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about April 18, 2018, Dr. Palmer was arrested and charged with possession of child pornography by the Texas Attorney General's Office.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Palmer, unless the hearing is specifically waived by Dr. Palmer.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 14, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On May 11, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of James Brian Wonnacott, M.D. (Lic. No. F1313), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found, based on the evidence provided, that Dr. Wonnacott is operating an unregistered pain management clinic and is in violation of Board rules related to treating patients with chronic pain.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Wonnacott, unless the hearing is specifically waived by Dr. Wonnacott.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 21, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On May 18, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Eldor Brish, M.D. (Lic. No. N5593), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Brish suffers from an impairment that prohibits him from safely practicing medicine and that he has been operating an unregistered pain management clinic in violation of Board rules.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Brish, unless the hearing is specifically waived by Dr. Brish.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

May 21, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Houston physician**

On May 18, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jesus Guillermo Rodriguez, M.D. (Lic. No. J4999), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Rodriguez has been operating an unregistered pain management clinic in violation of Board rules.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Rodriguez, unless the hearing is specifically waived by Dr. Rodriguez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 23, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Mission physician**

On May 23, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Rolando Hinojosa, M.D. (Lic. No. G8707), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Hinojosa suffers from an impairment that prohibits him from safely practicing medicine.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hinojosa, unless the hearing is specifically waived by Dr. Hinojosa.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 16, 2018

Media contact: Megan Goode, [Megan.Goode@tmb.state.tx.us](mailto:Megan.Goode@tmb.state.tx.us)  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Houston physician**

On July 13, 2018, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Cheor Jung Kim, M.D. (Lic. No. E2650), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Kim is restricted from prescribing any Schedule II or III transmucosal or sublingual controlled substances, including but not limited to subsys, until superseded by further Order of the Board. The restriction limits prescribing of controlled substances to existing patients only, for existing patients, he may only provide controlled substances in Schedules II and III, any benzodiazapene and/or SOMA, through August 27, 2018. Beginning August 28, 2018 Dr. Kim may not prescribe, administer or possess any Schedule II or III medications for any patient, nor any benzodiazapene, nor SOMA to any patient.

The Board panel found Dr. Kim continued to prescribe controlled medications with a risk of abuse and diversion to chronic pain patients without adequately monitoring compliance with written agreements.

The temporary restriction remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 23, 2018

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Livingston respiratory care practitioner**

On July 19, 2018, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Scott Walsh, RCP (Lic. No. RCP00073622), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Walsh has been arrested five times since September 2017 for alcohol-related offenses. Mr. Walsh is impaired due to alcohol dependence, and has failed to comply with any Board requests for alcohol treatment, testing or monitoring.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Walsh, unless the hearing is specifically waived by Mr. Walsh.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 27, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On July 27, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Daniel Michael Merck, M.D. (Lic. No. R5777), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Merck has been operating an unregistered pain management clinic and prescribing controlled substances without a valid medical purpose.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Merck, unless the hearing is specifically waived by Dr. Merck.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 14, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Deer Park physician**

On August 13, 2018, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of George Erwin Brown, Jr., M.D. (Lic. No. L8288), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Brown is prohibited from supervising or delegating prescriptive authority to midlevel practitioners outside his current practice setting at Occucare International.

The Board panel found, based on the evidence provided, that Dr. Brown improperly supervised the acts of his delegates, two advanced practice nurses whose practice was temporarily suspended by the Texas Board of Nursing, which found the APNs had failed to meet the standard of care in their treatment of multiple patients by inappropriately prescribing testosterone and other thyroid hormones.

The temporary restriction remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 24, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends San Antonio physician**

On August 22, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Alison Joan Berry, M.D. (Lic. No. F3757), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Berry suffers from an impairment due to alcohol abuse/dependence. Dr. Berry had entered into an agreement with the Board to undergo random screening and to monitor compliance; however, Dr. Berry violated the terms of her agreement with the Board by testing positive and missing screens on multiple occasions and failing to cooperate with Board staff.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Berry, unless the hearing is specifically waived by Dr. Berry.

The temporary suspension remains in place until the Board takes further action.

**###**

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

September 10, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 35 physicians at August meeting, adopts rules changes**

At its August 24, 2018 meeting, the Texas Medical Board disciplined 35 licensed physicians.

The disciplinary actions included: twelve orders related to quality of care violations, three orders related to unprofessional conduct, one revocation, five voluntary surrenders/revocations, one suspension, two orders related to nontherapeutic prescribing, two orders related to improper supervision or delegation, one order related to peer review action, four orders related to violation of prior Board order, one order related to other state's action, two orders related to impairment, and one order related to Texas Physician Health Program violation.

The Board issued 173 physician licenses at the August meeting, bringing the total number of physician licenses issued for FY18 to 4,514.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 175. FEES AND PENALTIES**

The amendments to **§175.2**, concerning Registration and Renewal Fees, increase the initial and subsequent permit for acupuncturists to account for biennial registration as opposed to annual.

#### **CHAPTER 183. ACUPUNCTURE**

The amendments to **§183.5**, concerning Annual Renewal of License, change all references to "annual renewal" to "biennial" including the title of the rule. The amendments also include changes to a single reference to "each year" to "date" in order to comport with the concept of biennial registration. Additional changes include correcting grammatical errors. These amendments are in accordance with the passage of SB674 (85th Regular Session) which amended Chapter 205.251 of the Texas Occupations Code.

The amendments to **§183.20**, concerning Continuing Acupuncture Education, change references to "annual" to "biennial" and doubles the Continuing Acupuncture Education "CAE" requirements and reporting requirements to account for biennial registration. Additional changes include changing references to "year" to "registration period" in order to account for biennial registration.

The amendments to **§183.25**, concerning Inactive Status License, change references to "annual" to "current" and removes the requirement for payment of a fee while on inactive status.

#### **CHAPTER 185. PHYSICIAN ASSISTANTS**

The amendment to **§185.7**, concerning Temporary License, deletes obsolete language referring to "surgeon assistants".

#### **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

The amendments to **§194.7**, concerning Biennial Renewal of Certificate or Placement on the Board's General Registry for Non-Certified Technicians Generally, deletes language to subsection (c), related to continuing education requirements, so that the minimum requirements for formal hours no longer require live, instructor-led hours. The amendments will result in more efficiency while maintaining rigorous requirements ensuring current competency, by aligning the rules with the requirements set forth by the American Registry of Radiologic Technologists, which lack a live instruction requirement. Amendments are further made to subsection (c)(5), and make corrections to typographical errors.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Badhiwala, Shamji P., M.D., Lic. No. H3440, Waco**

On August 24, 2018, the Board and Shamji P. Badhiwala, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in management of suicidal patients, four hours in treatment of substance abuse disorders, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Badhiwala evaluated a patient who had attempted an overdose while intoxicated but failed to document proper history, contact family to obtain medical history, order testing, or refer the patient to an inpatient psychiatric facility.

#### **Barnett, John Bryan, Jr., M.D., Lic. No. D5910, Dallas**

On August 24, 2018, the Board and John Bryan Barnett, Jr., M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in post-operative care and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Barnett failed to meet the standard of care for one patient by leaving a sponge in the patient's left breast cavity following an augmentation procedure and by failing to perform appropriate follow-up care.

#### **Buheis, Nidal Ismail, M.D., Lic. No. M2573, Port Arthur**

On August 24, 2018, the Board and Nidal Ismail Buheis, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in prescribing for cardiac patients and eight hours in risk management. The Board found Dr. Buheis failed to meet the applicable standard of care in his treatment of a patient by failing to document his medical rationale for prescribing amiodarone, by failing to monitor the patient's lab work and heart rhythm, and by failing to personally inform the patient's primary care physician about the prescription.

#### **Denam, William L., D.O., Lic. No. G7507, Lubbock**

On August 24, 2018, the Board and William L. Denam, D.O., entered into an Agreed Order restricting Dr. Denam from practicing medicine in level I and level II facilities and requiring him to within one year complete at least 32 hours of CME, divided as follows: eight hours in pediatric prescribing, eight hours in sepsis, eight hours in medical recordkeeping and eight hours in emergency room medicine. The Board found Dr. Denam failed to meet the standard of care for several patients by failing to adequately review lab results, failing to diagnose a patient who later returned to the ER and passed away, and failed to appropriately evaluate and improperly prescribed to another patient.

#### **Donovitz, Gary Steven, M.D., Lic. No. F6580, Arlington**

On August 24, 2018, the Board and Gary Steven Donovanitz, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam and within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in appropriate prescribing of controlled substances and eight hours in medical recordkeeping. The Board found Dr. Donovanitz failed to meet the standard of care in the treatment of three patients and inappropriately prescribed dangerous drugs or controlled substances to himself and family members, in absence of immediate need and/or without adequate medical records.

#### **Guajardo, Pablo, Jr., M.D., Lic. No. E7415, San Antonio**

On August 24, 2018, the Board and Pablo Guajardo, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least four hours of CME in infectious disease; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Guajardo should have been more diligent in addressing complaints and infection for a post-operative patient and prescribed medications to the patient that did not address the potential danger of the knee infection.

#### **Hanna, John Barton, D.O., Lic. No. K0313, Levelland**

On August 24, 2018, the Board and John Barton Hanna, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year complete the medical

recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least eight hours of CME in high risk pregnancies; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Hanna violated the standard of care for three patients.

**Jakubowski, Robert Gerard, M.D., Lic. No. G9479, San Antonio**

On August 24, 2018, the Board and Robert Gerard Jakubowski, M.D., entered into an Agreed Order publicly reprimanding him and placing him under the following terms: restricted from the treatment of chronic pain for two years; anytime Dr. Jakubowski performs a physical examination of a female patient he shall have a chaperone present; have his practice monitored by another physician for 12 consecutive monitoring cycles; within two years complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in prescription of controlled substances; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant in the treatment of chronic pain patients. The Board found Dr. Jakubowski violated the standard of care in his attempted management of a patient's chronic pain, depression, and anxiety, and engaged in an inappropriate relationship of a sexual nature with the patient.

**Ockershausen, Thomas Glen, M.D., Lic. No. L4614, Austin**

On August 24, 2018, the Board and Thomas Glen Ockershausen, M.D., entered into a Mediated Agreed Order under the following terms: shall not engage in the practice of emergency room or urgent care medicine until he petitions the Board to have the restriction lifted and completes an independent medical evaluation by a Board-approved psychiatrist and follows all recommendations for care and treatment, obtains a certification on neonatal advanced life support, pediatric advanced life support and advanced life support in obstetrics, and completes at least 24 hours of CME in pediatric and obstetric emergencies; shall limit his practice to a group or institutional setting approved by the Board, and if he wants to petition to lift this work place restriction, he must first complete the independent medical evaluation. The Board found Dr. Ockershausen engaged in unprofessional conduct and failed to satisfy the applicable standard of care in his treatment of a patient and her newborn by deferring to nursing staff on the hospital's recently-developed protocol on precipitous deliveries. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Pauza, Kevin Joseph, M.D., Lic. No. J7127, Tyler**

On August 24, 2018, the Board and Kevin Joseph Pauza, M.D., entered into an Agreed Order requiring him to have an orthopedic surgeon or neurosurgeon specializing in spinal procedures monitor his practice for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME, divided as follows: four hours in complementary and/or alternative medicine, four hours in informed consent, four hours in ethics, four hours in patient communications and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Pauza diagnosed a patient with lumbar disc pain and lumbar radiculopathy without specifically and clearly documenting a rationale behind the diagnosis and failed to document he had considered simpler and less invasive treatment options prior to performing the procedure or that the patient had chosen to forego conventional treatment.

**Stephens, Edward Michael, M.D., Lic. No. F2042, Houston**

On August 24, 2018, the Board and Edward Michael Stephens, M.D., entered into an Agreed Order prohibiting him from treating patients for chronic pain and from engaging in the practice of pain management as defined in the order; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Stephens failed to meet the standard of care and adhere to the Board's guidelines for the pain management of 15 patients.

**Tompkins, John Robert, M.D., Lic. No. K8850, Plano**

On August 24, 2018, the Board and John Robert Tompkins, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management, four hours in communication and four hours in brain imaging. The Board found Dr. Tompkins violated the standard of care by failing

to personally evaluate the patient, properly identify increased cranial pressure, and promptly intervene after receiving conflicting reports about the patient's status from hospital staff. The patient ultimately died from hydrocephalus.

## **UNPROFESSIONAL CONDUCT**

### **Hobbs, Bobby R., M.D., Lic. No. F8511, Rockwall**

On August 24, 2018, the Board and Bobby R. Hobbs, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam and within one year complete at least eight hours of CME in risk management. The Board found Dr. Hobbs failed to timely complete a death certificate for a patient.

### **Kern, Joshua Kless, M.D., Lic. No. N5151, Dallas**

On August 24, 2018, the Board and Joshua Kless Kern, M.D., entered into an Agreed Order publicly reprimanding Dr. Kern, publicly referring him to the Texas Physician Health Program, requiring him to abstain from the consumption of prohibited substances as defined in the order; and within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management. Dr. Kern had been temporarily restricted following his arrest for diversion of controlled substances. This order supersedes all other prior board orders.

### **Perez, Jimmi Rios, M.D., Lic. No. P1812, McAllen**

On August 24, 2018, the Board and Jimmi Rios Perez, M.D., entered into an Agreed Order requiring Dr. Perez to have a chaperone present anytime he performs a physical examination on a female patient; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in risk management. The Board found Dr. Perez, during a postoperative visit for a cosmetic patient, inappropriately conducted a physical examination of the patient while discussing an ongoing business relationship between the two, violating physician-patient boundaries standards.

## **REVOCAION**

### **Morgan, Courtney Ricardo, M.D., Lic. No. M8195, Victoria**

On August 24, 2018, the Board entered a Final Order against Courtney Ricardo Morgan, M.D., revoking his Texas medical license. The Board found Dr. Morgan failed to comply with his March 3, 2017 Final Order by refusing to surrender his DEA controlled substances registration and by not obtaining an appointment for a skill proficiency assessment. The action was based the administrative law judge's granting summary disposition as to both violations and aggravating factors. The order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Morgan has 25 days from the service of the order to file a motion for rehearing.

## **VOLUNTARY SURRENDER/REVOCAION**

### **Fenner, James Edwin, M.D., Lic. No. F3949, Las Vegas, NV**

On August 24, 2018, the Board and James Edwin Fenner, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Fenner agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Fenner has a medical condition that prevents him from practicing at this time.

### **Kelton, Philip Llewellyn, Jr., M.D., Lic. No. D7112, Dallas**

On August 24, 2018, the Board and Philip Llewellyn Kelton, Jr., M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Kelton agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Kelton's license had been temporarily suspended for violations including violations related to operating an unlicensed pain management clinic and nontherapeutically prescribing controlled substances. Dr. Kelton submitted to a psychological evaluation on March 30, 2018, which concluded there is evidence Dr. Kelton has suffered progressive cognitive decline over at least the past two years. Dr. Kelton indicated his desire to voluntarily surrender his medical license.



**Sheehan, Kathleen S., M.D., Lic. No. G5604, Dallas**

On August 24, 2018, the Board and Kathleen S. Sheehan, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sheehan agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. The Board alleged that Dr. Sheehan is unable to practice safely due to a physical illness.

**Sulbaran, Tulio Alberto, M.D., Lic. No. E6640, Deland, FL**

On August 24, 2018, the Board and Tulio Alberto Sulbaran, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sulbaran agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Sulbaran is under investigation related allegations of disciplinary action by another state, specifically Florida.

**Syed, Moshin Mazhar, M.D., Lic. No. K2295, Midland**

On August 24, 2018, the Board and Moshin Mazhar Syed, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Syed agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Syed was convicted of one count of felony sexual assault of one patient, and that other patients made similar complaints.

**SUSPENSION**

**Nelson, Jessica Marie, M.D., Lic. No. P8957, Dallas**

On August 24, 2018, the Board and Jessica Marie Nelson, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Nelson's Texas medical license until she requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Nelson signed a cease practice agreement with the Texas Physician Health Program after admitting relapsing and using alcohol in violation of her PHP agreement. TXPHP referred her case to the Board based on repeated noncompliance with her monitoring and assistance agreement and her required treatment.

**NONTHERAPEUTIC PRESCRIBING**

**Key, James David, Sr., M.D., Lic. No. E3339, Houston**

On August 24, 2018, the Board and James David Key, Sr., M.D., entered into an Agreed Order publicly reprimanding Dr. Key, prohibiting him from treating patients for chronic pain including, but not limited to, treatment of pain using trigger point injections; requiring him to within seven days surrender his DEA controlled substances certificates and not reregister without prior Board approval; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete the competency assessment offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within 120 days pay an administrative penalty of \$25,000. The Board found Dr. Key violated the standard of care, nontherapeutically prescribing to 15 patients, violated Board rules for treatment of chronic pain and maintained inadequate medical records.

**Williams, Reginald Antonio, M.D., Lic. No. N1224, El Paso**

On August 24, 2018, the Board and Reginald Antonio Williams, M.D., entered into an Agreed Order publicly reprimanding Dr. Williams and requiring him to within 10 days surrender his DEA controlled substances registration and shall not reregister without prior Board approval; Dr. Williams is restricted from treating chronic pain patients; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in drug-seeking behavior and eight hours in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Williams failed to meet the standard of care, the Board's chronic pain guidelines and nontherapeutically prescribed controlled substances to 15 patients.

## **IMPROPER SUPERVISION OR DELEGATION**

### **Packard, Stanton Clark, M.D., Lic. No. J6641, Missouri City**

On August 24, 2018, the Board and Stanton Clark Packard, M.D., entered into an Agreed Order publicly reprimanding Dr. Packard, prohibiting him from reregistering or otherwise obtaining controlled substances registrations while under the terms of this order; within 60 days pay an administrative penalty of \$5,000; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Packard supervised and delegated prescriptive authority to several midlevel providers who were not vetted by himself, who relied solely upon their licensing credentials, several which were subject to disciplinary action by their licensing agencies prior to or after the time they were supervised by Dr. Packard but not for actions under his supervision. Dr. Packard failed to properly confirm that his assistant had cancelled an order for his DPS prescription forms and the forms were used to obtain controlled substances fraudulently without his knowledge. Dr. Packard also prescribed medications to a patient who was seen via telemedicine by a physician assistant who was not supervised by Dr. Packard. This order supersedes all other prior board orders.

### **Ramos, Oscar R., M.D., Lic. No. D2908, Houston**

On August 24, 2018, the Board and Oscar R. Ramos, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam and within one year complete at least 28 hours of CME, divided as follows: twelve hours in supervising delegates, eight hours in medical ethics and eight hours in risk management. The Board found Dr. Ramos delegated his authority to an unqualified person and aided and abetted the unlicensed practice of medicine.

## **PEER REVIEW ACTION**

### **Hwang, Yoo Joo, D.O., Lic. No. P6189, Fort Worth**

On August 24, 2018, the Board and Yoo Joo Hwang, D.O., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Hwang was disciplined by a hospital for failing to do a pelvic examination and repeat ultrasound for a patient who was later diagnosed with an ectopic pregnancy.

## **VIOLATION OF PRIOR BOARD ORDER**

### **Bixby, Raymond, M.D., Lic. No. K0420, Anson**

On August 24, 2018, the Board and Raymond Bixby, M.D., entered into an Agreed Order publicly reprimanding Dr. Bixby and prohibiting him from practicing in Texas until he petitions in writing and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine, which shall include proof that he is in compliance with and/or has completed all terms and conditions of his 2016 Order. The Board found Dr. Bixby violated his 2016 Order by failing to complete timely the PACE Clinical Competence Course Phases I and II and the PACE medical recordkeeping course.

### **Caddell, James, D.O., Lic. No. F6497, Dallas**

On August 24, 2018, the Board and James Caddell, D.O., entered into a Modification Order, modifying his June 2011 Order. The modification extends the tolling provision and requires him to notify the Board if he practices out of the state or ceases active practice for longer than 60 days; and requires him to complete the University of California San Diego Physician Assessment and Clinical Education (PACE) Competency Assessment, or the KSTAR Physician Assessment, prior to seeking approval in a group or institutional setting pursuant to the 2011 Agreed Order. The Board found Dr. Caddell violated his 2011 Order by testing positive and admitted to using marijuana since his tolling lifted on his order. Dr. Caddell also failed to timely call into Recovery Trek as required. All other terms of the 2011 Order, as modified, remain in full force.

### **Reis, Marcos, M.D., Lic. No. G0810, Brownsville**

On August 24, 2018, the Board and Marcos Reis, M.D., entered into an Agreed Modification Order, modifying Dr. Reis' October 2016 Order. The modification increases the number of chart monitoring cycles to 12 consecutive cycles; requires Dr. Reis' DEA controlled substances registration to be modified to eliminate Schedules II, III and IV, and shall not

reregister without prior Board approval; within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Reis violated his 2016 Order when he failed to implement the recommendations of the chart monitor. All other terms of the 2016 Order, as modified, remain in full force.

**Wilson, Pamela D., M.D., Lic. No. J8842, Bellaire**

On August 24, 2018, the Board and Pamela D. Wilson, M.D., entered into an Agreed Order prohibiting her from serving as a physician for her immediate family or friends, and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to herself, immediate family or friends; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Wilson prescribed multiple controlled substances to a close friend in violation of her 2016 Order.

**OTHER STATE'S ACTION**

**Ambati, Balamurali K., M.D., Lic. No. R0180, Eugene, OR**

On August 24, 2018, the Board and Balamurali K. Ambati, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management and/or ethics and within 60 days pay an administrative penalty of \$1,500. The Board found that effective January 8, 2018, Dr. Ambati was disciplined by the Idaho State Board of Medicine.

**IMPAIRMENT**

**Ravdel, Arnold, M.D., Lic. No. E8838, Houston**

On August 24, 2018, the Board and Arnold Ravdel, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program. The Board found Dr. Ravdel presented with issues affecting his vision and admitted to deferring cataract treatment as recommended by his ophthalmologist.

**Vermedahl, Nathan, M.D., Lic. No. M3105, Dalhart**

On August 24, 2018, the Board and Nathan Vermedahl, M.D., entered into an Agreed Order publicly referring Dr. Vermedahl to the Texas Physician Health Program; requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Vermedahl appeared dizzy, was stuttering and fell asleep while writing a progress note on a patient. Dr. Vermedahl was also the subject of disciplinary action following complaints of verbal abuse towards staff members.

**TXPHP VIOLATION**

**Kaufman, James Kevin, M.D., Lic. No. L0318, Fort Worth**

On August 24, 2018, the Board and James Kevin Kaufman, M.D., entered into an Agreed Order under the following terms for a period of 10 years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than five times a week; participate in programs of Caduceus no less than three times per month; within 30 days obtain a Board-approved psychologist and follow all recommendation for care and treatment; participate in the activities of a county or state medical society committee on physician health and rehabilitation; and continue to meet with his Recovery Monitor. The Board found Dr. Kaufman had a positive screen for diazepam and was discharged from the Texas Physician Health Program.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

September 13, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends The Woodlands respiratory care practitioner**

On September 12, 2018, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Carlo Carreon, RCP (Lic. No. RCP00057061), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Carreon was arrested on September 6, 2018, for one felony count of possession of child pornography. He is currently in custody in Montgomery County, Texas.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Carreon, unless the hearing is specifically waived by Mr. Carreon.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 17, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Frisco physician**

On September 14, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of John Carl Ferrell, M.D. (Lic. No. G8835), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found, based on the evidence, that Dr. Ferrell was arrested for possessing illegal substances, that he was writing prescriptions for controlled substances to a patient with whom he had a close, personal relationship for periods in excess of 72 hours, and that he was prescribing large amounts of controlled substances including opioids, benzodiazepines, Soma, amphetamines, and testosterone to individual patients at one or more clinics in the Frisco, Texas area. Based on this conduct, the panel finds an imminent peril to the public health, safety or welfare.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ferrell, unless the hearing is specifically waived by Dr. Ferrell.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 3, 2018

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Physician Assistant Board suspends Corpus Christi physician assistant**

On October 2, 2018, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Craig J. Swenson, P.A. (Lic. No. PA03776), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Swenson in several instances was recorded on security cameras at his workplace, outside of business hours, entering a medication room, taking medications out of a locked refrigerator and storage container, mixing/drawing them for use, and in one instance injecting the medication into an IV. Video also showed Mr. Swenson in an impaired state, treating a patient.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Swenson, unless the hearing is specifically waived by Mr. Swenson.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 4, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends College Station physician**

On October 4, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Carrie Sue Cannon, M.D. (Lic. No. H7277), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Cannon suffers from psychiatric illness that impairs her ability to practice medicine with reasonable skill and safety to patients.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Cannon, unless the hearing is specifically waived by Dr. Cannon.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 24, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends El Paso physician**

On October 22, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Kelly J. Turner, M.D. (Lic. No. L4152), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Turner has been arrested multiple times for alcohol-related offenses and that he suffers from a mental and/or physical condition that renders him unable to safely practice medicine.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Turner, unless the hearing is specifically waived by Dr. Turner.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 26, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Fort Sam Houston physician**

On October 26, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Mark Alan Barnhardt, D.O. (Lic. No. L2127), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Barnhardt on or about September 25, 2018, was arrested and charged with one count of indecency with a child by exposure, a third degree felony and pled guilty to the charge and an Order of Deferred Adjudication was entered by the Court.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Barnhardt, unless the hearing is specifically waived by Dr. Barnhardt.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 26, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Lubbock physician**

On October 26, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Brianne Nicole Williams, M.D. (Lic. No. M8428), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Williams suffers from impairment due to use of drugs, narcotics, chemicals, or other substances, or as a result of any mental or physical condition. Dr. Williams was previously terminated from her position with her employer for substance use issues and was terminated from the Texas Physician Health Program due to repeated non-compliance.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Williams, unless the hearing is specifically waived by Dr. Williams.

The temporary suspension remains in place until the Board takes further action.

**###**

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

November 2, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 34 physicians at October meeting, adopts rules changes**

At its October 19, 2018 meeting, the Texas Medical Board disciplined 34 licensed physicians.

The disciplinary actions included: seven orders related to quality of care violations, four orders related to unprofessional conduct, two revocations, three voluntary surrenders/revocations, two suspensions, one restriction, two orders related to nontherapeutic prescribing, one order related to improper supervision or delegation, one order related to improper prescribing, four orders related to violation of prior Board order, two orders related to other states' actions, two orders related to inadequate medical records, one order related to impairment, and two orders related to Texas Physician Health Program violation. The Board also took action against a Surgical Assistant.

The Board issued 145 physician licenses at the October meeting, bringing the total number of physician licenses issued in FY19 to 641.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 175. FEES AND PENALTIES**

The amendments to **§175.5**, concerning Payment of Fees or Penalties, adds language in subsection (c)(6) that requires a request for refund from the spouse or personal representative of a licensee or applicant who dies within 90 days of having paid a licensure fee. The amendment makes clear that a refund is not automatically processed by the Board upon a licensee or applicant's death. The amendment also adds language to subsection (c)(7) giving some discretion to the Executive Director as to whether a licensure fee should be fully refunded if it was paid more than 90 days before the licensee's or applicant's death. The amendment makes it possible for the Board to issue a full refund in a unique situation, such as when a licensee or applicant has paid a fee more than 90 days before his or her death, but has not yet received the license or registration.

#### **CHAPTER 188. PERFUSIONISTS**

The amendment to **§188.4**, concerning Qualifications for Licensure, removes the jurisprudence exam attempt limit for applicants.

The amendment to **§188.26**, concerning Exemption from Registration Fee for Retired Perfusionists Providing Voluntary Charity Care, removes the language in subsection (g) that requires a licensee to submit evaluations from previous employers upon application to return to active status after being inactive and only providing charity care.

The amendment to **§188.28**, concerning Exemption from Registration Fee for Retired Perfusionists, removes the language in subsection (c) that requires a licensee to submit evaluations from previous employers upon application to return to active status after being retired.

#### **CHAPTER 190. DISCIPLINARY SANCTION GUIDELINES**

The amendments to **§190.14**, concerning Disciplinary Sanction Guidelines, corrects the sanction guidelines chart that was inadvertently deleted from the Texas Administrative Code due to a filing error in June 2018, when three categories of sanctions were amended. The adopted graphic reflects the sanction guidelines as previously in place, as amended in June 2018, and inadvertently deleted from the Texas Administrative Code.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Garza-Keever, Simon T., D.O., Lic. No. J9042, San Antonio**

On October 19, 2018, the Board and Simon T. Garza-Keever, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in medical recordkeeping and eight hours in prescribing controlled substances for weight loss; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Garza-Keever violated the standard of care for 20 patients for whom he treated for obesity and associated medical problems, failed to obtain complete patient histories and/or perform complete physical examinations, and failed to maintain adequate medical records.

#### **Krapin, Lloyd Jeffrey, M.D., Lic. No. F4913, El Paso**

On October 19, 2018, the Board and Lloyd Jeffrey Krapin, M.D., entered into an Agreed Order under the following terms: may only prescribe, administer, and/or order Schedule II controlled substances for the purpose of treating acute pain on a one-time basis, for no more than 72 hours with no refills for any patient. The Board found Dr. Krapin retired during a pending investigation by the VA and continued to prescribe controlled substances to a patient even after becoming aware of the patient's issue with suicide and drug abuse.

#### **Smith, Lance S., M.D., Lic. No. J5646, Arlington**

On October 19, 2018, the Board and Lance S. Smith, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in management of complex patients and four hours in risk management. The Board found Dr. Smith failed to properly heed and evaluate a patient's complaints of pain following the surgical insertion of an intrathecal morphine pump by a different physician. This order resolves a formal complaint filed at the State Office of Administrative Hearings

#### **Smith, Raleigh Arnold, III, M.D., Lic. No. F4547, Aransas Pass**

On October 19, 2018, the Board and Raleigh Arnold Smith, III, M.D., entered into an Agreed Order prohibiting him from performing bowel procedures except for the purposes of satisfying the proctor requirement. The restriction shall remain in effect until he requests permission in writing to resume such practice, personally appears before the Board and provides clear evidence that he is competent to independently perform bowel procedures. Such evidence shall include at minimum, evidence that he has complete five bowel procedures under the observation of a Board-approved proctor and has followed any and all recommendations made by the proctor; and within one year complete at least 24 hours of CME, divided as follows: eight hours in post-operative complications, eight hours in medical recordkeeping and eight hours in chart monitoring. The Board found Dr. Smith failed to meet the standard of care in his care and treatment of a patient resulting in post-operative complications after performing laparoscopic exam, left oophorectomy and adhesiolysis on a patient. Dr. Smith's surgical privileges were suspended as a result of the standard of care violation.

#### **Torres, Norman Jose, M.D., Lic. No. K8532, The Woodlands**

On October 19, 2018, the Board and Norman Jose Torres, M.D., entered into an Agreed Order requiring him to within 30 days obtain a Board-approved, board certified neurological surgeon to serve as his proctor for his next 15 neurological surgical procedures; and within 60 days pay an administrative penalty of \$6,000. The Board found Dr. Torres failed to meet the standard of care for one patient by failing to properly position screws correctly in two successive spinal surgeries and failed to recognize complications following the surgeries.

#### **Wallace, David Michael, D.O., Lic. No. N0539, Richmond**

On October 19, 2018, the Board and David Michael Wallace, D.O., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in diagnosis and treatment of deep vein thrombosis and four hours in diagnosis and treatment of lower extremity injuries. The Board found Dr. Wallace did not

document the possibility of a deep vein thrombosis in his differential diagnosis though he indicated he discussed the possibility of one with the patient. Such discussion was not adequately documented in Dr. Wallace's medical records.

**Williams, James Edward, M.D., Lic. No. N1221, San Antonio**

On October 19, 2018, the Board and James Edward Williams, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: eight hours in risk management, eight hours in diagnosis and treatment of urinary tract cancer and four hours in treatment of hematuria. The Board found Dr. Williams failed to properly diagnose and treat a patient's ongoing hematuria. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**UNPROFESSIONAL CONDUCT**

**Aggarwala, Gaurav, M.D., Lic. No. L7636, Huntsville**

On October 19, 2018, the Board and Gaurav Aggarwala, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in anger management and eight hours in communications. The Board found Dr. Aggarwala engaged in a pattern of inappropriate behavior towards staff members. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Ethridge, Jeff Dwayne, M.D., Lic. No. L6877, Boerne**

On October 19, 2018, the Board and Jeff Dwayne Ethridge, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in risk management; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Ethridge failed to timely complete the death certificate for a patient.

**Ortiz, Raynaldo Rivera, Jr., M.D., Lic. No. H9000, Garland**

On October 19, 2018, the Board and Raynaldo Rivera Ortiz, Jr., M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Ortiz and requiring him to within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Ortiz had his clinical privileges suspended for 14 days for failing to notify all hospitals of his misdemeanor criminal charges. On June 15, 2016, a Collin County, Texas, jury found Dr. Ortiz guilty of Cruelty to Non-Livestock Animals. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Zertuche, Benjamin, M.D., Lic. No. L2066**

On October 19, 2018, the Board and Benjamin Zertuche, M.D., entered into an Agreed Order requiring him to within six months complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Zertuche prescribed medications to a person with whom he had a pre-existing, close personal relationship and admitted to treating a number of patients after the end of prior close personal relationships.

**REVOCATION**

**Durand, Darnel Michael, M.D., Lic. No. M2609, The Woodlands**

On October 19, 2018, the Board entered a Final Order against Darnel Michael Durand, M.D., revoking his Texas medical license. The Board found Dr. Durand operated two unregistered pain management clinics, nontherapeutically prescribed controlled substances, failed to meet the standard of care in his treatment of multiple chronic pain patients, failed to properly supervise his midlevels and failed to keep adequate medical records. The action was based the findings made by an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Durand has 25 days from the service of the order to file a motion for rehearing.

**Levison, Lionel, M.D., Lic. No. F7512, Odessa**

On October 19, 2018, the Board entered a Default Order regarding Lionel Levison, M.D., which revoked his Texas medical license. On August 30, 2017, the Board filed a Complaint with the State Office of Administrative Hearings

(SOAH), alleging violations related to the standard of care. Dr. Levison failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Levison. The Board granted a Determination of Default and Dr. Levison's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Levison has 25 days from the service of the order to file a motion for rehearing.

### **VOLUNTARY SURRENDER/REVOICATION**

#### **Pryor, Bryant Allan, M.D., Lic. No. P9110, Humble**

On October 19, 2018, the Board and Bryant Allan Pryor, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pryor agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Pryor pleaded guilty to one felony count of conspiracy to distribute and dispense controlled substances.

#### **Kim, David Daesung, M.D., Lic. No. L6982, Colleyville**

On October 19, 2018, the Board and David Daesung Kim, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Kim voluntarily agreed to surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Kim agreed to plead guilty to certain felony offenses in two cases, both filed in the Northern District of Texas – Dallas Division.

#### **Travis, Zane Roland, M.D., Lic. No. C7146, Abilene**

On October 19, 2018, the Board and Zane Roland Travis, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender in which Dr. Travis agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Travis was under investigation for prescribing violations and impairment.

### **SUSPENSION**

#### **Evans, Jason, M.D., Lic. No. M9268, Harlingen**

On October 19, 2018, the Board and Jason Evans, M.D., entered into an Agreed Order suspending Dr. Evans' Texas medical license for one year. After one year, Dr. Evans may petition the Board to lift the suspension, personally appear before the Board and provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found that Dr. Evans began to suffer from severe depression that has continued until the present time following surgery for a hypertensive cerebellar bleed. This order supersedes all prior orders of the Board.

#### **Rodriguez, Jesus Guillermo, Lic. No. J4999, Houston**

On October 19, 2018, the Board and Jesus Guillermo Rodriguez, M.D., entered into an Agreed Suspension Order suspending Dr. Rodriguez's Texas medical license until such a time as his criminal proceeding in the U.S. District Court, and any other criminal proceedings filed during the pendency of this Order, are resolved. The Board found Dr. Rodriguez is currently under indictment for charges related to operation of an unregistered pain management clinic.

### **RESTRICTION**

#### **Zayas, Roberto, Jr., M.D., Lic. No. K2832, Spring**

On October 19, 2018, the Board and Roberto Zayas, Jr., M.D., entered into an Agreed Order on Formal Filing restricting Dr. Zayas to the practice of administrative medicine as defined in the Order and shall not engage in the clinical practice of medicine in any capacity that involves direct or indirect patient contact; shall not engage in any employment, practice or work in any professional capacity with a pain management clinic; within seven days surrender his DEA controlled substances registration certificate and not reregister without prior Board approval; and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found on April 2017, the DEA ordered his DEA certificate of registration revoked based on findings that Dr. Zayas issued prescriptions to obtain controlled substances for office use in violation of several federal laws. Dr. Zayas has expressed his desire to cease clinical practice due to health issues. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **NONTHERAPEUTIC PRESCRIBING**

### **Brown, Larry Donniel, M.D., Lic. No. G3189, Jasper**

On October 19, 2018, the Board and Larry Donniel Brown, M.D., entered into an Agreed Order Upon Formal Filing publicly reprimanding Dr. Brown and requiring him to within 10 days surrender his DEA controlled substances registration certificate and shall not reregister without prior Board approval; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in prescribing controlled substances; and shall not be permitted to delegate prescriptive authority to a physician assistant or advanced practice nurse. The Board found Dr. Brown nontherapeutically prescribed to 15 patients by failing to adequately document and address aberrant or irregular urine drug screen tests and prescribing in excess of recommended dosages, and failed to adequately supervise his midlevel providers who similarly failed to document and address the aberrant tests. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Ruggiero, Michael F., D.O., Lic. No. H9144, Bryan**

On October 19, 2018, the Board and Michael F. Ruggiero, D.O., entered into an Agreed Order publicly reprimanding Dr. Ruggiero and requiring him to within 10 days surrender his DEA controlled substances registration certificate and shall not reregister without prior Board approval; within 60 days pay an administrative penalty of \$5,000; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Ruggiero failed to meet the standard of care, nontherapeutically prescribed, and failed to maintain adequate medical records for 15 patients.

## **IMPROPER SUPERVISION OR DELEGATION**

### **Conder, Thomas Charles, D.O., Lic. No. M5671, Bowie**

On October 19, 2018, the Board and Thomas Charles Conder, D.O., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 32 hours of CME, divided as follows: eight hours in appropriate prescribing of controlled substances, eight hours in ethics, eight hours in supervision or delegation and eight hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Conder failed to propagate delegation orders and standing orders for delegation of duties at the practice, allowed staff to access prescription medications with little or no supervision in an unsecured area, allowed a registered nurse to dispense medications without orders or supervision, and admitted that he did not personally evaluate patients before the patients were treated; however, he did review the labs and treatment course with his nurse.

## **IMPROPER PRESCRIBING**

### **Rothrock, Robin Elizabeth, M.D., Lic. No. N1869, Tiki Island**

On October 19, 2019, the Board and Robin Elizabeth Rothrock, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Rothrock self-prescribed medications, none of which were controlled substances, and that she failed to maintain proper medical records with respect to such self-prescribing.

## **VIOLATION OF PRIOR BOARD ORDER**

### **Bryant, Paula, M.D., Lic. No. G3810, Houston**

On October 19, 2018, the Board and Paula Bryant, M.D., entered into a Modification Order, modifying the 2017 Order. The modification requires Dr. Bryant to within one year complete at least four hours of CME in risk management, within one year and three attempts pass the Medical Jurisprudence Exam and complete the remaining terms of her 2017 Order



by December 31, 2018. All other terms of the 2017 Order remain in full force and effect until superseded by subsequent order of the Board.

**Powell, Douglas, D.O., Lic. No. R4890, Dakota Dunes, SD**

On October 19, 2018, the Board and Douglas Powell, D.O., entered into an Agreed Order publicly referring him to the Texas Physician Health Program (TXPHP). The Board found Dr. Powell violated his 2017 Order which required him to submit to an evaluation by TXPHP within 30 days. Dr. Powell did attempt to resolve with TXPHP, but failed to update his address of record and did not timely respond to TXPHP as a result.

**Seabold, Chad, M.D., Lic. No. N1442, Houston**

On October 19, 2018, the Board and Chad Seabold, M.D., entered into an Agreed Order publicly reprimanding Dr. Seabold and requiring him to within one year complete at least eight hours of CME in ethics; and within 60 days pay an administrative penalty of \$10,000. The Board found Dr. Seabold violated his 2017 Order by failing to comply with the Texas Physician Health Program because he failed to meet for an initial interview.

**Qasim, Shabnam, M.D., Lic. No. K9397, Fort Worth**

On October 19, 2019, the Board and Shabnam Kanwal Qasim, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Qasim violated terms of the March 3, 2017 Mediated Order by failing to timely pay chart monitoring fees and by failing to take and pass the Medical Jurisprudence Exam.

**OTHER STATES' ACTIONS**

**Rose, Kenneth Emery, M.D., Lic. No. K8461, Muscle Shoals, AL**

On October 19, 2018, the Board and Kenneth Emery Rose, M.D., entered into an Agreed Order requiring him to complete and comply with all terms of the Consent Order entered by the Alabama State Board of Medical Examiners (ASBME) on April 30, 2018. The Board found Dr. Rose was disciplined by the ASBME for being deficient in continuing medical education credits necessary for renewal in 2018 in Alabama.

**Sirois, Cindy Nguyen, Lic. No. TM00110, Sea Ranch Lakes, FL**

On October 19, 2018, the Board and Cindy Nguyen Sirois, M.D., entered into an Agreed Order publicly reprimanding Dr. Sirois. The Board found Dr. Sirois received a public letter of concern from the North Carolina Medical Board related to her interpretation of a patient's MRI and the standard of care involved.

**INADEQUATE MEDICAL RECORDS**

**Fuentes, Jose Armando, M.D., Lic. No. F1557, Dallas**

On October 19, 2018, the Board and Jose Armando Fuentes, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 8 hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Fuentes was disciplined by the Texas Department of Insurance for inappropriate completion of return-to-work forms for 10 patients.

**Joo, Sang Bai, M.D., Lic. No. E9252, Houston**

On October 19, 2018, the Board and Sang Bai Joo, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles. The Board found Dr. Joo failed to keep adequate medical record documentation as part of his practice as shown by his PACE assessment results.

**IMPAIRMENT**

**Dutta, Suresh-Venkayya, M.D., Lic. No. L1024, San Antonio**

On October 19, 2018, the Board and Suresh-Venkayya Dutta, M.D., entered into an Agreed Order on Formal Filing publicly referring Dr. Dutta to the Texas Physician Health Program and requiring him to abstain from the consumption of

prohibited substances as defined in the Order; and participate in the Board's drug testing program. The Board found Dr. Dutta may be using alcohol in an intemperate manner and may suffer from an impairment that could affect his practice of medicine. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **TXPHP VIOLATION**

##### **Boehme, Christopher Lee, M.D., Lic. No. M0666, Orange**

On October 19, 2018, the Board and Christopher Lee Boehme, M.D., entered into an Agreed Order on Formal Filing publicly referring Dr. Boehme to the Texas Physician Health Program (TXPHP) and requiring him to within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Boehme was, for a time, unable to practice medicine with reasonable skill and safety due to illness and abuse of alcohol and did not cooperate with TXPHP following a referral from the Board. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Stager, David Richard, M.D., Lic. No. J1572, Plano**

On October 19, 2018, the Board and David Richard Stager, M.D., entered into an Agreed Order publicly reprimanding Dr. Stager and requiring him to abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain an independent medical evaluation by a Board-approved forensic psychiatrist and follow all recommendations for care and treatment; within 30 days obtain a Board-approved physician to serve as a work-site monitor to monitor his practice for one year or four quarters; participate in the activities of Alcoholics Anonymous no less than 10 times per month; and participate in the activities of Caduceus no less than one time per week. The Board found Dr. Stager violated his Texas Physician Health Program agreement by relapsing in his abuse of alcohol and was involved in a domestic dispute and was observed to be impaired by police officers responding to the report.

#### **SURGICAL ASSISTANT**

##### **Graffagnino, Jordan Brett, S.A., Lic. No. SA00483, Houston**

On October 19, 2018, the Board and Jordan Brett Graffagnino, S.A., entered into an Agreed Order on Formal Filing publicly referring Mr. Graffagnino to the Texas Physician Health Program (TXPHP). The Board found Mr. Graffagnino failed to comply with the terms of his original TXPHP agreement as a result of failing to timely check in for drug screening on five occasions, and was terminated from TXPHP resulting in a referral back to the Board. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 17, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Richmond MRT**

On December 14, 2018, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist license of Delroy Anthony Wilson, MRT (Lic. No. GMR00024436), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Wilson was arrested by the Fort Bend County Sheriff's Office for ongoing sexual abuse of a child under the age of 14, a felony. As of the date of this hearing, Mr. Wilson remains in custody on \$150,000 bond, and has a hearing set on December 31, 2018.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Wilson, unless the hearing is specifically waived by Mr. Wilson.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 17, 2018

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Stamford physician**

On December 14, 2018, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Douglas Kruckner, M.D. (Lic. No. M1189), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found, based on the evidence, that Dr. Kruckner has engaged in a long-term sexual relationship with a patient while also prescribing the patient controlled substances, admitted to using methamphetamine and marijuana, and that he was arrested for possessing drug paraphernalia, methamphetamine and marijuana. Dr. Kruckner also appears to be nontherapeutically prescribing opioids, benzodiazepines and other controlled substances to his patients.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Kruckner, unless the hearing is specifically waived by Dr. Kruckner.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

December 17, 2018

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends San Antonio respiratory care practitioner**

On December 14, 2018, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Carlos O. Garcia, RCP (Lic. No. RCP00074377), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Garcia has been in violation of his 2017 Order with the Board, has refused to cooperate with the terms of his order and with Board staff, including required monitoring and drug testing.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Garcia, unless the hearing is specifically waived by Mr. Garcia.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 18, 2018

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 23 physicians at December meeting**

At its December 7, 2018 meeting, the Texas Medical Board disciplined 23 licensed physicians.

The disciplinary actions included: four orders related to quality of care violations, six orders related to unprofessional conduct, one revocation, seven voluntary surrenders/revocations, one order related to violation of prior Board order, one order related to other state's actions, one order related to inadequate medical records, and two orders related to impairment. The Board also ratified an agreed cease and desist order.

The Board issued 208 physician licenses at the December meeting, bringing the total number of physician licenses issued in FY19 to 1,115.

No rules were adopted at the December meeting.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Adair, Maureen L., M.D., Lic. No. F6376, Austin**

On December 7, 2018, the Board and Maureen L. Adair, M.D., entered into a Mediated Agreed Order on Formal Filing requiring her to within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow all recommendations for care and treatment; and have her practice monitored by another physician for eight consecutive monitoring cycles. The Board found Dr. Adair failed to personally perform an initial or subsequent physical examination, order diagnostic testing, document pain quality and improvement in order to diagnose and manage a patient's pain to support her long-term management of the patient's pain with controlled substances. Dr. Adair's medical records were insufficient as they did not show the patient's pain levels, monitoring for controlled substances, and that the patient was counseled on how to manage symptoms. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Jones, Phillip Wayne, M.D., Lic. No. G5232, Madisonville**

On December 7, 2018, the Board and Phillip Wayne Jones, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping. The Board found Dr. Jones prescribed non-narcotic creams and other medications to at least 10 patients with no evidence that either he or any qualified person adequately examined the patients or established a proper physician-patient relationship with the patients, and failed to maintain adequate medical records for the patients at issue.

##### **Lowry, Robert Charles, M.D., Lic. No. J9179, San Antonio**

On December 7, 2018, the Board entered a Final Order against Robert Charles Lowry, M.D., requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 32 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in billing, eight hours in ethics and eight hours in risk management. The Board found Dr. Lowry aided and abetted the unlicensed practice of medicine by employing a physician, whose license was suspended, to interpret and sign off on EEG reports, failed to exercise due diligence in his practice when he failed to sign, or have another Texas-licensed physician sign, a patient's EEG report and failed to follow

the standard of care by failing to evaluate another patient's pain management regimen after the patient tested positive for opioids. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Lowry has 25 days from the service of the order to file a motion for rehearing.

**Murray, Lauren Andreotti, M.D., Lic. No. N7951, Dallas**

On December 7, 2018, the Board and Lauren Andreotti Murray, M.D., entered into an Agreed Order requiring her to within one year complete four hours of CME in high risk obstetrics. The Board found Dr. Murray failed to meet the standard of care by failing to appropriately evaluate and interpret the blood pressure changes of a patient, who suffered a placental abruption resulting in the loss of her infant.

**UNPROFESSIONAL CONDUCT**

**Annapureddy, Chandra S., M.D., Lic. No. P0696, San Antonio**

On December 7, 2018, the Board and Chandra S. Annapureddy, M.D., entered into an Agreed Order publicly reprimanding Dr. Annapureddy and placing him under the following terms for a period of three years: within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in professional boundaries. The Board found Dr. Annapureddy engaged in disruptive conduct of a sexual nature with one hospital staff member and received peer review action as a result.

**Dang, John Tai, M.D., Lic. No. J4068, Cleburne**

On December 7, 2018, the Board and John Tai Dang, M.D., entered into an Agreed Order suspending Dr. Dang's Texas medical license until he requests in writing to have the suspension lifted and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include at minimum: Dr. Dang addressing his gambling addiction, his alcohol addiction; and resolution of the criminal investigation into allegations that he sexually assaulted patients. The Board found Dr. Dang displayed unprofessional conduct based on the sexual assault and inappropriate sexual contact/behavior towards two patients, failed to meet the standard of care and nontherapeutically prescribed controlled substances to two patients while treating them for pain; became inappropriately financially involved with patients, and failed to keep adequate medical records.

**King, Joseph, M.D., Lic. No. L6985, Jackson, MS**

On December 7, 2018, the Board and Joseph King, M.D., entered into an Agreed Order publicly referring Dr. King to the Texas Physician Health Program and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in ethics; and within 60 days pay an administrative penalty of \$500. The Board found Dr. King failed to report to the Board that he had a medical condition that may impact his ability to practice medicine safely.

**Madsen, Terry Douglas, M.D., Lic. No. L8816, Richardson**

On December 7, 2018, the Board and Terry Douglas Madsen, M.D., entered into an Agreed Order Upon Formal Filing publicly reprimanding Dr. Madsen and requiring him to within 30 days disclose to the Board, in writing, all prior and current financial interests he holds in ALL healthcare-related companies, including, but not limited to, medical representative companies; within 30 days submit an ownership interest disclosure form to the Board's Executive Director for review and following approval, present the form to all patients receiving medical care at his clinic; within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations for care and treatment; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Madsen ordered expensive genetic tests for his patients without indication, and has several arrests that may not have occurred but for his use of alcohol. Dr. Madsen recognizes that he may have a problem and has stopped drinking. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Newsome, Reginald, M.D., Lic. No. M8869, Keller**

On December 7, 2018, the Board and Reginald Newsome, M.D., entered into an Agreed Order requiring him to have a chaperone present anytime he performs a physical examination on a female patient; and follow all recommendations

for care and treatment made by his treating psychiatrist. The Board found Dr. Newsome pleaded no contest to the misdemeanor public indecency charge and received deferred adjudication, including a one-year probated sentence. Dr. Newsome has undergone an independent psychiatric evaluation as required by his June 15, 2018 order.

**Tamayo, Hector Edwin, M.D., Lic. No. K7915, San Antonio**

On December 7, 2018, the Board and Hector Edwin Tamayo, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Tamayo and placing him under the following terms for a period of three years: shall have a chaperone present anytime he conducts a medical visit with a female patient in any setting; within 30 days obtain a Board-approved treating psychiatrist or psychologist and follow all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in risk management and eight hours in professional boundaries; and within one year pay an administrative penalty of \$3,000. The Board found Dr. Tamayo engaged in an intimate interaction with a patient outside of the professional setting.

**REVOCAATION**

**Harea, Mihaela Cristina, M.D., Lic. No. L7410, San Antonio**

On December 7, 2018, the Board entered a Default Order regarding Mihaela Cristina Harea, M.D., which revoked her Texas medical license. On August 31, 2018, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Harea failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Harea. The Board granted a Determination of Default and Dr. Harea's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Harea has 25 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAATION**

**Claudio, Angel L., M.D., Lic. No. H2104, Mission**

On December 7, 2018, the Board and Angel L. Claudio, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Claudio agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Claudio was under investigation following his guilty plea to conspiracy to commit health care fraud.

**Ferrell, John Carl, M.D., Lic. No. G8835, Frisco**

On December 7, 2018, the Board and John Carl Ferrell, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Ferrell agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Ferrell was under investigation for nontherapeutic prescribing and his arrest for felony possession of illegal substances and related paraphernalia by the Plano Police Department.

**Malas, Amer, M.D., Lic. No. P7948, Macon, GA**

On December 7, 2018, the Board and Amer Malas, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Malas agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Malas self-reported to the Board that he has a medical/physical condition that precludes him from practicing medicine at this time.

**Mazcuri, Riaz S., M.D., Lic. No. G9772, Houston**

On December 7, 2018, the Board and Riaz S. Mazcuri, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Mazcuri voluntarily agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Mazcuri was found guilty of one felony count of conspiracy to commit health care fraud and five counts of health care fraud. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Palmer, John Middlemiss, M.D., Lic. No. P6237, Temple**



On December 7, 2018, the Board and John Middlemiss Palmer, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Palmer agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Palmer was under investigation following his arrest and guilty plea to one count of possession of child pornography.

**Pickel, John A., Jr., M.D., Lic. No. E6875, Arlington**

On December 7, 2018, the Board and John A. Pickel, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pickel agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Pickel was under investigation for allegations of failure to meet the standard of care for a patient.

**Robinett, Kelly Eugene, D.O., Lic. No. G7576, Carrollton**

On December 7, 2018, the Board and Kelly Eugene Robinett, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Robinett agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Robinett was under investigation following his conviction of one count of conspiracy to commit health care fraud and three counts of health care fraud.

**VIOLATION OF PRIOR BOARD ORDER**

**Davis, Randy, D.O., Lic. No. N2053, Arlington**

On December 7, 2018, the Board and Randy Davis, D.O., entered into an Agreed Order suspending Dr. Davis' Texas medical license until he requests in writing to have the suspension lifted and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include at minimum, complete legible copies of medical records and reports of psychological and neuropsychiatric evaluations conducted by, or under the direction of, a psychiatrist certified by the ABMS; shall abstain from the consumption of prohibited substances as defined in the Order for a period of 10 years; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than five times a week; participate in the activities of a county or state medical society committee on physician health and rehabilitation, including weekly meetings; within 30 days obtain a Board-approved treating psychiatrist and follow all recommendations for care and treatment; and shall not supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and not supervise surgical assistants. The Board found Dr. Davis failed to comply with his 2014 Order by testing positive for prohibited substances.

**OTHER STATE'S ACTIONS**

**Oommen, Bino Varghese, M.D., Lic. No. P7966, Mount Prospect, IL**

On December 7, 2018, the Board and Bino Varghese Oommen, M.D., entered into an Agreed Order requiring him to comply with this order and any terms and conditions imposed by the Illinois Order. The Board found Dr. Oommen was formally disciplined by the Illinois Department of Financial & Professional Regulation following charges of improper prescribing and failure to report the pending department complaint during submission of his DEA renewal application.

**INADEQUATE MEDICAL RECORDS**

**Yerrington, Robert Foster, M.D., Lic. No. F2132, San Antonio**

On December 7, 2018, the Board and Robert Foster Yerrington, M.D., entered into an Agreed Order on Formal Findings requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in prescribing controlled substances and eight hours in recognizing drug-seeking behavior. The Board found Dr. Yerrington did not document that he performed adequate evaluations for two patients. Medical records for both patients did not include several lab reports to support the diagnoses rendered. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **IMPAIRMENT**

### **Hinojosa, Rolando, M.D., Lic. No. G8707, Mission**

On December 7, 2018, the Board and Rolando Hinojosa, M.D., entered into an Agreed Order suspending his Texas medical license; however, the suspension is stayed and he is placed on probation under the following terms for a period of 15 years: shall abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a Board-approved psychiatrist and follow all recommendations for care and treatment; within 30 days obtain a Board-approved psychologist/counselor and follow all recommendations for care and treatment; participate in the activities of Alcoholics Anonymous no less than one time a week; within seven days surrender his DEA controlled substances registrations and shall not reregister without prior Board approval; limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Board; and shall not supervise and delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Hinojosa has been using illicit substances and self-prescribing and has had at least six encounters with law enforcement in Mission, Texas, in which he was observed to have been impaired from mental illness and/or substance abuse.

### **Pflieger, Kurt Loring, M.D., Lic. No. J5444, Rockwall**

On December 7, 2018, the Board and Kurt Loring Pflieger, M.D., entered into an Agreed Order suspending his Texas medical license; however, the suspension is stayed and Dr. Pflieger is placed on probation under the following terms for a period of five years: within 30 days obtain a Board-approved treating psychiatrist and psychologist and follow all recommendations for care and treatment; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and professionalism and eight hours in professional boundaries; and shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants. The Board found that, on or between January and April of 2018, Dr. Pflieger engaged in patterns of impaired practice. Dr. Pflieger obtained an independent medical evaluation and completed an in-patient treatment and is now under the care of a psychiatrist.

## **CEASE AND DESIST**

### **Turner, Tonya, No TX Medical License, Wichita Falls**

On December 7, 2018, the Board and Tonya Turner, entered into an Agreed Cease and Desist Order prohibiting Ms. Turner from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Turner, who is a licensed Family Nurse Practitioner and Women's Health Nurse Practitioner, engaged in the unlicensed practice of medicine in Texas by holding herself out as a physician in a video advertisement posted on YouTube, which does not include her credentials as a nurse, or state that she is not a licensed medical doctor.

**###**

*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 4, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Lufkin physician**

On January 3, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Robert Victor Hallett, M.D. (Lic. No. L9581), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Hallett suffers from an impairment due to illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other substances, or as a result of any mental or physical conditions, that affects his ability to practice medicine with reasonable skill and safety to patients.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hallett, unless the hearing is specifically waived by Dr. Hallett.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 4, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Belton physician**

On January 3, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Terry C. Lairmore, M.D. (Lic. No. M1193), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Lairmore has potentially participated in patient care while under the influence of controlled substances, and based on his termination by a licensed health care entity, the evidence shows Dr. Lairmore may pose a threat to patient safety.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Lairmore, unless the hearing is specifically waived by Dr. Lairmore.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 4, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Texas license of Lincoln, Nebraska physician**

On January 3, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Andrea Parde, M.D. (Lic. No. Q4485), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Parde agreed to a suspension of her Nebraska medical license on or about October 20, 2018. The action by Nebraska was the result of allegations that Dr. Parde had abused or was dependent on alcohol or controlled substances and had improperly obtained controlled substances. Dr. Parde has failed to cooperate with the Board's investigation related to the Nebraska action.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Parde, unless the hearing is specifically waived by Dr. Parde.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 6, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Corpus Christi physician**

On February 5, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Juan Antonio Villarreal, M.D. (Lic. No. H3292), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Villarreal was arrested by the Corpus Christi Police Department on December 17, 2018 on three felony charges of sexual assault and the case has been referred to the Nueces County District Attorney for prosecution. Based on evidence that Dr. Villarreal has been arrested and indicted on felony sexual assault charges, the panel finds an imminent peril to the public health, safety, or welfare.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Villarreal, unless the hearing is specifically waived by Dr. Villarreal.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 15, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Lubbock physician**

On February 15, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of David L. Vermillion, M.D. (Lic. No. L9588), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Vermillion has failed multiple drug tests, and has three recent arrests for violating a Protective Order while on community supervision.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Vermillion, unless the hearing is specifically waived by Dr. Vermillion.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 15, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On February 15, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Michael Francis O'Brien, M.D. (Lic. No. N5289), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. O'Brien is not able to practice medicine due to past medical incidents that impaired his ability to safely practice medicine, and is in violation of his Texas Physician Health Program Monitoring and Assistance Agreement for failing to undergo required drug and alcohol testing and for testing positive on two occasions.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. O'Brien, unless the hearing is specifically waived by Dr. O'Brien.

The temporary suspension remains in place until the Board takes further action.

**###**



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 21, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Lufkin physician**

On February 20, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Robert Victor Hallett, M.D. (Lic. No. L9581), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

The Board panel found that Dr. Hallett's temporary suspension entered on January 3, 2019 due to impairment issues shall be lifted for the sole purpose of a KSTAR assessment but that he shall be restricted from any and all practice.

The temporary restriction remains in place until the Board takes further action.

###

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 14, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 36 physicians at March meeting, adopts rule changes

At its March 1, 2019 meeting, the Texas Medical Board disciplined 36 licensed physicians.

The disciplinary actions included: seven orders related to quality of care violations, four orders related to unprofessional conduct, one revocation, six voluntary surrenders/revocations, two suspensions, two restrictions, one order related to nontherapeutic prescribing, one order related to improper prescribing, one order related to peer review action, one order related to violation of prior Board order, four orders related to other states' actions, two orders related to violation of Board rules, two orders related to inadequate medical records, one order related to Texas Physician Health Program violation, and one order related to impairment. The Board also ratified two agreed cease and desist orders.

The Board issued 239 physician licenses at the March meeting, bringing the total number of physician licenses issued in FY19 to 2,099.

### RULE CHANGES ADOPTED

#### CHAPTER 175. FEES AND PENALTIES

The amendments to **§175.2**, concerning Registration and Renewal Fees, account for changing physician assistant licensure registration from an annual to a biennial renewal period. The amendments are in accordance with Senate Bill 1625, 85th Leg. (R.S.)

#### CHAPTER 186. RESPIRATORY CARE

The amendments to **§186.4**, concerning Procedural Rules and Qualifications for Certificate Applicants, deletes language in subsection (a)(14)(B) and (a)(14)(E) requiring certificate applicants to pass the jurisprudence exam within three attempts.

The amendments to **§186.10**, concerning Continuing Education Requirements, clarifies when continuing education (CE) credit is granted to Respiratory Care Practitioners for completion of an academic semester unit or hour. Previously, the rule did not specify what kind of coursework qualified for this continuing education credit. The amendment makes clear that the academic semester unit or hour must be part of the curriculum of a respiratory care education program or a similar education program in another health-care related field offered by an accredited institution. Additionally, the amendment specifies that the 15 contact hour credit will be granted in non-traditional CE.

The amendments to **§186.28**, concerning Retired Certificate, deletes language in paragraph (3) requiring retired certificate holders who wish to return to active status to provide professional evaluations from each employment held before his or her certificate was placed on retired status.

#### CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY

The amendments to **§194.6**, concerning Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry, make several changes to temporary certification requirements, language related to examinations required for registration as an NCT or general or limited certification, and otherwise correct typographical errors and improve the clarity of the rule.

The amendments to **§194.10**, concerning Retired Certificate or NCT General Registration Permit, repeals language requiring retired certificate holders or NCTs who wish to return to active status to provide professional evaluations from each employment held before his or her certificate or registration permit was placed on retired status.

The amendments to **§194.12**, concerning Standards for the Approval of Certificate Program Curricula and Instructors, require all limited certificate programs to obtain accreditation by board recognized national or regional accrediting entities in order to obtain board approval. Such amendments ensure that staff resources are efficiently used, while maintaining the rigorousness of the approval process. Further, all currently approved limited training programs have such accreditation status.

The amendments to **§194.13**, concerning Mandatory Training Programs for Non-Certified Technicians, amend the rules related to requirements for mandatory training programs for non-certified technicians for the purpose of providing clarity on required processes for approval and renewal procedures related to programs and instructors.

The amendments to **§194.23**, concerning Criminal Backgrounds, amend the rules so that language is added for clarity and consistency.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Cox, Derrick Dione, M.D., Lic. No. P7262, El Paso**

On March 1, 2019, the Board and Derrick Dione Cox, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management, four hours in ethics and four hours in treating acute abdominal conditions; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Cox failed to diagnose a patient's ruptured appendix and discharged the patient, delaying treatment.

#### **Freiha, Ghassan Shawki, M.D., Lic. No. J6439, New Braunfels**

On March 1, 2019, the Board and Ghassan Shawki Freiha, M.D., entered into an Agreed Order publicly reprimanding Dr. Freiha and requiring him to within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in risk management and eight hours in patient communication; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Freiha violated the standard of care with regard to a urology patient for whom he performed a transurethral resection of the prostate. Specifically, Dr. Freiha failed to properly evaluate and examine the patient, which resulted in a delayed diagnosis of prostate cancer.

#### **Gill, Zeba, M.D., Lic. No. K1448, San Antonio**

On March 1, 2019, the Board and Zeba Gill, M.D., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME, divided as follows: four hours in evaluation of abnormal urinalysis and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Gill violated the standard of care for a patient by not ordering confirmatory testing to assess renal disease, refer the patient to a urologist or order CT urography for a patient who was diagnosed with bladder cancer.

#### **Markman, Bruce Scott, M.D., Lic. No. Q6230, Allen**

On March 1, 2019, the Board and Bruce Scott Markman, M.D., entered into an Agreed Order requiring him to within a year complete at least 12 hours of CME, divided as follows: four hours in communications, four hours in post-operative complications and four hours in risk management. The Board found Dr. Markman treated a patient for a grade I open comminuted fracture of the distal humerus and failed to timely follow-up with concerns expressed by the nurse of circulation and perfusion issues a few days following surgery.

**Morshedi, Brandon, M.D., Lic. No. Q5698, Dallas**

On March 1, 2019, the Board and Brandon Morshedi, M.D., entered into an Agreed Order Upon Formal Filing publicly reprimanding Dr. Morshedi and requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in presentation of sepsis in pediatric patients ages 0 to 5 years old and four hours in ear, nose and throat infections in school-aged children. The Board found Dr. Morshedi failed to meet the standard of care in the assessment and treatment of a pediatric patient who died from bacterial meningitis after being discharged. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Nasur, Ali Mohammed, M.D., Lic. No. P4685, El Paso**

On March 1, 2019, the Board and Ali Mohamed Nasur, M.D., entered into an Agreed Order requiring him to within one year complete the Medical Record Keeping Seminar offered by the Center for Personalized Education for Physicians (CPEP); and have his practice monitored by another physician for 12 consecutive monitoring cycles. The Board found Dr. Nasur violated the standard of care for the treatment of four patients and failed to maintain adequate medical records.

**Wadiwala, Irfan Ibrahim, D.O., Lic. No. N0535, Houston**

On March 1, 2019, the Board and Irfan Ibrahim Wadiwala, D.O., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in risk management and eight hours in physician-patient communication. The Board found Dr. Wadiwala failed to meet the standard of care for a patient when he failed to provide appropriate post-operative care following a revised gastric sleeve procedure and failed to keep adequate medical records.

**UNPROFESSIONAL CONDUCT**

**Mulla, Nabeel Mushtaq, M.D., Lic. No. BP10054530, El Paso**

On March 1, 2019, the Board and Nabeel Mushtaq Mulla, M.D., entered into an Agreed Order publicly reprimanding Dr. Mulla. The Board found Dr. Mulla was terminated from his residency program as a result of a felony arrest to which he later pled guilty to a second degree felony charge and received an order of deferred adjudication.

**Ngwu, Samuel C., M.D., Lic. No. K2087, Enugu, Enugu, Nigeria**

On March 1, 2019, the Board entered a Final Order regarding Samuel C. Ngwu, M.D., requiring him to within 60 days mail apology letters to two patients; within one year complete at least four hours of CME in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Ngwu failed to comply with Board rules regarding the closure of a medical practice, failed to produce medical and/or billing records for several patients, and failed to cooperate with Board staff. The action was based on the findings of an Administrative Law Judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at SOAH.

**Valenzuela, Rafael E., M.D., Lic. No. F7948, Houston**

On March 1, 2019, the Board and Rafael E. Valenzuela, M.D., entered into an Agreed Order under the following terms: for a period of five years Dr. Valenzuela is prohibited from supervising delegates and is prohibited from prescriptive delegation authority; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in medical ethics and eight hours in supervision. The Board found Dr. Valenzuela aided and abetted in the unlicensed practice of medicine.

**Weaver, Kevinn Len, M.D., Lic. No. K5024, Dallas**

On March 1, 2019, the Board and Kevinn Len Weaver, M.D., entered into an Agreed Order requiring him to within 45 days obtain a Board-approved psychiatrist and undergo an Independent Medical Evaluation and follow all recommendations made for care and treatment; abstain from the consumption of prohibited substances as defined by the Order; and participate in the Board's drug testing program. The Board found Dr. Weaver displayed unprofessional conduct based on a pattern of disruptive and inappropriate behavior from 2012 to 2018.

## **REVOCACTION**

### **Olusola, Benedict O., M.D., Lic. No. J7118, DeSoto**

On March 1, 2019, the Board entered a Final Order regarding Benedict O. Olusola, M.D., revoking his Texas medical license. The Board found Dr. Olusola violated his previous orders which included providing false information regarding his practice. Dr. Olusola was practicing in violation of the imposed restrictions on his practice. The action was based on the findings of an Administrative Law Judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at SOAH.

## **VOLUNTARY SURRENDER/REVOCACTION**

### **Allibone, George William, M.D., Lic. No. F6384, Houston**

On March 1, 2019, the Board and George William Allibone, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Allibone agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Allibone was under investigation for his assessment, care and treatment of patients.

### **Karuparthi, Venkateswara, M.D., Lic. No. J6143, Rock Island, IL**

On March 1, 2019, the Board and Venkateswara Karuparthi, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Karuparthi agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Karuparthi was under investigation by the Board regarding allegations that his license to practice medicine in Illinois was suspended for allegations related to sexual misconduct.

### **Mencer-Parks, Melanie Lynn, M.D., Lic. No. K7454, Houston**

On March 1, 2019, the Board and Melanie Lynn Mencer-Parks, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Mencer-Parks agreed to the voluntary revocation of her Texas medical license in lieu of further disciplinary proceedings. Dr. Mencer-Parks was sentenced to one year and one day in federal prison related to a felony health care fraud conviction. She is currently incarcerated in the Aliceville Federal Correctional Institution in Aliceville, AL.

### **Oei, Joseph, M.D., Lic. No. E6867, Midland**

On March 1, 2019, the Board and Joseph Oei, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Oei agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Oei was under investigation for allegations of prescribing large volumes of controlled substances without adequate evaluation, indication and monitoring.

### **Pham, Amy Quynh Trang, M.D., Lic. No. P8525, Nacogdoches**

On March 1, 2019, the Board and Amy Quynh Trang Pham, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pham agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Pham was under investigation for allegations she surrendered her South Carolina medical license and was in violation of her June 2018 Order with the Board.

### **Williams, Kevin Alexander, M.D., Lic. No. K8575, Ennis**

On March 1, 2019, the Board and Kevin Alexander Williams, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Williams agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Williams was under investigation after an order was entered by the Texas Department of Insurance, Division of Workers' Compensation against Dr. Williams for prescribing compounded medications that were not reasonable and/or medically necessary.

## **SUSPENSION**

### **Brish, Eldor, M.D., Lic. No. N5593, Houston**

On March 1, 2019, the Board and Eldor Brish, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Brish's Texas medical license shall remain suspended until such a time as his criminal proceeding in U.S. District Court,

and any other criminal proceedings filed during the pendency of this Order are resolved. Dr. Brish shall continue to comply with all terms and conditions of his Interim Monitoring Agreement with the Board. The Board found Dr. Brish, who was previously temporarily suspended for operating an unregistered pain management clinic, is currently under indictment on charges of Conspiracy to Unlawfully Distribute and Dispense Controlled Substances, a felony.

**Williams, Brianne Nicole, M.D., Lic. No. M8428, Lubbock**

On March 1, 2019, the Board and Brianne Nicole Williams, M.D., entered into an Agreed Order of Suspension, suspending Dr. Williams' Texas medical license until such a time as she requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include evidence of drug screen tests for one full calendar year indicating that Dr. Williams has not used and is not currently using alcohol or controlled substances. Dr. Williams had previously been temporarily suspended due to non-compliance with the Texas Physician Health Program for substance use issues.

**RESTRICTION**

**Cohn, Joseph, M.D., Lic. No. K4664, Corpus Christi**

On March 1, 2019, the Board and Joseph Cohn, M.D., entered into an Agreed Order Granting Termination of Suspension, lifting Dr. Cohn's suspension and placing him under the following terms for a period of 10 years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; shall limit his practice, including any office and inpatient practice, to a group or institutional setting approved in advance; within 30 days obtain a Board-approved treating psychologist/counselor and follow all recommendations for care and treatment; and participate in the activities of Alcoholics Anonymous no less than five times per week. The Board found Dr. Cohn, who has a history of alcohol abuse and was previously suspended due to these issues, has maintained sobriety for more than a year. This order supersedes the Order of Temporary Suspension entered on January 31, 2018, and the Agreed Order of Voluntary Suspension entered on March 2, 2018.

**Pendleton, Michael Jerome, M.D., Lic. No. L4091, Corpus Christi**

On March 1, 2019, the Board and Michael Jerome Pendleton, M.D., entered into an Agreed Order suspending Dr. Pendleton's Texas medical license, however the suspension is stayed and he is placed on probation under the following terms: shall not reregister or otherwise obtain controlled substances registrations without Board approval; shall not treat patients for either acute or chronic pain as defined by Board rule; limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Board; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Pendleton was charged and pled guilty to one felony count of furnishing false information on dispensed controlled substances records and was sentenced to 60 months of probation and ordered to pay a fine.

**NONTHERAPEUTIC PRESCRIBING**

**Lamley, Joseph Carver, D.O., Lic. No. J9149, Hamlin**

On March 1, 2019, the Board and Joseph Carver Lamley, D.O., entered into a Mediated Agreed Order under the following terms: shall not treat patients for chronic pain as defined by Board rule or engage in the practice of pain management; shall not prescribe, administer, or dispense any controlled substances to any patient for more than 72 hours; shall not treat or otherwise serve as a physician for his immediate family and shall not prescribe, administer, or dispense any controlled substances or dangerous drugs with addictive potential to himself or his immediate family; shall have his practice monitored by another physician for eight consecutive monitoring cycles; within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours in ethics, eight hours in recognizing drug-seeking behavior and eight hours in medical recordkeeping; within 60 days pay an administrative penalty of \$2,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced nurse practitioner or supervise a surgical assistant. The Board found Dr. Lamley inappropriately prescribed narcotic medications to a family member beyond immediate

need and without appropriate indication or monitoring. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **IMPROPER PRESCRIBING**

##### **Garduno, Abel, Jr., M.D., Lic. No. K5299, Plano**

On March 1, 2019, the Board and Abel Garduno, Jr., M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in ethics; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Garduno prescribed controlled substances or dangerous drugs to two family members and a female with whom he had a close personal relationship for periods beyond 72 hours, failed to maintain appropriate medical records, wrote fraudulent prescriptions to treat his dog, and failed to disclose his ownership interest in a laboratory to his patients.

#### **PEER REVIEW ACTION**

##### **Syn, David, M.D., Lic. No. L5583, Lubbock**

On March 1, 2019, the Board and David Syn, M.D., entered into an Agreed Order Upon Formal Filing publicly reprimanding Dr. Syn and requiring him to within 30 days pay an administrative penalty of \$2,000. The Board found Dr. Syn was subject to peer review action that arose from allegations Dr. Syn failed to arrange on call coverage for a post-operative patient who suffered complications leading to death. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Skie, Gregory, M.D., Lic. No. G5617, Arlington**

On March 1, 2019, the Board and Gregory Skie, M.D., entered into an Agreed Order publicly reprimanding Dr. Skie and requiring him to have his practice monitored for an additional two monitoring cycles following completion of the cycles from his 2017 Order; and shall within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Skie violated his 2017 Order by failing to produce medical records for chart review and failed to cooperate with Board staff.

#### **OTHER STATE'S ACTIONS**

##### **Atwal, Maninderjit, M.D., Lic. No. N9804, Elk Grove, CA**

On March 1, 2019, the Board and Maninderjit Atwal, M.D., entered into an Agreed Order prohibiting him from practicing in Texas, including telemedicine on Texas patients, until such a time as he requests permission in writing and appears before the Board to provide evidence he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall at a minimum include his compliance with all terms and conditions of the order entered by the Medical Board of California (MBC). The Board found Dr. Atwal was disciplined by the MBC and his license restricted due to gross negligence.

##### **Chisty, Khaja, M.D., Lic. No. Q3862, West Palm Beach, FL**

On March 1, 2019, the Board and Khaja Chisty, M.D., entered into an Agreed Order prohibiting Dr. Chisty from practicing medicine, including telemedicine, in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include at a minimum that he is in full compliance with all terms and conditions of the Colorado Medical Board (CMB) Order. The Board found Dr. Chisty was disciplined by the CMB and his license restricted due to unprofessional conduct and inappropriate prescribing.

##### **Greenwood, Denise Rochelle, M.D., Lic. No. J7977, Little Rock, AR**

On March 1, 2019, the Board and Denise Rochelle Greenwood, M.D., entered into an Agreed Order reinstating her license, however her license is suspended and she shall not practice medicine in Texas, nor on patients that reside in

Texas or that are physically located in Texas, regardless of her physical presence outside of Texas, nor shall she use her Texas license to practice medicine in any other jurisdiction, including for the federal government, the military or any federal agency. The Board found the Arkansas State Medical Board rescinded the revocation of Dr. Greenwood's license placing her under a restriction. The Board had previously entered a Final Order revoking Dr. Greenwood's Texas license based upon her Arkansas license being revoked due to her violation of an Arkansas Medical Board order.

**Thomas, Vanessa, M.D., Lic. No. N2842, Daphne, AL**

On March 1, 2019, the Board and Vanessa Thomas, M.D., entered into an Agreed Order prohibiting Dr. Thomas from practicing in Texas, including telemedicine on Texas patients, until such a time as she requests permission in writing and appears before the Board to provide evidence she is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall at a minimum include her compliance with all terms and conditions of the order entered by the Alabama Board of Medical Examiners (ABME). The Board found Dr. Thomas was disciplined by the ABME and her licensed restricted due to unprofessional conduct related to prescribing controlled substances.

**VIOLATION OF BOARD RULES**

**Tariq, Mohammad J., M.D., Lic. No. K1092, Irving**

On March 1, 2019, the Board and Mohammad J. Tariq, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in drug-seeking behavior, eight hours in risk management and eight hours in medical records; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Tariq failed a pain management clinic inspection by not maintaining proper pain management agreements and failing to appropriately document his care and/or maintain a complete medical record for several patients.

**Windrow, Matthew John, M.D., Lic. No. K3041, Hondo**

On March 1, 2019, the Board and Matthew John Windrow, M.D., entered into an Agreed Order requiring him to within one year complete at least 20 hours of CME, divided as follows: four hours in risk management, eight hours in patient drug-seeking, four hours in medical recordkeeping and four hours in treating chronic pain; and have his practice monitored by another physician for four consecutive monitoring cycles. The Board found Dr. Windrow failed to treat a patient according to the generally accepted standard of care and comply with Board Rule 170, related to the treatment of chronic pain. Dr. Windrow failed to perform a thorough examination and document justification for his prescription of controlled substances, failed to refer the patient to a pain specialist and failed to maintain adequate medical records.

**INADEQUATE MEDICAL RECORDS**

**Hussain, Syed K., M.D., Lic. No. M1157, Brownsville**

On March 1, 2019, the Board and Syed K. Hussain, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles. The Board found Dr. Hussain failed to keep adequate medical records for a patient.

**Le, Truc, Jr., D.O., Lic. No. K6479, Houston**

On March 1, 2019, the Board and Truc Le, Jr., D.O., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least four hours of CME, divided as follows: two hours in treating a patient suffering from General Anxiety Disorder and two hours in treating ADHD; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Le's medical records lacked sufficient detail in describing treatment decisions and their rationale.



## **TXPHP VIOLATION**

### **Looney, Warren Hunter, M.D., Lic. No. N8028, Lufkin**

On March 1, 2019, the Board and Warren Hunter Looney, M.D., entered into an Agreed Order requiring him to abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; participate in the activities of a county or state medical society committee on physician health and rehabilitation; within 30 days obtain a Board-approved treating psychiatrist and follow all recommendations made for care and treatment; and participate in the activities of Alcoholics Anonymous no less than one time per week. The Board found Dr. Looney failed to cooperate with the Texas Physician Health Program monitoring agreement.

## **IMPAIRMENT**

### **Brock, Robert James, M.D., Lic. No. E2483, Kileen**

On March 1, 2019, the Board and Robert James Brock, M.D., entered into an Agreed Order requiring him to within 60 days obtain a Board-approved psychiatrist and undergo an Independent Medical Evaluation and follow all recommendations made for care and treatment. The Board found concerns with Dr. Brock's mental health based on the allegations made against him and his presentation and responses to questions.

## **CEASE AND DESIST**

### **Shafi, Tariq, No License, Houston**

On March 1, 2019, the Board and Tariq Shafi, entered into an Agreed Cease and Desist Order prohibiting Mr. Shafi from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Shafi shall also cease and desist from identifying himself as a doctor, unless also clearly designating the authority under which the title is issued for the college or honorary degree that gives rise to the use of the title. The Board found Mr. Shafi held himself out as a licensed physician and by offering to diagnose and/or treat medical conditions.

### **Trane, Matthew, No License, Dallas**

On March 1, 2019, the Board and Matthew Trane, entered into an Agreed Cease and Desist Order prohibiting Mr. Trane from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Trane engaged in the unlicensed practice of medicine.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 20, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts McAllen physician**

On March 19, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Eugenio G. Galindo, M.D. (Lic. No. J1667), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Galindo is prohibited from diagnosing, examining or treating female patients or providing any consultation for the treatment of any female patient. This includes delegating the diagnosis, examination or treatment of any female patient to any midlevel providers or unlicensed individuals. Additionally, Dr. Galindo shall have no contact with any of the individual complainants in this matter.

The Board panel found, based on the evidence, that the allegations pending against Dr. Galindo are serious and supported by sworn testimony before the panel. Dr. Galindo was arrested by the Edinburg Police Department on December 6, 2018, on two charges of sexual assault and one count of attempted sexual assault involving patients and employees.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 29, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Houston physician**

On March 28, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, without notice, the Texas medical license of Leo M. Hayes, D.O. (Lic. No. K2486), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Hayes is prohibited from administering, distributing or prescribing Schedule II controlled substances in Texas.

The Board panel found that Dr. Hayes is prescribing at a high volume, a majority of which were Schedule II controlled substances, including opioids. Dr. Hayes is not registered as a pain management clinic as required.

A temporary restriction hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hayes, unless the hearing is specifically waived by Dr. Hayes.

The temporary restriction remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

April 5, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Dickinson MRT**

On April 4, 2019, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist license of Jose Eddie Cirilo, MRT (Lic. No. GMR00096566), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Cirilo was arrested on or about February 20, 2019, in Galveston County, for possession of child pornography, a third degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Cirilo, unless the hearing is specifically waived by Mr. Cirilo.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

April 17, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Edinburg respiratory care practitioner**

On April 15, 2019, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Margarito Flores, Jr., RCP (Lic. No. RCP00057237), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on February 27, 2019, Mr. Flores was arrested on three felony counts of sexual assault of a child and one felony count of prohibited sexual conduct.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Flores, unless the hearing is specifically waived by Mr. Flores.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

May 10, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Physician Assistant Board suspends Houston physician assistant**

On May 10, 2019, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Chaim Sigler, P.A. (Lic. No. PA06671), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found, based on the evidence, Mr. Sigler engaged in sexual contact with a patient during the course of a physical examination.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Sigler, unless the hearing is specifically waived by Mr. Sigler.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

May 20, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Physician Assistant Board suspends Fort Stockton physician assistant**

On May 17, 2019, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Alberto Saucedo, P.A. (Lic. No. PA08844), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on April 4, 2019, Mr. Saucedo was indicted by a Pecos County Grand Jury on one count of Aggravated Sexual Assault of a Child, following a physical examination of a child without the parent's consent.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Saucedo, unless the hearing is specifically waived by Mr. Saucedo.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 20, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Amarillo MRT**

On May 20, 2019, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist license of Raul Daniel Resendiz, MRT (Lic. No. GMR00102990), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Resendiz was arrested on or about April 23, 2019, in Randall County, for 10 counts of possession with intent to promote child pornography, all second degree felonies.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Resendiz, unless the hearing is specifically waived by Mr. Resendiz.

The temporary suspension remains in place until the Board takes further action.

**###**



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 23, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Garland physician (Mendez)**

On May 23, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Leovares Antonio Mendez, M.D. (Lic. No. K9127), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on May 8, 2019, a Temporary Restraining Order (TRO) was issued against Dr. Mendez by the U.S. District Court, Northern District, Dallas Division, Cause No. 3:19-CV-1055-8. The Court found that Dr. Mendez distributed or dispensed controlled substances by issuing purported prescriptions to law enforcement officers from May 2017, to March 2018; and that from May 2014, through March 2019, Dr. Mendez issued purported prescriptions for a variety of controlled substances in Schedules II, III, IV, and V, all or some portion of which were issued without a legitimate medical purpose and outside the usual course of professional practice.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Mendez, unless the hearing is specifically waived by Dr. Mendez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 23, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Garland physician (Pena-Rodriguez)**

On May 23, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Cesar B. Pena-Rodriguez, M.D. (Lic. No. L7105), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on May 8, 2019, a Temporary Restraining Order (TRO) was issued against Dr. Pena-Rodriguez by the U.S. District Court, Northern District, Dallas Division, Cause No. 3:19-CV-1055-8. The Court found that Dr. Pena-Rodriguez distributed or dispensed controlled substances by issuing purported prescriptions to law enforcement officers from May 2017, to March 2018; and that from May 2014, through March 2019, Dr. Pena-Rodriguez issued purported prescriptions for a variety of controlled substances in Schedules II, III, IV, and V, all or some portion of which were issued without a legitimate medical purpose and outside the usual course of professional practice.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Pena-Rodriguez, unless the hearing is specifically waived by Dr. Pena-Rodriguez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 5, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On June 5, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Gerald Patrick Gibson, M.D. (Lic. No. L6050), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Gibson was emergently referred to the Board after violating his Texas Physician Health Program (TXPHP) agreement, which required that he abstain from controlled substances. Based on the evidence, the panel found Dr. Gibson suffers from a mental or physical condition that impairs his ability to safely practice medicine.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Gibson, unless the hearing is specifically waived by Dr. Gibson.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 27, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 80 physicians at June meeting, adopts rule changes**

At its June 14, 2019 meeting, the Texas Medical Board disciplined 80 licensed physicians.

The disciplinary actions included: seventeen orders related to quality of care violations, eleven orders related to unprofessional conduct, three revocations, fourteen voluntary surrenders/revocations, one suspension, one termination of suspension, four orders related to nontherapeutic prescribing, one order related to improper prescribing, four orders related to peer review action, five orders related to improper supervision or delegation, five orders related to violation of prior Board order, four orders related to other states' actions, one order related to violation of Board rules, three orders related to inadequate medical records, six orders related to impairment, and one order regarding a medical physicist. The Board also ratified six agreed cease and desist orders.

The Board issued 361 physician licenses at the June meeting, bringing the total number of physician licenses issued in FY19 to 3,887.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 172. TEMPORARY AND LIMITED LICENSES**

##### **New Subchapter D, Disaster Emergency Rule §172.20 and §172.21.**

New Rule **§172.20**, relating to Physician Practice and Limited License for Disasters and Emergencies, provides two methods for an out of state physician to be approved to practice in the event of a disaster. One method is hospital-to-hospital credentialing, which will not require the physician to apply for and obtain a license. This method will allow qualified out of state physicians to come to Texas and practice medicine at a Texas licensed hospital at the request of that facility. The second method allows a qualified out of state physician to obtain a limited emergency license if the physician has been requested by a Texas sponsoring physician to assist in the disaster or emergency.

New Rule **§172.21**, relating to Other Health Care Providers Practice and Limited License for Disasters and Emergencies, provides a method for out of state licensees, permit holders, and certificate holders, other than physicians, who practice in healthcare areas subject to regulation by the Board, to obtain authority to practice in Texas during a disaster. These providers must practice under the supervision and delegation of a physician and the supervising physician must be licensed in Texas.

#### **CHAPTER 183. ACUPUNCTURE**

The amendments to **§183.20**, concerning Continuing Acupuncture Education, change CAE requirements so that hours from courses that relate to business practices and office administration will be optional rather than required. Further amendments reduce the number of required core hours in the topics of ethics and safety from four to two.

#### **CHAPTER 185. PHYSICIAN ASSISTANTS**

New Rule **§185.32**, concerning Training and Registration Requirements for Physician Assistants Performing Radiologic Procedures, concerns a physician assistant's performance of medical radiologic technology procedures ordered by a delegating and supervising physician. The rule is based upon Section 601.254 of the Texas Occupations Code, which requires the Physician Assistant Board to set forth rules related to training requirements for physician assistants performing such procedures.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Backardjiev, George, M.D., Lic. No. N4270, Elmhurst, IL**

On June 14, 2019, the Board and George Backardjiev, M.D., entered into an Agreed Order on Formal Filing prohibiting Dr. Backardjiev from practicing medicine in the state of Texas until he requests in writing to resume practice and appears before the Board to provide evidence that adequately indicates that he is physically, mentally, and otherwise competent to safely practice medicine; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Backardjiev violated the standard of care with regard to the care and treatment of six obstetric patients and their newborns, specifically in the use of forceps-assisted delivery. Dr. Backardjiev's hospital privileges were summarily suspended based on peer review findings and he later tendered his resignation in lieu of further disciplinary proceedings. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **Battle, Robert McRee, M.D., Lic. No. D2355, Houston**

On June 14, 2019, the Board and Robert McRee Battle, M.D., entered into an Agreed Order on Formal Filing requiring publicly reprimanding Dr. Battle and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping. The Board found Dr. Battle violated the standard of care during the treatment of one patient and failed to maintain adequate medical records for the provision of complementary and alternative medicine during the treatment of one patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **Castaneda, Jose Luis, M.D., Lic. No. F3818, Brownsville**

On June 14, 2019, the Board and Jose Luis Castaneda, M.D., entered into an Agreed Order publicly reprimanding Dr. Castaneda and requiring him be monitored by an onsite Board-approved physician proctor; have his patient charts reviewed for 12 consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of in-person CME, divided as follows: eight hours each in pediatrics, electronic medical records and medical billing and coding; and within 60 days begin paying an administrative penalty of \$3,000 in \$500 per month payments. The Board found Dr. Castaneda violated the standard of care with regard to nine pediatric patients and one special needs adult. Specifically, he rendered diagnoses and provided treatments that were not medically indicated and were often not complementary, failed to follow adequate protocols for many well-child visits for multiple patients, and failed to maintain adequate medical and billing records.

#### **Chowdhury, Tajul I.M. Shams, M.D., Lic. No. G6486, Edinburg**

On June 14, 2019, the Board and Tajul I.M. Shams Chowdhury, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in drug seeking behavior and eight hours in risk management. The Board found Dr. Chowdhury violated the standard of care with regard to several patients to whom he recurrently prescribed large amounts of controlled substances and improperly billed multiple patients for services that were not supported by patient medical records or other documentation.

#### **Deshmukh, Avi Trimbak, M.D., Lic. No. H1067, Weatherford**

On June 14, 2019, the Board and Avi Trimbak Deshmukh, M.D., entered into an Agreed Order requiring him within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; during the pendency of the assessment, Dr. Deshmukh must undergo proctoring by a Board-approved proctor on any and all patients suspected to involve prostate cancer; and within one year complete at least eight hours of CME, divided as follows: four hours in prostate cancer diagnosis and four hours in prostate cancer

management. The Board found Dr. Deshmukh failed to meet the standard of care by failing to adequately assess a patient's prostate cancer.

**Fairweather, Lisa Diane, D.O., Lic. No. L6256, Colleyville**

On June 14, 2019, the Board and Lisa Diane Fairweather, D.O., entered into an Agreed Order publicly reprimanding Dr. Fairweather and requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 14 hours of CME, divided as follows: eight hours in risk management, four hours in drug interactions and two hours in treatment of the impaired patient. The Board found Dr. Fairweather prescribed Lunesta and Ambien to one patient who was noncompliant with alcohol use disorder and prescribed Ritalin and Adderall to another patient who had a high risk for noncompliance and medication misuse that was consuming alcohol. Dr. Fairweather failed to create and maintain adequate and legible medical records.

**Jayaseelan, Nirmal Samuel, M.D., Lic. No. K8233, Dallas**

On June 14, 2019, the Board and Nirmal Samuel Jayaseelan, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least eight hours of CME in revision bariatric surgery; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Jayaseelan failed to do a timely work-up that may have caused a delay in diagnosis for a post-operative complication and failed to maintain adequate medical records for six patients for which he performed either a gastric bypass surgery, revision to a gastric sleeve procedure, and/or cecostomy closure.

**Kidd, Avian Deshiver, M.D., Lic. No. M1829, Dallas**

On June 14, 2019, the Board and Avian Deshiver Kidd, M.D., entered into an Agreed Order requiring him to within one year complete the prescribing course and the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have his practice monitored by another physician for 20 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in chronic pain treatment and eight hours in supervision of midlevels; and within 60 days pay an administrative penalty of \$12,000. The Board found Dr. Kidd's medical records do not adequately reflect his prescription rationale, nor do they adequately document the care and treatment provided to the patients and did not keep protocols for his nurse delegates.

**Long, John K., M.D., Lic. No. E4487, Houston**

On June 14, 2019, the Board and John K. Long, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 44 hours of in-person CME, divided as follows: eight hours in medical recordkeeping, eight hours in post-operative surgical care, eight hours in medical ethics, eight hours in risk management and 12 hours in supervision and/or delegation. The Board found Dr. Long failed to meet the standard of care when he failed to do appropriate post-operative surgical care for a patient, failed to appropriately delegate to an office administrator to medically evaluate the patient on two occasions, and did not properly bill one drainage procedure.

**Mankins, Mark L., M.D., Lic. No. H0599, Olney**

On June 14, 2019, the Board and Mark L. Mankins, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in patient drug-seeking. The Board found Dr. Mankins failed to meet the standard of care with respect to a chronic pain patient who returned from rehab. Dr. Mankins should have modified his treatment or referred the patient based upon information that the patient had been through detox.

**McDaniel, Renny, M.D., Lic. No. Q4631, Cuero**

On June 14, 2019, the Board and Renny McDaniel, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in patient communication and eight hours

in risk management. The Board found Dr. McDaniel violated the standard of care with respect to three patients and had his hospital privileges suspended pending an investigation into the cases.

**McGonagle, Martin Eugene, M.D., Lic. No. G6563, Brownwood**

On June 14, 2019, the Board and Martin Eugene McGonagle, M.D., entered into an Agreed Order publicly reprimanding Dr. McGonagle and restricting his practice under the following terms: restricted from practicing plastic and cosmetic surgery, may perform non-surgical cosmetic procedures; and within 90 days pay an administrative penalty of \$5,000. The Board found Dr. McGonagle failed to meet the standard of care for a patient by failing to follow up on complications and provide treatment following a breast augmentation procedure.

**Robinson, Karl, M.D., Lic. No. F7588, Houston**

On June 14, 2019, the Board and Karl Robinson, M.D., entered into an Agreed Order requiring him to within 30 days present a Disclosure Form to the Executive Director of the Board for review and provide the form to every patient currently undergoing, or who will undergo, any Complementary and Alternative Medicine testing and treatment by Dr. Robinson and shall include the written disclosures as required by Board Rule 200.3(2); and within one year complete at least eight hours of CME in medical recordkeeping. The Board found Dr. Robinson did not perform a blood test to effectively diagnose the condition of aluminum poisoning for which he was treating a pediatric patient, and did not adequately document the care and treatment provided to two pediatric patients. Dr. Robinson confirmed that he did not have a disclosure form or informed consent form that patients sign as required by Chapter 200 of Board rules for treatment with complementary and alternative medicine.

**Sij, Mark William, D.O., Lic. No. K9421, Kaufman**

On June 14, 2019, the Board and Mark William Sij, D.O., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management, four hours in sleep disorders, four hours in treatment of chronic pain and four hours in pharmacology. The Board found Dr. Sij failed to comply with Board's pain management standards and regulations, failed to use proper diligence by referring the patient to a sub-specialist to address the patient's underlying medical conditions and failed to maintain adequate medical records for the patient.

**Sloman-Moll, Erik R., M.D., Lic. No. K6333, Laredo**

On June 14, 2019, the Board and Erik R. Sloman-Moll, M.D., entered into an Agreed Order requiring that his practice be monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME in complex pediatric surgical cases; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Sloman-Moll failed to meet the standard of care for a 10-month-old patient that was diagnosed with a thyroglossal duct cyst. During and after surgery, Dr. Sloman-Moll failed to recognize and adequately repair a laryngeal and cricoid cartilage injury that had occurred during surgery.

**Suarez, Claudia Emma, M.D., Lic. No. L8521, El Paso**

On June 14, 2019, the Board and Claudia Emma Suarez, M.D., entered into an Agreed Order on Formal Filing requiring her to within one year complete at least 16 hours of CME, divided as follows: eight hours high risk pregnancies and eight hours in in risk management; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Suarez failed to adequately communicate with nursing staff regarding the medical condition of one patient and her unborn infant. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Ver Halen, Jon Peter, M.D., Lic. No. N1940, Colleyville**

On June 14, 2019, the Board and Jon Peter Ver Halen, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Ver Halen, suspending his license; however, the suspension is stayed after 90 days and he is placed on probation under the following terms: shall have a chaperone present anytime Dr. Ver Halen performs a physical examination on a female patient; within seven days modify his DEA Controlled Substances Registration Certificate to eliminate Schedules II and III controlled substances; limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Board; shall not register with the Board to provide office-based anesthesia; shall not treat or otherwise serve as a physician for his immediate family or those with whom he has a close personal relationship and shall not prescribe, dispense, administer or authorize controlled substances or

dangerous drugs with addictive potential to himself, immediate family or those with whom he has a close, personal relationship; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the PACE program; within one year complete the PROBE Ethics and Boundaries Program offered by CPEP; and within 60 days pay an administrative penalty of \$10,000. The Board found Dr. Ver Halen performed a liposuction procedure on a patient at an improperly equipped medical/dental office without appropriate office-based anesthesia services, prescribed weight-loss medications to eleven patients without performing proper examinations and monitoring the patients, and prescribed controlled substances and performed surgical procedures without maintaining adequate medical records. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **UNPROFESSIONAL CONDUCT**

##### **Armani, Abraham, M.D., L3561, Dallas**

On June 14, 2019, the Board and Abraham Armani, M.D., entered into an Agreed Order publicly reprimanding Dr. Armani and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Armani executed an Agreed Final Judgement and Permanent Injunction agreeing to exclusion from the Medicaid program and payment of more than \$22 million dollars as a settlement in connection with Medicaid fraud charges.

##### **Avila, Rafael Antonio, M.D., Lic. No. K5785, Mission**

On June 14, 2019, the Board and Rafael Antonio Avila, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Avila and requiring him to have a chaperone present anytime he performs a physical examination on a female patient; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in ethics. The Board found a patient made a police report alleging inappropriate sexual contact. Dr. Avila denies the allegations made and maintains there was a chaperone in the room during the exam but does not recall the name of the chaperone. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Green, Richard Neal, M.D., Lic. No. D8242, Corsicana**

On June 14, 2019, the Board and Richard Neal Green, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in physician-patient boundaries; and requiring him to have a chaperone present anytime he performs a physical examination on a female patient. The Board found Dr. Green performed a breast examination while sitting behind the patient without a chaperone in the room and failed to document a visual inspection of the patient's breasts per the standard of care.

##### **Jenks, Michael Jeffrey, M.D., Lic. No. L1083, Dallas**

On June 14, 2019, the Board and Michael Jeffrey Jenks, M.D., entered into an Agreed Order publicly reprimanding Dr. Jenks and requiring him to within 30 days comply with the Board rule related to practice closure and notification of patients; comply with all terms of the Order of Deferred Adjudication entered in November 2017; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in ethics. The Board found Dr. Jenks engaged in unprofessional conduct when he failed to properly notify his patients of his practice closure or provide a means by which patients could obtain their medical records. Additionally, Dr. Jenks is on probation through November 30, 2019, for two misdemeanor charges – domestic violence and evading arrest. No adjudication of guilt has been entered and all other charges dismissed.

##### **Jones, Wayne Charles, M.D., Lic. No. D6049, Richardson**

On June 14, 2019, the Board and Wayne Charles Jones, M.D., entered into an Agreed Order restricting his practice under the following terms: shall not care, treat, or prescribe to any female patients; within 60 days undergo a competency evaluation to determine whether he is physically, mentally, or otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, medical records and reports of psychological and neuropsychiatric evaluations; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence



Exam. The Board found Dr. Jones inappropriately touched a patient while making inappropriate comments during an office visit and without having a chaperone present.

**Perez, Danielo, M.D., Lic. No. N5939, Austin**

On June 14, 2019, the Board and Danielo Perez, M.D., entered into an Agreed Order publicly reprimanding Dr. Perez and requiring him to within 30 days obtain an independent medical evaluation by a Board-approved treating psychiatrist and follow all recommendations made for care and treatment; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Perez pleaded guilty to a reduced charge of attempt to commit invasive visual recording and received deferred adjudication.

**Saigusa, Makoto, M.D., Lic. No. K0551, Tyler**

On June 14, 2019, the Board and Makoto Saigusa, M.D., entered into an Agreed Order requiring him to have his billing practice monitored for eight consecutive monitoring cycles; within one year complete at least eight hours of CME in billing and medical recordkeeping; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Saigusa failed to refund a patient's overpaid medical bills or turn over the unclaimed overpayments to the Comptroller's office within three years of the date of service.

**Sankar, Aravind, M.D., Lic. No. L0564, Austin**

On June 14, 2019, the Board and Aravind Sankar, M.D., entered into an Agreed Order publicly reprimanding Dr. Sankar and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Sankar's clinical privileges and medical staff membership were relinquished due to arrest charges related to assaults against previous girlfriends. Dr. Sankar did not disclose his arrests in past license renewals. On September 21, 2018, Dr. Sankar pleaded guilty to a 2014 aggravated assault by strangulation/suffocation felony charges, and was granted deferred adjudication with six years of probation.

**Singleton, David Lynn, M.D., Lic. No. J4522, Humble**

On June 14, 2019, the Board and David Lynn Singleton, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics, four hours in risk management and four hours in billing and medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Singleton failed to meet the standard of care in his treatment of a chronic pain patient and was complicit in the fraudulent insurance activities of a diagnostic imaging center.

**Terres, Jayson John, M.D., Lic. No. M4965, Tyler**

On June 14, 2019, the Board and Jayson John Terres, M.D., entered into an Agreed Order requiring him to have his billing practice monitored for eight consecutive monitoring cycles; within one year complete at least eight hours of CME in billing and medical recordkeeping; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Terres failed to refund a patient's overpaid medical bills or turn over the unclaimed overpayments to the Comptroller's office within three years of the date of service.

**White, Stephen Vincent, M.D., Lic. No. D7711, Spring**

On June 14, 2019, the Board and Stephen Vincent White, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. White and prohibiting him from performing all non-surgical medical cosmetic procedures for five years; within one year and three attempts pass the Medical Jurisprudence Exam; within 60 days complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in ethics; shall not be permitted to supervise or delegate prescriptive or any authority to a physician assistant, advanced practice nurse, or supervise a surgical assistant or a medical assistant for all non-surgical medical cosmetic procedures for five years. The Board found Dr. White aided and abetted the unlicensed practice of medicine. Specifically, he helped an individual obtain non-FDA approved Botox and Juvederm from Canada, as well as providing his medical license for use by a spa. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **REVOCACTION**

### **Craig, Gazelle, D.O., Lic. No. Q2757, Houston**

On June 14, 2019, the Board entered a Final Order regarding Gazelle Craig, D.O., revoking her Texas medical license. The Board found Dr. Craig, who was under suspension, was convicted on four felony counts related to unlawful distribution of controlled substances and was sentenced to federal prison. The action was based on the findings of an Administrative Law Judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at SOAH. Dr. Craig has 25 days from the service of the order to file a motion for rehearing.

### **Echols, Daalon Braundre, M.D., Lic. No. M4049, Manvel**

On June 14, 2019, the Board entered a Final Order regarding Daalon Braundre Echols, M.D., revoking his Texas medical license. The Board found Dr. Echols failed to meet the standard of care in regards to his treatment of a patient with whom he also initiated an inappropriate sexual relationship, including his failure to address possible indications of the patient's narcotic overuse. Additionally, Dr. Echols was disciplined by United Regional Healthcare System of Wichita Falls based on unprofessional conduct or professional incompetence that was likely to harm the public. The action was based on the findings of an Administrative Law Judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at SOAH. Dr. Echols has 25 days from the service of the order to file a motion for rehearing.

### **Ozumba, Donald Okechukwu, M.D., Lic. No. M1994, McKinney**

On June 14, 2019, the Board entered a Final Order regarding Donald Okechukwu Ozumba, M.D., revoking his Texas medical license. The Board found Dr. Ozumba, who was under suspension, was convicted of first-degree felony offense of aggravated assault of an elderly/disabled person and sentenced to ten years' confinement. The action was based on the findings of an Administrative Law Judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at SOAH. Dr. Ozumba has 25 days from the service of the order to file a motion for rehearing.

## **VOLUNTARY SURRENDER/REVOCACTION**

### **Barnhardt, Mark Alan, D.O., Lic. No. L2127, Fort Sam Houston**

On June 14, 2019, the Board and Mark Alan Barnhardt, D.O., entered into an Agreed Order of Revocation in which Dr. Barnhardt voluntarily agreed to the revocation of his Texas medical license. Dr. Barnhardt was arrested for, and pled guilty to, one felony count of indecency with a child.

### **Biddix, Jerry Wayne, M.D., Lic. No. E3855, Abilene**

On June 14, 2019, the Board and Jerry Wayne Biddix, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Biddix agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Biddix was under investigation for allegations related to violating his 2018 Order.

### **Chavda, Deepak K., M.D., Lic. No. J5282, North Richland Hills**

On June 14, 2019, the Board and Deepak V. Chavda, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Chavda entered into an Agreed Order of Voluntary Surrender in which Dr. Chavda agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Chavda is under investigation based on a federal indictment.

### **Davenport, Dewitt, M.D., Lic. No. F9348, Edinburg**

On June 14, 2019, the Board and Dewitt Davenport, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Davenport agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Davenport indicated his desire to surrender his medical license rather than continuing to serve under his 2011 Order.

### **Grusd, Ronald Selwyn, M.D., Lic. No. F1040, Los Angeles, CA**

On June 14, 2019, the Board and Ronald Selwyn Grusd, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Grusd agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Grusd is currently incarcerated in federal prison in Lompoc, California following his conviction by a jury of 39 charges related to health care fraud.

**Klott, Carlo Lee, M.D., Lic. No. H1294, Groesbeck**

On June 14, 2019, the Board and Carlo Lee Klott, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Klott agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Klott pled guilty to knowingly and intentionally distributing Hydrocodone to a person who was not a patient.

**Meidell, Robert S., M.D., Lic. No. G6217, Fort Worth**

On June 14, 2019, the Board and Robert S. Meidell, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Meidell agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Meidell was under investigation following his failure to comply with the terms of his agreement with the Texas Physician Health Program.

**Merck, Daniel Michael, M.D., Lic. No. R5777, San Antonio**

On June 14, 2019, the Board and Daniel Michael Merck, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Merck agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Merck was under investigation following his indictment for Conspiracy to Unlawfully Distribute and Dispense Controlled Substances.

**Rambo, Catherine Ann, M.D., Lic. No. H3507, Pottsboro**

On June 14, 2019, the Board and Catherine Anne Rambo, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Rambo agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Rambo self-reported to the Board that she has a medical/physical condition that precludes her from practicing medicine at this time.

**Saquer, Rezik A., M.D., Lic. No. K2282, Houston**

On June 14, 2019, the Board and Rezik A. Saquer, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Saquer agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Saquer was under investigation for allegations of failing to properly treat multiple pain patients.

**Thigpen, Brad Dewayne, D.O., Lic. No. K5716, Abilene**

On June 14, 2019, the Board and Brad Dewayne Thigpen, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Thigpen agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Thigpen reports having a medical condition that prevents him from practicing at this time.

**Vermillion, David L., M.D., Lic. No. L9588, Lubbock**

On June 14, 2019, the Board and David L. Vermillion, M.D., entered into an Agreed Order Revocation in which Dr. Vermillion agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Vermillion had previously had his license suspended due to arrests for violating a protective order and failing multiple drug tests.

**Williams, Reginald Antonio, M.D., Lic. No. N1224, El Paso**

On June 14, 2019, the Board and Reginald Antonio Williams, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Williams agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Williams is serving a 36-month prison term following his guilty plea related to distribution of controlled substances.

**Wilson, Eileen, D.O., Lic. No. Q9090, Longview**

On June 14, 2019, the Board and Eileen Wilson, D.O., entered into an Agreed Voluntary Surrender Order in which Dr. Wilson agreed to voluntarily surrender her Texas medical license in lieu of further proceedings. Dr. Wilson acknowledged suffering from an illness which currently precludes her ability to practice medicine with reasonable skill and safety to patients.

**SUSPENSION**

**Salinas, Antonio, M.D., Lic. No. G8394, Laredo**

On June 14, 2019, the Board and Antonio Salinas, M.D., entered into an Agreed Order of Suspension, suspending Dr. Salinas' Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, the complete and final resolution of any and all criminal charges and investigations that are pending, and any additional charges that may be brought related to his criminal case. If Dr. Salinas is incarcerated following a felony conviction, he agrees to surrender his license. The Board found Dr. Salinas has been indicted on 36 counts of possession of child pornography, all third degree felonies.

**TERMINATION OF SUSPENSION**

**Rodrigues, Stephen Sebastian, M.D., Lic. No. K3434, Dallas**

On June 14, 2019, the Board and Stephen Sebastian Rodrigues, M.D., entered into a Modified Agreed Order, modifying his June 2018 Order. The modification lifts his temporary suspension and requires him to within 30 days obtain a Board-approved treating psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Rodrigues was required by his 2018 order to undergo an independent medical evaluation, which concluded that he was not impaired due to a mental or physical condition.

**NONTHERAPEUTIC PRESCRIBING**

**Kugler, Carlos David, M.D., Lic. No. M9431, Houston**

On June 14, 2019, the Board and Carlos David Kugler, M.D., entered into an Agreed Order on Formal Filing requiring him to within 14 days modify his DEA Controlled Substances Registration Certificate to eliminate Schedule II controlled substances; within one year complete the medical recordkeeping and prescribing courses offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Kugler nontherapeutically prescribed controlled substances to four patients, failed to maintain adequate medical records with regard to the care provided, and failed to produce billing records for the treatment provided to the patients. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Mendez, Leovares Antonio, M.D., Lic. No. K9127, Garland**

On June 14, 2019, the Board and Leovares Antonio Mendez, M.D., entered into an Agreed Order, lifting Dr. Mendez' suspension and requiring him to within seven days surrender his DEA Controlled Substances Registration and not reregister without prior Board approval; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME in medical recordkeeping; comply with all terms of his court-ordered Temporary Restraining Order and/or subsequent Temporary Injunction Order; and within 120 days pay an administrative penalty of \$3,000. The Board found Dr. Mendez violated the standard of care by prescribing controlled substances to one patient without appropriate documentation of the physical exam, and a Federal Temporary Restraining Order was entered against Dr. Mendez for issuing prescriptions for a variety of controlled substances without a legitimate medical purpose.

**Singleton, Wright Wiley, M.D., Lic. No. J0266, Hurst**

On June 14, 2019, the Board and Wright Wiley Singleton, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least eight hours of CME, divided as follows: four hours in addiction recognition and four hours in opioid use or prescribing; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Singleton failed to meet the standard of care in his treatment of three patients by failing to document his medical rationale for issuing multiple prescriptions and failing to adequately monitor them for abuse or diversion.

**Stoufflet, Paul Eric, M.D., Lic. No. H8440, Austin**

On June 14, 2019, the Board and Paul Eric Stoufflet, M.D., entered into an Agreed Order publicly reprimanding him and placing him under the following terms: shall not treat or otherwise serve as a physician for his immediate family, and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential for himself or immediate family; within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations for care and treatment; have his practice monitored by another physician for 12 monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in amphetamines prescribing in patients with co-morbidities; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Stoufflet nontherapeutically prescribed controlled substances to 13 patients without proper evaluation and monitoring, violated the terms of his prior Orders, prescribed to an individual with whom he had a close personal relationship for a period beyond immediate need; used alcohol in an intemperate manner and had several alcohol-related arrests.

**IMPROPER PRESCRIBING****Rios, Charles Michael, M.D., Lic. No. F5723, Grapevine**

On June 14, 2019, the Board and Charles Michael Rios, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management and four hours in ethics; shall not treat or otherwise serve as a physician for his immediate family and shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs with addictive potential to himself or immediate family; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Rios improperly prescribed to a family member without relying on medical records or medical history and did not ensure adult supervision or control over compliance with the usage of the medication prescribed.

**PEER REVIEW ACTION****Adonis, Michel John, M.D., Lic. No. Q8195, Fort Worth**

On June 14, 2019, the Board and Michel John Adonis, M.D., entered into an Agreed Order publicly reprimanding Dr. Adonis and requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least four hours of CME in ethics. The Board found Dr. Adonis violated hospital policy and his employment was terminated for a non-sexual boundary violation with a patient's mother.

**Davis, Nora, M.D., Lic. No. J4071, Rusk**

On June 14, 2019, the Board and Nora Davis, M.D., entered into an Agreed Order publicly reprimanding Dr. Davis and requiring her to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 12 hours of in-person CME, divided as follows: eight hours in medical records and four hours in ethics; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Davis failed to maintain adequate medical records and was disciplined by her peers for improperly completing process notes and billing records for nine patients.

**Farrell, Robert William, M.D., Lic. No. G2697, Webster**

On June 14, 2019, the Board and Robert William Farrell, M.D., entered into an Agreed Order requiring him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; shall not practice medicine in Texas until such a time as he appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, successful completion of the KSTAR Fitness for Duty evaluation and that he has implemented any remedial measures; and shall not supervise or delegate prescriptive authority to a physician assistant

or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Farrell was suspended by Clear Lake Regional Medical Center for concerns relating to his cognitive and/or physical condition.

**Lairmore, Terry C., M.D., Lic. No. M1193, Belton**

On June 14, 2019, the Board and Terry C. Lairmore, M.D., entered into an Agreed Order under the following terms: the suspension entered on January 3, 2019, remains in full force and effect; Dr. Lairmore may appear before the Board no sooner than August 14, 2019 to request his suspension be lifted; and if he appears before the Board to request lifting his suspension he must present clear evidence that he is safe to practice medicine under any terms and conditions to be determined at the ISC. The Board found Dr. Lairmore was terminated by a health care entity following his refusal to provide a sample for drug testing for suspected impairment.

**IMPROPER SUPERVISION OR DELEGATION**

**Brown, George Erwin, Jr., M.D., Lic. No. L8288, Deer Park**

On June 14, 2019, the Board and George Erwin Brown, Jr., M.D., entered into an Agreed Order restricting his license under the following terms through August 13, 2019: shall not supervise or delegate prescriptive authority to midlevel practitioners outside his current practice setting at Occucare International; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: 12 hours in supervising and delegating prescriptive authority to midlevel practitioners and eight hours in risk management. The Board found Dr. Brown failed to adequately supervise two advanced nurse practitioners during the year and a half that he acted as their supervising physician, including having no written agreement to establish the scope of their delegated practice and prescribing authorities. Dr. Brown failed to select medical charts to be reviewed instead relying on their choosing of the charts to be reviewed.

**Fulp, Ray R. Trey, III, D.O., Lic. No. J7963, McAllen**

On June 14, 2019, the Board and Ray R. Trey Fulp, III, D.O., entered into a Mediated Agreed Order requiring him to complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 12 hours of CME, divided as follows: four hours in risk management, four hours in wound treatment and four hours in delegation. The Board found Dr. Fulp failed to properly supervise his physician assistant's documentation of post-operative wound care and failed to maintain adequate medical records. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Pinkston, Marianne Johnna, M.D., Lic. No. K9871, San Antonio**

On June 14, 2019, the Board and Marianne Johnna Pinkston, M.D., entered into an Agreed Order requiring her to within 60 days provide all prescriptive authority agreements, standing protocols and standing medical orders for all physician assistants, advanced practice nurses and other midlevels practicing under her supervision; within one year and three attempts pass the Medical Jurisprudence Exam; and within six months complete at least four hours of in-person CME in risk management. The Board found Dr. Pinkston failed to adequately supervise midlevels and failed to maintain adequate records related to their supervision.

**Rush, William Nevins, M.D, Lic. No. E3155, Houston**

On June 14, 2019, the Board and William Nevins Rush, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in informed consent. The Board found Dr. Rush inadequately supervised an advanced practice registered nurse who failed to obtain proper informed consent for injections given to a patient and failed to have written protocols and guidelines for a patient.

**Tijmes, Jorge E., M.D., Lic. No. E3784, McAllen**

On June 14, 2019, the Board and Jorge E. Tijmes, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: 12 hours in supervision and delegation of midlevel practitioners and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$4,000. The Board found

Dr. Tijmes inappropriately delegated post-operative care to a physician assistant and failed to maintain adequate medical records with regards to two patients.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Escobedo, Michael Scott, D.O., Lic. No. K0463, Austin**

On June 14, 2019, the Board and Michael Scott Escobedo, M.D., entered into an Agreed Order prohibiting him from performing plastic or cosmetic surgery in Texas until such a time as he requests in writing to resume the practice of plastic or cosmetic surgery and appears before the Board to provide evidence that he may resume the practice. Evidence shall include at a minimum: completed Texas A&M Health Science Center Rural and Community Health Institute (KSTAR) assessment in cosmetic surgery and the results of the assessment. The Board found Dr. Escobedo violated his 2017 Order by failing to schedule a KSTAR assessment.

##### **Fath, Steven Wade, M.D., Lic. No. K8144, Dallas**

On June 14, 2019, the Board and Steven Wade Fath, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Fath violated his 2017 Order by failing to cooperate with Board staff.

##### **Jakubowski, Robert Gerard, M.D., Lic. No. G9479, San Antonio**

On June 14, 2019, the Board and Robert Gerard Jakubowski, M.D., entered into a Modified Agreed Order, modifying his August 2014 Order. The modification requires him to within one year complete at least eight hours of in-person CME in prescribing controlled substances; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Jakubowski violated the terms of his 2018 Order by prescribing controlled substances to four patients. All other terms of the order remain in full effect. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Kim, Cheor Jung, M.D., Lic. No. E2650, Houston**

On June 14, 2019, the Board and Cheor Jung Kim, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Kim violated his 2018 Order which restricted him from prescribing certain medications.

##### **Michaels, Brooks, M.D., Lic. No. Q5228, Pflugerville**

On June 14, 2019, the Board and Brooks Michaels, M.D., entered into an Agreed Order publicly reprimanding Dr. Michaels and requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Michaels, who is under an order prohibiting him from practicing medicine in Texas, violated his 2018 Order by ordering an MRI for a patient who resides in Texas.

#### **OTHER STATE'S ACTIONS**

##### **Bhoot, Nilesh Harilal, M.D., Lic. No. M9862, Montrose, CA**

On June 14, 2019, the Board and Nilesh Harilal Bhoot, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management. The Board found Dr. Bhoot was disciplined by the Medical Board of California which arose from his failure to review a patient's medical record in her presence.

##### **Elder, Lana A., M.D., Lic. No. Q3668, Stuart, FL**

On June 14, 2019, the Board and Lana A. Elder, M.D., entered into an Agreed Order requiring her to comply with all terms of the Consent Order entered by the Michigan Board of Medicine on March 12, 2018. The Board found Dr. Elder was disciplined by the Michigan Board of Medicine related to her DEA number being used fraudulently after working at a pain management clinic.

##### **Fatteh, Parvez M., M.D., Lic. No. M0069, Houston**

On June 14, 2019, the Board and Parvez M. Fatteh, M.D., entered into an Agreed Order publicly reprimanding Dr. Fatteh and prohibiting him from directly or indirectly billing and/or providing any medical services that will ultimately be billed to and/or be reimbursed by a Workers' Compensation Insurance Carrier in California until such a time as he completes

his probation in California. The Board found Dr. Fatteh's California license was restricted based on his misdemeanor conviction for receiving rebates in exchange for patient referrals.

**Lewis, Moshe Miller, M.D., Lic. No. AM00065, San Ramon, CA**

On June 14, 2019, the Board and Moshe Miller Lewis, M.D., entered into an Agreed Order requiring him to comply with all terms of the California Medical Board's order. The Board found Dr. Lewis was disciplined by the Medical Board of California for negligent prescribing and inadequate medical recordkeeping for three patients.

**VIOLATION OF BOARD RULES**

**Cantu-Willman, Raul Sergio, M.D., Lic. No. E2997, Laredo**

On June 14, 2019, the Board and Raul Sergio Cantu-Willman, M.D., entered into an Agreed Order on Formal Filing under the following terms: if Dr. Cantu-Willman returns to the practice of cosmetic surgery, or performs any procedures requiring the use of office-based anesthesia, he shall be subject to eight consecutive monitoring cycles; at least 30 days prior to returning to such practice, notify the Board in writing of intent to return to such practice; within one year complete at least 16 hours of CME, divided as follows eight hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Cantu-Willman failed to maintain adequate medical records and failed to meet the requirements for the provision of office-based anesthesia. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**INADEQUATE MEDICAL RECORDS**

**Bunker, Stephen Raymond, M.D., Lic. No. G0961, Round Rock**

On June 14, 2019, the Board and Stephen Raymond Bunker, M.D., entered into an Agreed Order on Formal Filing requiring him to within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Bunker failed to maintain an adequate medical record for one patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Fults, Kenneth, D.O., Lic. No. D5384, Tyler**

On June 14, 2019, the Board and Kenneth Fults, D.O., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in medical recordkeeping and four hours in risk management. The Board found Dr. Fults failed to maintain adequate medical records for two patients.

**Wolski, Edward Frank, M.D., Lic. No. F7964, Denton**

On June 14, 2019, the Board and Edward Frank Wolski, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least eight hours of in-person CME in medical recordkeeping. The Board found Dr. Wolski failed to maintain adequate medical records during the treatment of a patient in 2010. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**IMPAIRMENT**

**Curtis, Jacqueline Geneva, M.D., Lic. No. Q8040, Dallas**

On June 14, 2019, the Board and Jacqueline Geneva Curtis, M.D., entered into an Agreed Order under the following terms: shall not practice in Texas until she requests in writing to resume practice and appears before the Board to provide evidence that adequately indicates that she is physically, mentally, and otherwise competent to safely practice medicine, which at a minimum must include results of an independent medical evaluation; within 30 days undergo an independent medical evaluation by a board certified psychiatrist and follow all recommendations for care and treatment; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Curtis while completing her orientation and training as a locum tenens contract physician, was found by colleagues to be unfit for duty, was terminated, and transported to an emergency room.



**Gossett, Carl W., M.D., Lic. No. G3403, Fort Worth**

On June 14, 2019, the Board and Carl W. Gossett, M.D., entered into an Agreed Order under the following terms for a period of five years: abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; and within 30 days obtain a Board-approved physician and follow all recommendations for care and treatment. The Board found Dr. Gossett's independent medical evaluation recommended Board monitoring and drug testing based on his history of nontherapeutic prescribing and disciplinary history.

**Ibarra, Aurelio, M.D., Lic. No. N4489, Dallas**

On June 14, 2019, the Board and Aurelio Ibarra, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program (TXPHP). The Board found Dr. Ibarra has been suspected of impairment due to alcohol abuse. Specifically, on November 4, 2018, Dallas Area Rapid Transit responded to a call regarding an intoxicated person on a DART platform. Officers found Dr. Ibarra unable to stand on his own and reported he had been drinking all day. Dr. Ibarra has self-referred to TXPHP but has not yet undergone an initial evaluation or completed testing.

**Quinones, Armando, M.D., Lic. No. L3790, San Antonio**

On June 14, 2019, the Board and Armando Quinones, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program. The Board found Dr. Quinones was suspended after being impaired at work and was subsequently terminated.

**Rodriguez-Salinas, Filiberto, M.D., Lic. No. G4201, McAllen**

On June 14, 2019, the Board and Filiberto Rodriguez-Salinas, M.D., entered into an Agreed Order requiring him to within 180 days undergo an independent medical evaluation by a Board certified neurologist and follow all recommendations for care and treatment; and within 60 days schedule a physician competency assessment with the Texas A&M Health Science Center Rural and Community Health Institute (KSTAR) program. The Board found Dr. Rodriguez-Salinas experiences tremors while performing surgery, improperly delegated surgical responsibilities to unqualified technicians, and has failed to follow up with medical advice for the treatment of his condition, which poses a potential danger to patients.

**Turner, Kelly James, M.D., Lic. No. L4152, El Paso**

On June 14, 2019, the Board and Kelly James Turner, M.D., entered into an Agreed Order suspending his license; however, the suspension is stayed and Dr. Turner is placed on probation under the following terms for 10 years: limit his practice to administrative medicine and shall have no patient contact, prescribe, or supervise or delegate prescriptive authority; abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; within 30 days obtain a Board-approved treating psychiatrist and receive treatment no less than two times each month; participate in the activities of Alcoholics Anonymous no less than three times a week; and participate in the activities of a county or state medical society committee on physician health and rehabilitation, including weekly meetings. The Board found Dr. Turner had multiple intoxication-related arrests in 2018.

**MEDICAL PHYSICIST**

**Donovan, Lawrence, M.P., Lic. No. FMP00000323, Arlington**

On June 14, 2019, the Board and Lawrence Donovan, M.P., entered into an Agreed Order publicly reprimanding Mr. Donovan and requiring him to within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations for care and treatment. The Board found Mr. Donovan was arrested and pled no contest to assault of a child. Mr. Donovan did not disclose the felony conviction in a timely manner to the Department of State Health Services or to the Board when he renewed his license.

**CEASE AND DESIST**

**Alanis, Christina, No License, San Antonio**

On June 14, 2019, the Board and Christina Alanis entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Board and prohibiting her from performing

nonsurgical medical cosmetic procedures without a physician, or midlevel practitioner with delegated authority from a physician, first evaluating and diagnosing the patient, and onsite during the procedure or available for emergency consultation in the event of an adverse outcome. The Board found Ms. Alanis engaged in the unlicensed practice of medicine by performing nonsurgical cosmetic procedures without proper physician or midlevel oversight.

**Bedford, Carla, No License, Plano**

On June 14, 2019, the Board and Carla Bedford entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Board. The Board found Ms. Bedford, who is the owner and operator of Med Spa Solutions, advertised nonsurgical cosmetic procedures that can only be performed by Texas-licensed physicians or their delegates since the procedures involve the injection of medication or substances for cosmetic purposes and/or the use of prescription medical devices for cosmetic purposes.

**Cuan, Luis Alberto, M.A., No License, Houston**

On June 14, 2019, the Board and Luis Alberto Cuan, M.A., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Board and prohibiting him from acting as, holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Cuan, who is registered as a medical assistant, registered an assumed name certificate with Harris County for an entity named Clinica Hispana Wallisville which initially identified Mr. Cuan as the sole owner. Mr. Cuan later was advertising health care-related services for the clinic. A patient who presented at the clinic complaining of severe cold symptoms was seen by Mr. Cuan and received an antibiotic injection. The patient later presented to St. Luke's Emergency Department when their condition did not improve.

**Dang, Minh, No License, Joshua**

On June 14, 2019, the Board and Minh Dang entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Board and prohibiting him from acting as, holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Dang was practicing medicine without a license.

**Hart, Patrick W., O.M.D., A.C., No License, Dallas**

On June 14, 2019, the Board and Patrick W. Hart, O.M.D., A.C., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Board and prohibiting him from acting as, holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Hart, who holds a doctorate in Oriental medicine and is licensed to practice acupuncture in the state of West Virginia, had an office in Dallas, Texas, and his website and other promotional materials advertised him as "Dr. Skip" without designating that his is a doctor of oriental medicine. Mr. Hart has since relocated his office to West Virginia effective October 23, 2018.

**Hernandez, Mark Andrew, L.Ac., No License, Dallas**

On June 14, 2019, the Board and Mark Andrew Hernandez, L.Ac., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Board. Mr. Hernandez shall cease advertising himself as "Doctor," or "Dr." unless he identifies the healing art, acupuncture, that he is licensed to practice. The Board found Mr. Hernandez, who holds an active acupuncture license, normally identifies himself as "Dr. Mark Hernandez, L.Ac.AP.FI.Tx." and posts his education and certifications as a "Doctor of Oriental Medicine, (A.P.L.Ac.Tx.FI)." However, Mr. Hernandez advertised online in an ad stating "Dr. Mark is specialized in pain management, arthritis, depression, stress, women's issues from fertility to menopause relief." The advertisement did not identify or designate the authority under which his title was used or the college or honorary degree that gave rise to the use of the title, leading to possible confusion regarding Mr. Hernandez' credentials and qualifications to treat the ailments listed.

*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 2, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Physician Assistant Board suspends Harlingen physician assistant**

On July 2, 2019, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Steve Allen Pichler, P.A. (Lic. No. PA01321), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or around June 27, 2019, Mr. Pichler was arrested for possession of child pornography and promotion of child pornography, both third degree felony offenses.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Pichler, unless the hearing is specifically waived by Mr. Pichler.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 24, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Odessa physician**

On July 23, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Paul H. Coleman, M.D. (Lic. No. H5757), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about June 10, 2019, Dr. Coleman was arrested for possession and promotion of lewd visual material depicting children, possession of a controlled substance, and possession of marijuana over four ounces and under five pounds in a drug free zone, all felonies.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Coleman, unless the hearing is specifically waived by Dr. Coleman.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 24, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Cibolo MRT**

On July 23, 2019, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist license of Michael Joseph Gonzalez, MRT (Lic. No. GMR00025420), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on June 22, 2019, an Order of Deferred Adjudication was entered regarding Mr. Gonzalez following his entering a guilty plea to the offense of invasive visual recording. Mr. Gonzalez was placed on community supervision for a term of five years, required to follow conditions placed on sex offenders, including required treatment, but was not required to register as a sex offender. Mr. Gonzalez is also prohibited from having any contact with or going to any location where there are children under age 17.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Gonzalez, unless the hearing is specifically waived by Mr. Gonzalez.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 25, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Lumberton physician**

On July 24, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Kerry Lane Evans, M.D. (Lic. No. K5922), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about June 28, 2019, Dr. Evans was indicted and reportedly booked into Tyler County Jail on charges including continuous sexual abuse of a child.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Evans, unless the hearing is specifically waived by Dr. Evans.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

August 2, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends San Antonio physician**

On August 1, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Suresh Venkayya Dutta, M.D. (Lic. No. L1024), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Dutta refused to comply with the terms of his Texas Physician Health Program agreement and failed to sign an interim testing agreement with the Board despite his history of alcohol abuse.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Dutta, unless the hearing is specifically waived by Dr. Dutta.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 19, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On August 19, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jay Lin, M.D. (Lic. No. N5809), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on July 31, 2019, Dr. Lin was arrested in Montgomery County, Texas for Online Solicitation of a Minor, a second degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Lin, unless the hearing is specifically waived by Dr. Lin.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 26, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Grapevine physician**

On August 23, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Alok Pratap Kushwaha, M.D. (Lic. No. K1232), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Kushwaha is prohibited from engaging in the treatment of any chronic pain as defined by Board rule; shall immediately surrender DEA Controlled Substances Registration Certificates and shall not reregister without prior Board authorization; and shall not be permitted to supervise or delegate prescriptive authority to physician assistants or advanced practice nurses.

The Board panel found that Dr. Kushwaha improperly operated a pain clinic and has engaged in a pattern of nontherapeutic prescribing, failing to meet the standard of care for multiple patients being treated for chronic pain, and Dr. Kushwaha failed to adequately supervise his delegates or supervisees.

The temporary restriction remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

August 27, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 44 physicians at August meeting, adopts rule changes**

At its August 16, 2019 meeting, the Texas Medical Board disciplined 44 licensed physicians.

The disciplinary actions included: nine orders related to quality of care violations, nine orders related to unprofessional conduct, five voluntary surrenders/revocations, two suspensions, three restrictions, three orders related to nontherapeutic prescribing, three orders related to peer review action, four orders related to other states' actions, one order related to violation of Board rules, three orders related to inadequate medical records, one order related to a Texas Physician Health Program violation, and one order related to impairment. The Board also ratified four agreed cease and desist orders.

The Board issued 257 physician licenses at the August meeting, bringing the total number of physician licenses issued in FY19 to 4,726. The last date of licensing for the fiscal year is August 30, 2019.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 165. MEDICAL RECORDS**

The amendments to **§165.5**, relating to Transfer and Disposal of Medical Records, update and modernize the notice requirements when a physician leaves from or relocates a practice. The rule as amended allows for use of electronic communications for notice to patients. The rule also provides exceptions from notice provisions for certain types of medical practices, including locum tenens and hospital-based practitioners.

#### **CHAPTER 193. STANDING DELEGATION ORDERS**

The repeal of **§193.8**, relating to Prescriptive Authority Agreements: Minimum Requirements, is being repealed in its entirety. The repeal eliminates duplicative language already required under §157.0512, Occupations Code.

The amendments to **§193.17**, relating to Nonsurgical Medical Cosmetic Procedures, requires providing notice to patients of the identity and license number of the physician supervisor at a facility providing nonsurgical cosmetic procedures. It also requires posting notice of how and where to file a complaint against a physician or physician assistant involved at one of these facilities.

#### **CHAPTER 185. PHYSICIAN ASSISTANTS**

The amendments to **§185.4**, relating to Procedural Rules for Licensure Applicants, repeal language under subsection (a) requiring that an applicant pass the jurisprudence examination within three attempts. The changes are made to align the rules with recent rule amendments repealing jurisprudence exam attempt limits for individuals applying for a medical license, made pursuant to Senate Bill 674 (85th Legislature, Regular Session).

The amendment to **§185.6**, relating to Biennial Renewal of License, repeals language requiring physician assistants to inform the board of address changes within two weeks of the effective date of the address change. The language proposed for repeal conflicts with another rule found under §185.27 requiring physician assistants to report any address change to the board within 30 days after the change occurs.

The amendment to **§185.28**, relating to Retired License, repeals language requiring retired physician assistants who wish to return to active status to provide professional evaluations from each employment held before his or her license was placed on a retired status.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Alo, Kenneth Mark, M.D., Lic. No. H7865, Houston**

On August 16, 2019, the Board and Kenneth Mark Alo, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; have his billing practices monitored for eight consecutive monitoring cycles; and within one year complete at least 28 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in informed consent, eight hours in spinal surgery, four hours in ethics and eight hours in proper billing methods. The Board found Dr. Alo violated the standard of care with respect to performing a surgery when there was no indication for the procedure and the amount billed did not reflect the actual procedures performed.

#### **De La Chapa, Jorge Adrian, D.O., Lic. No. K9252, Corpus Christi**

On August 16, 2019, the Board and Jorge Adrian De La Chapa, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of in-person CME in retinal disease, which must include discussion of retinal detachment. The Board found Dr. De La Chapa violated the standard of care when he failed to diagnose a retinal detachment, instead diagnosing the patient with glaucoma. Dr. De La Chapa failed to document that he performed a scleral depression that would meet the standard of care and might have shown the detached retina.

#### **Hall, Theodore Ray, M.D., Lic. No. G4592, Huntsville**

On August 16, 2019, the Board and Theodore Ray Hall, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; within 30 days undergo an independent medical evaluation by an approved board certified psychiatrist and follow all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence exam; and within one year complete at least 16 hours of CME, divided as follows: four hours in risk management, four hours in ethics and eight hours in managing complex patients. The Board found Dr. Hall failed to adequately meet the standard of care for 11 of 17 institutionalized patients reviewed and failed to cooperate with requests and respond to Board subpoenas seeking medical records and requests for information. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **Mech, Arnold Walter, M.D., Lic. No. G9499, Frisco**

On August 16, 2019, the Board and Arnold Walter Mech, M.D., entered into an Agreed Order publicly reprimanding Dr. Mech and requiring him to within 25 business days provide copies of all patients' medical records to the respective patients included in investigations that arose as a result of his change of practice address in accordance with Board rules; within one year complete the practice management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 12 hours in ethics and 12 hours in risk management; and within one year pay an administrative penalty of \$3,000. The Board found Dr. Mech failed to timely update his address with the Board and ensure notice of relocation to patients which affected continuity of care for some, failed to timely respond to Board request for information and timely respond to subpoenas for medical records for multiple Board investigations. Additionally, Dr. Mech failed to timely provide a patient with a copy of their electroencephalogram report in violation of the standard of care.

#### **Merritt, Dorothy Francoeur, M.D., Lic. No. G9878, Dickinson**

On August 16, 2019, the Board and Dorothy Francoeur Merritt, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping and eight hours in treatment of endocrine disorders; and

within 90 days pay an administrative penalty of \$1,000. The Board found Dr. Merritt treated a patient for thyroid problems absent objective evidence that the patient needed such treatment. Treatment with thyroid medication was improperly continued even after the patient showed no positive response to the treatment. Dr. Merritt ordered thermography to evaluate the patient's risk for developing breast cancer and failed to clearly document that she also verbally recommended a mammogram, although the report did state in writing that thermography did not replace the need for a mammogram.

**Naik, Sunil Shanker, M.D., Lic. No. K3803, Houston**

On August 16, 2019, the Board and Sunil Shanker Naik, M.D., entered into an Agreed Order on Formal Filing requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in drug-seeking behavior and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Naik prescribed narcotics without, in some cases, adhering to the established monitoring guidelines and Board rules for the treatment of chronic pain. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Pinkston, Marianna Johnna, M.D., Lic. No. K9871, San Antonio**

On August 16, 2019, the Board and Marianne Johnna Pinkston, M.D., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within six months complete at least eight hours of in-person CME in medical recordkeeping; and within 90 days pay an administrative penalty of \$10,000. The Board found Dr. Pinkston breached the standard of care and failed to maintain adequate medical records for two patients. For one patient she erroneously and nontherapeutically prescribed contraindicated medications to a high risk diabetic patient causing foreseeable complications, and failed to properly treat another patient's hypothyroidism.

**Quiroz, Carlos Arturo, D.O., Lic. No. K3632, San Antonio**

On August 16, 2019, the Board and Carlos Arturo Quiroz, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; shall not treat or otherwise serve as a physician for his immediate family or friends and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to himself, immediate family or friends; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 32 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in prescribing, eight hours in attention deficit disorder and eight hours in patient-physician boundaries; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Quiroz violated the standard of care in relation to six patients, some of which were family and friends he prescribed controlled substances to and could not provide adequate medical records for some of those he treated. Dr. Quiroz also admitted to being in a personal relationship with one of the patients reviewed and prescribing to that patient after the relationship ended.

**Reyes, Jose Ramon, Jr., M.D., Lic. No. J9299, Pasadena**

On August 16, 2019, the Board and Jose Ramon Reyes, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 26 hours of in-person CME, divided as follows: twelve hours in pain management, eight hours in medical recordkeeping and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Reyes failed to develop and implement patient-specific treatment plans for multiple chronic pain patients, and failed to document proper patient monitoring and justification for his prescribing practices.

## **UNPROFESSIONAL CONDUCT**

### **Ettinger, Mark, M.D., Lic. No. N8184, Dallas**

On August 16, 2019, the Board and Mark Ettinger, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program (TXPHP) for future monitoring and evaluation; and requiring him to comply with all terms of the July 2018 TXPHP agreement for the duration of the agreement, including but not limited to, complying with the worksite monitor agreement. The Board found Dr. Ettinger improperly diverted a controlled substance, Tramadol, for his own personal use.

### **Gilmore, John Franklin, III, M.D., Lic. No. K0474, Houston**

On August 16, 2019, the Board and John Franklin Gilmore, III, M.D., entered into an Agreed Order requiring him to within 30 days create an informed consent form that shall be used to obtain patient consent for video recordings and any subsequent publication of those recordings in any format and submit to the Board for review and approval; within one year complete at least 12 hours of CME, divided as follows: four hours in HIPAA, four hours in informed consent and four hours in limitations on physician advertising. The Board found Dr. Gilmore failed to get informed consent from patients that he video recorded and posted to YouTube, although he asked for verbal consent, this is not adequate. Dr. Gilmore obtained no written or electronic consents, which is required by Texas HIPAA law.

### **Jones, Wayne Charles, M.D., Lic. No. D6049, Richardson**

On August 16, 2019, the Board and Wayne Charles Jones, M.D., entered into an Agreed Order restricting his practice under the following terms: shall not perform any injection or physical examination on female patients; have a chaperone available to observe anytime he conducts an in-person visit with a female patient; within 60 days undergo a competency evaluation to determine whether he is physically, mentally, or otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, medical records and reports of psychological and neuropsychiatric evaluations; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Jones inappropriately touched a patient while making inappropriate comments during an office visit and without having a chaperone present. This order replaces the June 14, 2019, order which was vacated due to incorrect terms.

### **Klein, Michael Philip, M.D., Lic. No. H7022, Cuero**

On August 16, 2019, the Board and Michael Philip Klein, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation by an approved board certified psychiatrist and follow any recommendations for care and treatment. The Board found Dr. Klein engaged in a sexual relationship with a patient during which time he was treating the patient and prescribing controlled substances.

### **Kumar, Rajeshwar, M.D., Lic. No. K4474, Allen**

On August 16, 2019, the Board and Rajeshwar Kumar, M.D., entered into an Agreed Order requiring him to comply with all terms of the Order of Deferred Adjudication entered in March 2017; and within a year complete at least eight hours of CME, divided as follows: four hours in professionalism and four hours in ethics. The Board found Dr. Kumar in January 2017, pled no contest to a Class C misdemeanor charge of assault family violence, and in March 2017, pled guilty to a felony charge of aggravated assault with a deadly weapon.

### **Lynch, Robert Kevin, D.O., Lic. No. K3317, Odessa**

On August 16, 2019, the Board and Robert Kevin Lynch, D.O., entered into an Agreed Order on Formal Filing requiring him to within 30 days undergo an independent medical evaluation by an approved board certified psychiatrist and follow all recommendations for care and treatment; within one year complete at least eight hours of in-person CME in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Lynch was arrested, charged and pled guilty to two felony counts of Cruelty to Non-Livestock Animals – Killing/Poisoning. Dr. Lynch has fulfilled terms of his probation, including restitution to the family for veterinarian bills. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Nikko, Anthony Phan, M.D., Lic. No. K5639, Houston**

On August 16, 2019, the Board and Anthony Phan Nikko, M.D., entered into an Agreed Order requiring him to within 30 days update/correct his website advertising regarding board certification and cosmetic surgery and provide the Board with documentation showing his website has been corrected; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Nikko's website stated that he was a "Board Certified Cosmetic Surgeon," although he is not board certified in this specialty.

**Skie, Gregory, M.D., Lic. No. G5617, Arlington**

On August 16, 2019, the Board and Gregory Skie, M.D., entered into an Agreed Order publicly reprimanding Dr. Skie and requiring him to within one year complete at least eight hours of in-person CME, divided as follows: four hours in ethics and four hours in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Skie engaged in unprofessional conduct when he failed to respond to Board staff's request for information related to an investigation.

**Thompson, Katherine Hegmann, M.D., Lic. No. K1699, Houston**

On August 16, 2019, the Board and Katherine Hegmann Thompson, M.D., entered into an Agreed Order publicly reprimanding Dr. Thompson and requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days obtain an independent medical evaluation by an approved board certified psychiatrist and follow all recommendations made for care and treatment; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Thompson was nonresponsive to Board staff and the Board panel, failed to appreciate the significance of her inaction with regard to responsiveness to the Board, and demonstrated an apparent lack of understanding of the situation and an inability to clearly respond to questions from the panel.

**VOLUNTARY SURRENDER/REVOCAION**

**Barker, Wade Neal, M.D., Lic. No. J1859, Mesquite**

On August 16, 2019, the Board and Wade Neal Barker, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Barker agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Barker is awaiting sentencing following his entry of a guilty plea to two federal felony counts related to health care fraud.

**Crouse, Edward J. Nuila, M.D., Lic. No. G4367, Houston**

On August 16, 2019, the Board and Edward J. Nuila Crouse, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Crouse agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Crouse is currently incarcerated at FCI Beaumont Low following his sentencing for pleading guilty to one felony count of tax evasion.

**Davis, Randy, D.O., Lic. No. N2053, Arlington**

On August 16, 2019, the Board and Randy Davis, D.O., entered into an Agreed Order of Voluntary Revocation in which Dr. Davis agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Davis indicated his desire to voluntarily surrender his license rather than continuing to serve under his 2018 Order.

**Do, Anh My, M.D., Lic. No. F5893, Houston**

On August 16, 2019, the Board and Ahn My Do, M.D., entered an Agreed Order of Voluntary Revocation in which Dr. Do agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Do entered a guilty plea to one count of conspiracy to commit healthcare fraud and was sentenced to 36 months in prison and ordered to pay restitution.

**Sheikh, Shafeeq T., M.D., Lic. No. P6270, Houston**

On August 16, 2019, the Board and Shafeeq T. Sheikh, M.D., entered into an Agreed Order of Voluntary Revocation on Formal Filing in which Dr. Sheikh agreed to the revocation of his Texas medical license in lieu of further disciplinary

proceedings. The Board found Dr. Sheikh was convicted of second degree felony sexual assault of a female patient by a jury in Harris County, Texas, and has been required to register as a sex offender and is under probation with the Texas Department of Criminal Justice for 10 years. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **SUSPENSION**

### **Howell, Kristina Michele, M.D., Lic. No. J0005, Denton**

On August 16, 2019, the Board and Kristina Michele Howell, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Howell's medical license until such a time as she requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Howell was admitted previously for psychiatric treatment and has granted a family member Statutory Durable Power of Attorney. Dr. Howell's prescription pad was obtained by a former patient who used it to fraudulently write a prescription, and as a result, Dr. Howell's Durable Power of Attorney permanently surrendered Dr. Powell's DEA registration on March 20, 2019.

### **Villarreal, J.A., Lic. No. H3292, Corpus Christi**

On August 16, 2019, the Board and J.A. Villarreal, M.D., entered into an Agreed Order suspending Dr. Villarreal's Texas medical license until such a time as his criminal proceeding in any court, and any other criminal proceedings filed during the pendency of this order, are resolved. Dr. Villarreal's license had previously been temporarily suspended following his arrest and indictment for felony sexual assault charges.

## **RESTRICTION**

### **Hallett, Robert Victor, M.D., Lic. No. L9581, Lufkin**

On August 16, 2019, the Board and Robert Victor Hallett, M.D., entered into an Agreed Order, lifting his temporary restriction and placing him under the following terms: shall not engage in the practice of Interventional Cardiology; limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than two times a week; and within 30 days obtain pre-approved board certified treating practitioners, including a psychiatrist, psychologist, and neurologist and follow any recommendations made for care and treatment. The Board found Dr. Hallett suffers from an impairment that affects his ability to practice medicine with reasonable skill and safety to patients.

### **Kim, Cheor Jung, M.D., Lic. No. E2650, Houston**

On August 16, 2019, the Board and Cheor Jung Kim, M.D., entered into an Agreed Order restricting Dr. Kim's medical license under the following terms: shall not prescribe, administer, or possess any Schedule II or III medications to any patient, nor any benzodiazepine, nor Soma to any patient until further order of the Board; and within one year complete the prescribing and medical recordkeeping courses offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Kim violated the standard of care in his treatment of 13 patients for chronic pain, failed to follow the minimum requirements in Board rules for treating chronic pain, and failed to maintain adequate medical records for multiple patients. This order supersedes the Order of Temporary Restriction entered on July 13, 2018.

### **Parde, Andrea KZ, M.D., Lic. No. Q4485, Lincoln, NE**

On August 16, 2019, the Board and Andrea KZ Parde, M.D., entered into an Agreed Order, lifting the suspension of Dr. Parde's license and placing her under the following terms: shall not practice medicine in Texas until such a time as she appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, evidence that she is in compliance with all terms of any action and monitoring program issued by the Nebraska Department of Health and Human Services, and a plan for return to practice, including any requirements imposed by potential employers and Dr. Parde's plans to comply with and cooperate with those requirements; and shall not be permitted to supervise or delegate prescriptive authority to a



physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Parde has engaged in substance abuse of controlled substances and alcohol and action was taken against her Nebraska medical license as a result of a violation based on her use of controlled substances without a prescription.

#### **NONTHERAPEUTIC PRESCRIBING**

##### **Colbert, Christle Denise, M.D., Lic. No. P1533, Beaumont**

On August 16, 2019, the Board and Christle Denise Colbert, M.D., entered into an Agreed Order on Formal Filing under the following terms: limit her medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance; within seven days surrender her DEA controlled substances registration and not reregister without prior approval; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in medical recordkeeping and eight hours in ethics. The Board found Dr. Colbert violated the standard of care in the treatment of multiple chronic pain patients and failed to maintain adequate medical records. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Escalante, Dante Penson, M.D., Lic. No. J3789, San Antonio**

On August 16, 2019, the Board and Dante Penson Escalante, M.D., entered into an Agreed Order restricting his license under the following terms for a period of five years: shall not treat patients for chronic pain, except for hospice or palliative care patients; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in treatment of drug-seeking patients; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant, except for delegating to midlevels for treatment of chronic pain in hospice or palliative care. The Board found Dr. Escalante failed to meet the applicable standard of care by nontherapeutically prescribing controlled substances to twelve chronic pain patients.

##### **Pena-Rodriguez, Cesar B., M.D., Lic. No. L7105, Garland**

On August 16, 2019, the Board and Cesar B. Pena-Rodriguez, M.D., entered into an Agreed Order, lifting the suspension of Dr. Pena-Rodriguez' license and placing him under the following terms: within seven days surrender his DEA Controlled Substances Registration Certificate and not reregister without prior Board approval; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME in medical recordkeeping; comply with all terms of his court-ordered Temporary Restraining Order and/or subsequent Temporary Injunction Order; and within 120 days pay an administrative penalty of \$3,000. The Board found Dr. Pena-Rodriguez violated the standard of care by prescribing controlled substances to patients without appropriate documentation, and a Federal Temporary Restraining Order was entered against Dr. Pena-Rodriguez for issuing prescriptions for a variety of controlled substances without a legitimate medical purpose.

#### **PEER REVIEW ACTION**

##### **Ezekiel, Adaiah Abumeze, M.D., Lic. No. L3418, Houston**

On August 16, 2019, the Board and Adaiah Abumeze Ezekiel, M.D., entered into an Agreed Order requiring him to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management; and within one year complete at least 20 hours of CME, divided as follows: eight hours (in-person) in risk management, four hours (in-person) in medical recordkeeping and four hours in ethics. The Board found Dr. Ezekiel was subject to a performance improvement plan by her peers for professional conduct and failed to comply with the plan, resulting in the suspension of her privileges for 14 days.

##### **Hinds, Frank Christopher, M.D., Lic. No. M4158, Port Lavaca**

On August 16, 2019, the Board and Frank Christopher Hinds, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Hinds was the

subject of peer review action. Dr. Hinds failed to maintain adequate medical records for five patients and breached the standard of care with regard to two patients.

**Ramamurthy, Hariharan, M.D., Lic. No. K8821, Big Spring**

On August 16, 2019, the Board and Hariharan Ramamurthy, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Ramamurthy and requiring him to within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Ramamurthy engaged in unprofessional conduct with a patient and was subject to peer review action wherein his privileges were ultimately terminated. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**OTHER STATES' ACTIONS**

**Brown, Stanley Kent, M.D., Lic. No. G3934, Scottsdale, AZ**

On August 16, 2019, the Board and Stanley Kent Brown, M.D., entered into an Agreed Order requiring him to complete and comply with all terms of the Order of Reprimand entered by the Arizona Medical Board (AMB) on or about February 5, 2019, and shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses. The Board found Dr. Brown was issued an Order related to his failure to conform to acceptable standards of medical practice by the ABM.

**Lee, Luke Poyee, M.D., Lic. No. J0986, Baton Rouge, LA**

On August 16, 2019, the Board and Luke Poyee Lee, M.D., entered into an Agreed Order publicly reprimanding him and requiring him to within 120 days pay an administrative penalty of \$3,000. The Board found Dr. Lee was reprimanded and fined by the Louisiana State Board of Medical Examiners through a Consent Order which arose from his unprofessional conduct.

**Martinez, Manuel Jose, M.D., Lic. No. G8729, Bayamon, Puerto Rico**

On August 16, 2019, the Board and Manuel Jose Martinez, M.D., entered into an Agreed Order prohibiting Dr. Martinez from practicing medicine in Texas until such a time as he appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Martinez's Florida medical license was suspended in January 2019 because it was determined his medical conditions preclude him from safely practicing.

**Zeh, Kim Marie, M.D., Lic. No. H0023, Stamford, CT**

On August 16, 2019, the Board and Kim Marie Zeh, M.D., entered into an Agreed Order under the following terms: shall not practice medicine in Texas until such a time as she appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, evidence that she has self-reported to the Texas Physician Health Program, has been evaluated and is in compliance with a monitoring agreement, if any; and shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses. The Board found Dr. Zeh was reprimanded by the Connecticut Medical Examining Board through a Consent Order effective August 21, 2018 due to impairment issues.

**VIOLATION OF BOARD RULES**

**Broder, Lawrence, M.D., Lic. No. L2154, Cedar Park**

On August 16, 2019, the Board and Lawrence Broder, M.D., entered into a Mediated Agreed Order under the following terms: shall ensure that all patients receive a pre-operative clearance prior to receiving any procedure requiring any form of sedation that is performed by himself or anyone acting under his delegation. The clearance shall be performed by an outside, independent physician and obtained in writing and included in the patient's chart. Additionally, Dr. Broder shall within one year and three attempts, pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: six hours in medical recordkeeping, six hours in treating pre-operative preparation and clearance, six hours in informed consent, and six hours in supervision and delegation; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Broder failed to obtain informed consent from a patient prior to

the patient being sedated for another procedure, and failed to maintain adequate medical records for another patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **INADEQUATE MEDICAL RECORDS**

##### **Courtney, Stephen Paul, M.D., Lic. No. J1639, Plano**

On August 16, 2019, the Board and Stephen Paul Courtney, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least 16 hours of CME, divided as follows: 12 hours in diagnosis, treatment, and surgical approach to abnormalities of the spine, and four hours in prevention of known post-operative complications, including kyphosis; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Courtney's medical records do not include adequate information regarding his decision to decompress an area of the spine without stabilizing instrumentation in a patient's follow-up spinal surgery. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Frazier, Meriwether Lewis, M.D., Lic. No. J9037, Plano**

On August 16, 2019, the Board and Meriwether Lewis Frazier, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in risk management with a focus on the treatment of chronic pain. The Board found Dr. Frazier's documentation for his care of 15 patients is sparse and does not contain enough information to support the prescriptions and treatments he offered to those patients.

##### **Syed, Ghyasuddin, M.D., Lic. No. L3493, Baytown**

On August 16, 2019, the Board and Ghyasuddin Syed, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; shall consult the Prescription Monitoring Program website on each patient encounter prior to prescribing any opioid medication; and within one year complete at least eight hours of CME in medical recordkeeping. The Board found that although Dr. Syed was diligent about checking patient prescription monitoring reports and performing pill counts, he failed to document these activities in office notes, instead relying at least in part on hospital software to produce the reports.

#### **TXPHP VIOLATION**

##### **Carlock, Anna Rogers, M.D., Lic. No. N0677, Dallas**

On August 16, 2019, the Board and Anna Rogers Carlock, M.D., entered into an Agreed Order publicly referring her to the Texas Physician Health Program (TXPHP). The Board found that on November 14, 2018, Dr. Carlock was terminated from TXPHP for non-compliance; however, Dr. Carlock completed a KSTAR Fitness for Duty Evaluation that stated she is performing at a level that is consistent with a safe and independent practice and she has been proactive in her recovery.

#### **IMPAIRMENT**

##### **Synek, Thomas Robert, M.D., Lic. No. N6054, Spring**

On August 16, 2019, the Board and Thomas Robert Synek, M.D., entered into an Agreed Order requiring him to within 30 days submit to an evaluation by the Texas Physician Health Program and comply with any and all recommendations; and fully comply with all terms imposed by his pre-trial diversion program. The Board found Dr. Synek suddenly left his practice to enter inpatient treatment following an arrest for possession of a controlled substance. Dr. Synek accepted a pre-trial diversion program to settle the charge and is in the program until April 2020.

#### **CEASE AND DESIST**

##### **Hernandez, Ritter Von Ali, No License, Houston**

On August 16, 2019, the Board and Ritter Von Ali Hernandez entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr.

Hernandez owned and operated Novopelle Med Spa, which provided medical services that included Botox injections to at least one patient.

**Posey, Michaele, D.C., No License, Abilene**

On August 16, 2019, the Board and Michaele Pose, D.C., entered into an Agreed Cease and Desist Order prohibiting Ms. Posey from practicing medicine in the state of Texas unless licensed to do so. Ms. Posey shall not hold herself out as a physician or medical doctor in the state of Texas, and shall not use any letters, words, or terms affixed on stationary, media, websites, including social media, or in any other manner, to indicate that she is entitled to practice medicine when she is not licensed to do so. The Board found Ms. Posey, who is a Texas-licensed chiropractor, through her practice's website, held herself out as a "Board Certified Functional Neurologist," and further described herself as "the only Board Certified Functional Neurologist in the Big Country and 1 of only 500 doctors worldwide to hold this elite title." Ms. Posey also previously appeared in several television segments on KTAB, a network affiliate in the Abilene area, providing information regarding various conditions, including depression and anxiety, and how she treats those conditions.

**Romero, Jorge Braulio, No License, Houston**

On August 16, 2019, the Board and Jorge Braulio Romero entered into an Agreed Cease and Desist Order requiring him to immediately cease with the practice of medicine. Mr. Romero will not hold himself out as a physician or doctor in the state of Texas, and will not use any letters, words, or terms affixed on stationary, media, websites, including social media, or in any other manner, to indicate that he is entitled to practice medicine. The Board found that on or before June 14, 2018, Mr. Romero held himself out as a physician, using the title "Dr." without specifying the authority under which he uses it, while working at Clinica Naturista – Health Clinic Wellness Center at 2855 Mangum Road, Houston, Texas.

**Whitaker, Jhon, No License, Plano**

On August 16, 2019, the Board and Jhon Whitaker entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found that Ms. Whitaker's website, and other promotional materials, state that she treats a variety of chronic pain conditions and neurological conditions with hypnosis and cold laser treatments, and refers to herself as "Dr. Jhon" on her website and social media without stating that she is not a licensed Texas physician.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 28, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends El Paso MRT**

On August 27, 2019, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Reymundo Nevarez, MRT (Lic. No. GMR00014572), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Nevarez is out of compliance with his 2017 Order due to a positive alcohol screen, and has stopped his testing as required by the Order.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Nevarez, unless the hearing is specifically waived by Mr. Nevarez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 5, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Liberty physician**

On September 4, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Richard Todd Husby, M.D. (Lic. No. J4862), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on July 12, 2019, Dr. Husby's clinical privileges were summarily suspended after he tested positive for alcohol. Dr. Husby had appeared at work, CHI St. Luke's Patients Medical Center, exhibiting signs of being impaired.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Husby, unless the hearing is specifically waived by Dr. Husby.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

September 10, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Pearland respiratory care practitioner**

On September 10, 2019, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Sean Michael Kriss, RCP (Lic. No. RCP00078166), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on August 27, 2019, Mr. Kriss was arrested and charged with indecency with a child sexual contact and possession with intent to promote child pornography, both second degree felonies.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Kriss, unless the hearing is specifically waived by Mr. Kriss.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 12, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Tyler physician**

On September 10, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of David R. Shafer, M.D. (Lic. No. F1993), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Shafer had been diverting Schedule II controlled substance prescriptions he wrote in his wife's name for his own personal use, and obtaining prescriptions from practice partners. Dr. Shafer is currently enrolled in an inpatient rehabilitation program in Louisiana, where evaluations from that facility indicate Dr. Shafer is not currently fit to practice.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Shafer, unless the hearing is specifically waived by Dr. Shafer.

The temporary suspension remains in place until the Board takes further action.

**###**



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 12, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Tyler physician**

On September 10, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, without notice, the Texas medical license of James Martin Stocks, M.D. (Lic. No. F4568), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Stocks is prohibited from possessing, distributing or prescribing controlled substances in Texas and shall not serve as a treating doctor or prescribe to himself, his family, his peers or others in which he has a close personal relationship.

The Board panel found that Dr. Stocks was arrested on or about August 12, 2019, for charges that include felony diversion of a Schedule II controlled substance. Evidence before the panel includes Dr. Stocks' admission that he treated a colleague for around 15 years, including prescribing him opioids on a monthly basis, without conducting regular examinations and without conducting appropriate monitoring of the patient's compliance with prescribed medications. As a result, the patient became addicted to opioid medications and is now in treatment for this addiction.

A temporary restriction hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Stocks, unless the hearing is specifically waived by Dr. Stocks.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 12, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Dallas physician**

On September 11, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Gerald Patrick Gibson, Jr., M.D. (Lic. No. L6050), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Gibson shall comply with all terms and conditions of the Interim Testing Agreement with the Board, until the requirement is superseded by further order of the Board; notify the Compliance Department of the Board of any drug screening violation within ten days; and shall not practice medicine in Texas unless and until his practice location is approved by the Executive Director of the Board, or until superseded by subsequent order of the Board. Prior to seeking this approval to resume practice, Dr. Gibson shall provide, along with his proposed practice location, a letter of recommendation from his treating addiction medicine specialist that he is safe to return to practice in the proposed location.

The Board panel found that Dr. Gibson, who was previously temporarily suspended after violating his Texas Physician Health Program (TXPHP) agreement, submitted evidence that he has completed inpatient and out-patient rehabilitation and is actively participating in ongoing recovery; however, Dr. Gibson is early in his recovery and has demonstrated only a short period of sobriety.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 13, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Houston physician**

On September 13, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Nema Ibrahim Uwaydah, M.D. (Lic. No. K8544), after determining her continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Uwaydah is prohibited from engaging in the treatment of any chronic pain as defined by Board rule; shall not prescribe controlled substances in Texas; shall not possess or distribute controlled substances in Texas unless prescribed to her or her dependent by an authorized provider for personal use for a diagnosed medical condition; and shall not be permitted to supervise or delegate prescriptive authority to physician assistants or advanced practice nurses.

The Board panel found that Dr. Uwaydah was employed as a physician at an unlicensed pain management clinic that was owned by an individual who is not a licensed physician and that Dr. Uwaydah was nontherapeutically prescribing large quantities of controlled substances to multiple patients in violation of the applicable standard of care as well as the Board's rules relating to the treatment of chronic pain and medical recordkeeping.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 23, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On September 20, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Bobby R. Hobbs, M.D. (Lic. No. F8511), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that in August 2019, Dr. Hobbs was indicted for conspiracy to unlawfully distribute and dispense controlled substances and maintaining a drug-involved premises. The indictment alleges Dr. Hobbs conspired with Dr. James Don Jackson, Jr., M.D., and others in operating multiple "pill mills" in Houston to unlawfully distribute and dispense controlled substances outside the usual course of professional practice and not for legitimate medical purpose.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hobbs, unless the hearing is specifically waived by Dr. Hobbs.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 23, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On September 20, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of James Don Jackson, Jr., M.D. (Lic. No. J3124), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that in August 2019, Dr. Jackson was indicted for conspiracy to unlawfully distribute and dispense controlled substances and maintaining a drug-involved premises. The indictment alleges Dr. Jackson conspired with Dr. Bobby R. Hobbs, M.D., and others in operating multiple “pill mills” in Houston to unlawfully distribute and dispense controlled substances outside the usual course of professional practice and not for legitimate medical purpose.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Jackson, unless the hearing is specifically waived by Dr. Jackson.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

October 2, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Buda MRT**

On October 1, 2019, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Christian Cesar Cantu, MRT (Lic. No. GMR00028491), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Cantu is out of compliance with his 2017 Order due to arrests and violating his probation, which was extended and required Mr. Cantu to enter into a residential treatment center and serve 10 days in Burnet County Jail.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Cantu, unless the hearing is specifically waived by Mr. Cantu.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 3, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Austin physician**

On October 2, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of David Tanksley Butler, M.D. (Lic. No. K4866), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that based on the evidence, Dr. Butler engaged in inappropriate sexual behavior with multiple patients and inappropriately prescribed controlled substances.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Butler, unless the hearing is specifically waived by Dr. Butler.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

October 16, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Frisco physician**

On October 10, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Uchenna Okechukwu Aduba, M.D. (Lic. No. R1333), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Aduba is unable to practice medicine with reasonable skill and safety to patients because of illness or a mental or physical condition.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Aduba, unless the hearing is specifically waived by Dr. Aduba.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 16, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On October 10, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Barbara Doyle Marino, M.D. (Lic. No. H7724), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on August 23, 2019, a sealed arrest warrant was issued for Dr. Marino's arrest in connection with conspiracy to unlawfully distribute and dispense controlled substances and aiding and abetting, in violation of federal laws.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Marino, unless the hearing is specifically waived by Dr. Marino.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 16, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On October 10, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jonathan Louis Rosenfield, M.D. (Lic. No. R5463), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about August 22, 2019, a sealed arrest warrant was issued for Dr. Rosenfield's arrest in connection with conspiracy to unlawfully distribute and dispense controlled substances, aiding and abetting, and maintaining a drug-involved premises, in violation of federal laws.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Rosenfield, unless the hearing is specifically waived by Dr. Rosenfield.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 16, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On October 10, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Stephen Allen Smith, M.D. (Lic. No. H9718), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Smith's prescribing for 15 patients were reviewed and it was determined that Dr. Smith was engaging in pill-mill-type activities which demonstrate he is a danger to the public.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Smith, unless the hearing is specifically waived by Dr. Smith.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 25, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Austin physician**

On October 25, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Vinay Kumar Parameswara, M.D. (Lic. No. Q1469), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Parameswara was indicted on charges of health care fraud and conspiracy to commit health care fraud related to his role in alleged referrals of TRICARE beneficiaries for medically unnecessary “cancer screening” genetic tests and toxicology tests.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Parameswara, unless the hearing is specifically waived by Dr. Parameswara.

The temporary suspension remains in place until the Board takes further action.

###

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 25, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Austin physician**

On October 25, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Sekhar Suryadevara Rao, M.D. (Lic. No. L1714), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Rao was indicted on charges of health care fraud and conspiracy to commit health care fraud related to his role in alleged referrals of TRICARE beneficiaries for medically unnecessary “cancer screening” genetic tests and toxicology tests.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Rao, unless the hearing is specifically waived by Dr. Rao.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

November 1, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 33 physicians at October meeting, adopts rule changes

At its October 18, 2019 meeting, the Texas Medical Board disciplined 33 licensed physicians.

The disciplinary actions included: three orders related to quality of care violations, five orders related to unprofessional conduct, four voluntary surrenders/revocations, one revocation, two suspensions, two orders related to nontherapeutic prescribing, one order related to improper prescribing, one order related to inadequate supervision or delegation, one order related to peer review action, six orders related to other states' actions, one order related to violation of prior order, one order related to violation of Board rules, four orders related to inadequate medical records, and one order related to impairment. The Board also ratified four cease and desist orders.

The Board issued 51 physician licenses at the October meeting, bringing the total number of physician licenses issued in FY20 to 483. The Board closed FY19 with a total of 4,869 physician licenses issued.

### RULE CHANGES ADOPTED

#### CHAPTER 160. MEDICAL PHYSICISTS

New Rule **§160.31** relating to Exemption from Licensure for Certain Military Spouses (Medical Physicists), allows qualified military spouses to practice medical physics without obtaining a medical physicist license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

#### CHAPTER 163. LICENSURE

New Rule **§163.3**, relating to Exemption from Licensure for Certain Military Spouses (Physicians), allows qualified military spouses to practice medicine without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

#### CHAPTER 165. MEDICAL RECORDS

The amendments to **§165.1**, relating to Medical Records, adds a requirement that physicians must retain forensic medical examination records of a sexual assault victim in accordance with Section 153.003 of the Texas Occupations Code and pursuant to the passage of HB531 (86th Regular Session) which amended Section 153.003 of the Texas Occupations Code.

#### CHAPTER 172. TEMPORARY AND LIMITED LICENSES

The amendments to **§172.21**, relating to Other Health Care Providers Practice and Limited License for Disasters and Emergencies, adds Advance Practice Nurses (APRN) as being exempt from the requirement for a written Prescriptive Authority Agreement during a disaster, as the APRNs were inadvertently omitted from the rule when it was initially adopted and deletes the word "onsite". These amendments are consistent with the practice in previous disasters.

## **CHAPTER 175. FEES AND PENALTIES**

The amendments to **§175.1**, relating to Application and Administrative Fees, and **§175.2**, relating to Registration and Renewal Fees, reinstates fees for initial and renewal approval for instructor and medical radiologic technology and non-certified technician (NCT) training programs, in anticipation for approval processes to be implemented in accordance with recently adopted rules by the Texas Board of Medical Radiologic Technology. The fees overall represent a decrease in cost for NCT training programs, as renewal of approval will be required triennially, rather than annually.

## **CHAPTER 183. ACUPUNCTURE**

New Rule **§183.27**, relating to Exemption from Licensure for Certain Military Spouses (Acupuncturists), allows qualified military spouses to practice acupuncture without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

## **CHAPTER 185. PHYSICIAN ASSISTANTS**

New Rule **§185.33**, relating to Exemption from Licensure for Certain Military Spouses (Physician Assistants), allows qualified military spouses to practice as a physician assistant without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

## **CHAPTER 186. RESPIRATORY CARE PRACTITIONERS**

New Rule **§186.30**, relating to Exemption from Licensure for Certain Military Spouses (Respiratory Care Practitioners), allows qualified military spouses to practice as a respiratory care practitioner without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

## **CHAPTER 188. PERFUSIONIST**

New Rule **§188.30**, relating to Exemption from Licensure for Certain Military Spouses (Perfusionists), allows qualified military spouses to practice as a perfusionist without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

## **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

The amendments to **§194.2**, relating to Definitions, adds new definitions for "Certification Board for Radiology Practitioner Assistants", "radiologist", and "radiologist assistant", and amends the definition for "podiatrist."

The amendments to **§194.6**, relating to Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry, establishes eligibility requirements that must be met in order for an applicant to obtain a temporary or regular radiologist assistant certificate, pursuant to HB 1504 (86<sup>th</sup> Regular Legislative Session), and eliminate registration requirements for individuals performing radiologic procedures under the supervision of a podiatrist, pursuant to HB 2847 (86<sup>th</sup> Legislature). Other amendments delete references to the NCT "general" registry, a distinction no longer required after the passage of SB 674 (85th Regular Session), which eliminated the NCT secondary registry with the Texas Medical Board. Finally, the amendments represent changes necessitated by the new language to maintain consistency and clarity throughout the section.

The amendments to **§194.7**, relating to Biennial Renewal of Certificate or Placement on the Board's General Registry for Non-Certified Technicians Generally, establishes continuing education requirements that must be met in order for a radiologist assistant certificate holder to renew a certificate, in accordance with HB 1504 (86th Regular Session). Other amendments clarify that certificate holders and NCTs are required to "complete activities" meeting the RCEEM or RCEEM+ designation, as opposed to "attendance and participation in formal activities", reflecting that web-based courses are formats that comply with the continuing education requirements. Repealing language mandating the denial of an application for renewal of a certificate or NCT registration upon notice of a Texas Guaranteed Student Loan Corporation guaranteed student loan, in accordance with SB 37 (86th Regular Session). Other amendments delete references to the NCT "general" registry, a distinction no longer required after the passage of SB 674 (85th Regular Session), which eliminated the NCT secondary registry with the Texas Medical Board. Remaining amendments represent changes necessitated by the new language related to radiologist assistant certificates, to maintain consistency and clarity throughout the section.

The amendments to **§194.10**, relating to Retired Certificate or NCT General Registration Permit, deletes references to the NCT "general" registry, a distinction no longer required after the passage of SB 674 (85th Regular Session). Language is added with a reference to the Certification Board for Radiology Practitioner Assistants (CBRPA) related to possible certification renewal requirements for a radiologist assistant with a retired certificate, who desires to return to active practice and who had initially obtained eligibility for a Texas certificate through CBRPA national certification. The language reflects the new radiologist assistant eligibility requirements established by HB 1504 (86th Regular Session).

The amendments to **§194.21**, relating to Scope of Practice, adds language to more precisely outline the allowed scope of practice for an individual holding a limited certificate.

The amendments to **§194.34**, relating to Exemption from Licensure for Certain Military Spouses (Medical Radiologic Technologists), allows qualified military spouses to practice medical radiological technology without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Berastain, Miguel Arturo, Jr., M.D., Lic. No. M2902, Corpus Christi**

On October 18, 2019, the Board and Miguel Arturo Berastain, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; and within one year complete at least eight hours of CME, divided as follows: four hours in post-operative infections and four hours in risk management. The Board found Dr. Berastain failed to safeguard against complications despite receiving a radiology report which noted an infection at a patient's surgical site, failed to timely address and respond to the post-operative infection, and failed to adequately document the initial visit and exam of the patient.

#### **Rodriguez, Gabriel Angel, M.D., Lic. No. N6976, Plano**

On October 18, 2019, the Board entered a Final Order regarding Gabriel Angel Rodriguez, M.D., placing him under the following terms: have his practice monitored by a billing monitor for 6 consecutive monitoring cycles; within 30 days submit to the Board for review and approval, a form identifying ownership interest related to Dr. Rodriguez' medical practice which shall be provided to every patient receiving medical care; within 30 days obtain a forensic accountant to provide forensic accountancy analysis within 90 days to the Board; within 30 days submit informed consent forms to be used by the practice to the Board for review and approval and provide to every patient receiving medical care; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the medical recordkeeping course offered by the PACE program; within one year complete at least 16 hours, divided as follows: eight hours in risk management and hour hours in ethics; and within 60 days pay an administrative penalty of \$14,296.40. The Board found



Dr. Rodriguez failed to meet the standard of care by ordering unnecessary diagnostic testing, failed to obtain proper informed consent, failed to disclose his interest in a facility to which he referred a patient and failed to maintain adequate medical records. The action was based on the findings of two administrative law judges at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH.

**Yarrozu, Aruna L., M.D., Lic. No. Q7516, Muskogee, OK**

On October 18, 2019, the Board and Aruna L. Yarrozu, M.D., entered into an Agreed Order requiring her to within one year complete at least eight hours of CME, divided as follows: four hours in risk management, to include patient-physician communications and four hours in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Yarrozu prescribed Lidocaine cream to a patient without performing an appropriate telemedicine evaluation prior to prescribing and without explaining the risks and benefits. Dr. Yarrozu did not have a contemporaneous video evaluation and/or an audio connection with the patient.

**UNPROFESSIONAL CONDUCT**

**Armstrong, Henry Rhinehart, M.D., Lic. No. G4795, Dallas**

On October 18, 2019, the Board and Henry Rhinehart Armstrong, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Armstrong failed to comply with Board subpoenas requesting medical and billing records for two patients.

**Davis, Dustin Wayne, D.O., Permit No. BP10055359, Fort Worth**

On October 18, 2019, the Board and Dustin Wayne Davis, D.O., entered into an Agreed Order publicly reprimanding Dr. Davis. The Board found Dr. Davis failed to timely report an arrest for DWI to his residency program and did not inform the Board of his arrest and plea.

**Tedford, Dennis D., M.D., Lic. No. J3632, Brownfield**

On October 18, 2019, the Board and Dennis D. Tedford, M.D., entered into an Agreed Order revoking his Texas license; however the revocation is stayed and he is placed on probation under the following terms: publicly reprimanded; within one year complete at least 12 hours of CME, divided as follows: four hours in proper prescribing practices of controlled substances, four hours in drug-seeking behavior and four hours in risk management; and as Dr. Tedford is restricted from prescribing controlled substances, he shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Tedford entered a guilty plea to providing Schedule IV Controlled Substances without a legitimate medical purpose and awaits sentencing.

**Tyler, Barbara Petrini, M.D., Lic. No. G8997, College Station**

On October 18, 2019, the Board and Barbara Petrini Tyler, M.D., entered into an Agreed Order publicly reprimanding Dr. Tyler and requiring her to within one year and three attempts to pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: eight hours in medical ethics and four hours in risk management. The Board found Dr. Tyler failed to maintain the confidentiality of patients at a student health center by accessing medical records without consent, resulting in her termination.

**Whisenant, Stanley Wayne, M.D., Lic. No. J7725, Rowlett**

On October 18, 2019, the Board and Stanley Wayne Whisenant, M.D., entered into an Agreed Order publicly reprimanding Dr. Whisenant and requiring him to within six months complete the TMB Remedial Coaching Program at the University of Texas at Southwestern. The Board found Dr. Whisenant engaged in a verbal disagreement with a patient and their caregiver in front of patients and other staff.

**VOLUNTARY SURRENDER/REVOICATION**

**Bean-Lijewski, Jolene D., M.D., Lic. No. G1326, Temple**

On October 18, 2019, the Board and Jolene D. Bean-Lijewski, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Bean-Lijewski agreed to voluntarily surrender her Texas medical licensure in lieu of further disciplinary proceedings. The Board found Dr. Bean-Lijewski has self-reported to the Board that she has a medical/physical condition that precludes her from practicing medicine at this time.

**Ho, Dennis, D.O., Lic. No. P0066, El Paso**

On October 18, 2019, the Board and Dennis Ho, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Ho agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Ho was under investigation for allegations that he is impaired.

**Milligan, Don, M.D., Lic. No. F5309, Cleburne**

On October 18, 2019, the Board and Don Milligan, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Milligan agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Milligan was under investigation based on allegations that he failed to meet the standard of care in his treatment of several patients.

**Smith, William John, IV, M.D., Permit No. BP10061209, Birmingham, MI**

On October 18, 2019, the Board and William John Smith, IV, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Smith agreed to voluntarily surrender his Texas physician in training permit in lieu of further disciplinary proceedings. The Board found Dr. Smith was dismissed from his residency program due to a failure to comply with a peer review and assistance agreement. Dr. Smith was referred to the Texas Physician Health Program on July 23, 2018, for mental impairment, but was non-responsive, and his file was referred back to the Board.

**REVOCAION**

**McKay, Kristopher, M.D., Lic. No. N9907, Fort Collins, CO**

On October 18, 2019, the Board entered a Default Order regarding Kristopher McKay, M.D., which revoked his Texas medical license. On July 20, 2018, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. McKay failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. McKay. The Board granted a Determination of Default and Dr. McKay's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. McKay has 25 days for the service of the order to file a motion for rehearing.

**SUSPENSION**

**Canchola, Daniel Ramiro, M.D., Lic. No. K7137, Flower Mound**

On October 18, 2019, the Board and Daniel Ramiro Canchola, M.D., entered into an Agreed Order of Suspension, suspending Dr. Canchola's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that he is physically, mentally and otherwise competent to practice medicine. Such evidence shall include, but not limited to, documentation that the criminal charges related to his alleged participate in Medicare fraud are fully and finally resolved. The Board found Dr. Canchola in or around September 2019, was charged by the federal government with Medicare fraud related to genetic testing. The order remains in place until superseded by further action of the Board.

**Martinez, Jose De Jesus, M.D., Lic. No. M3636, McAllen**

On October 18, 2019, the Board entered a Final Order regarding Jose De Jesus Martinez, M.D., suspending his license. Dr. Martinez shall not practice in Texas until authorized to do so by the Board. The Board found Dr. Martinez pleaded guilty to a felony for conspiracy to solicit or receive illegal remunerations. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order remains in effect until superseded by subsequent order of the Board. The order resolves a formal complaint filed at SOAH.

## **NONTHERAPEUTIC PRESCRIBING**

### **Rohm, Fred Werner, D.O., Lic. No. J1565, Fort Worth**

On October 18, 2019, the Board and Fred Werner Rohm, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 12 hours of CME, divided as follows: eight hours in medical record keeping and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Rohm failed to properly evaluate, treat, and monitor 15 chronic pain patients who were prescribed controlled substances and failed to maintain adequate medical records.

### **Vermedahl, Nathan Arthur, M.D., Lic. No. M3105, Dalhart**

On October 18, 2019, the Board and Nathan Arthur Vermedahl, M.D., entered into an Agreed Order Upon Formal Filing under the following terms: shall not treat patients for chronic pain as defined by Board rule; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: 8 hours in opioid prescribing, 8 hours in risk management and 8 hours in pain management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$10,000. The Board found Dr. Vermedahl failed to meet the standard of care and provide appropriate treatment by nontherapeutically prescribing and failing to monitor several patients he treated for chronic pain.

## **IMPROPER PRESCRIBING**

### **Carranza, Jose, M.D., Lic. No. G0608, Houston**

On October 18, 2019, the Board and Jose Carranza, M.D., entered into an Agreed Order under the following terms: shall not possess, administer, dispense, or prescribe any controlled substances or dangerous drugs with addictive potential, except as is medically necessary for treatment of inpatients in a hospital setting where Dr. Carranza has privileges or practices medicine; shall not treat or otherwise serve as a physician for his immediate family and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to himself or his immediate family; and within a year complete at least four hours of CME in risk management. The Board found Dr. Carranza prescribed controlled substances to an out-of-state family member with a long history of mental illness and failed to monitor the family member's compliance and maintain adequate medical records of the treatment.

## **INADEQUATE SUPERVISION OR DELEGATION**

### **Anderson, C. Lynn, M.D., Lic. No. F6390, Brownsville**

On October 18, 2019, the Board and C. Lynn Anderson, M.D., entered into an Agreed Order requiring him to within 180 days submit a written protocol for supervision of delegates working in his clinic for approval by the Medical Director of the Board; and within one year complete at least eight hours of CME, divided as follows: four hours in supervision of delegates and four hours in risk management. The Board found Dr. Anderson failed to adequately supervise his delegates who treated a patient and did not confer with any of his midlevels about treatment of the patient and did not review the chart.

## **PEER REVIEW ACTION**

### **Harrison, Emmanuel Elmo, M.D., L1879, Plano**

On October 18, 2019, the Board and Emmanuel Elmo Harrison, M.D., entered into an Agreed Order publicly reprimanding Dr. Harrison; publicly referring him to the Texas Physician Health Program; requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; comply with the terms of his September 20, 2018, Community Supervision Order and report compliance to the Board; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in post-operative procedure. The Board found Dr. Harrison was the subject of peer review action still subject to appeal. The Board found Dr. Harrison failed to meet the standard of care with respect to two anesthesia patients, failed to keep adequate

medical records for both patients, and engaged in unprofessional conduct when he was arrested for DUI and possession of a firearm on October 17, 2017.

#### **OTHER STATES' ACTIONS**

##### **Bacon, Jeffrey Kyle, D.O., Lic. No. M6029, Bakersfield, CA**

On October 18, 2019, the Board and Jeffrey Kyle Bacon, D.O., entered into an Agreed Order requiring him to comply with all terms and conditions of the Stipulated Settlement and Disciplinary Order entered by the Osteopathic Medical Board of California (COMB) on March 26, 2019; and shall not practice in Texas until requesting permission in writing and appearing before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice. The Board found Dr. Bacon was issued an order by the COMB in relation to substance abuse issues which included license revocation, which was stayed, with alternate probation for a period of five years.

##### **Betts, William B., M.D., Lic. No. H6049, Austin**

On October 18, 2019, the Board and William B. Betts, M.D., entered into an Agreed Order publicly reprimanding Dr. Betts. The Board found Dr. Betts entered into a disciplinary Consent Order with the Alaska Medical Board on August 5, 2016. This order resolves a Formal Complaint filed at the State Office of Administrative Hearings.

##### **Cox, Paul Andrew, M.D., Lic. No. Q0031, Mount Pleasant**

On October 18, 2019, the Board and Paul Andrew Cox, M.D., entered into an Agreed Order publicly reprimanding Dr. Cox; publicly referring him to the Texas Physician Health Program; requiring him to comply with all terms of the Order entered by the Medical Board of California (MBC); with respect to complying with the MBC Order, within 60 days obtain an approved psychotherapist and follow all recommendations for treatment, participate in the activities of Alcoholics Anonymous no less than one time per week, limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved by the Board in advance; and shall not delegate prescriptive authority to any midlevel with the exception of administering anesthesia in a perioperative setting in accordance with the MBC Order. The Board found Dr. Cox was disciplined by the MBC through a disciplinary order due to his substance abuse history.

##### **Kelemen, John Joseph, III, M.D., Lic. No. P8925, Waukesha, WI**

On October 18, 2019, the Board and John Joseph Kelemen, III, M.D., entered into an Agreed Order requiring him to comply with all terms of the Order entered by the Wisconsin Medical Examining Board (WMEB) effective December 19, 2018. The Board found Dr. Kelemen was reprimanded by the WMEB through an order which arose from unprofessional conduct.

##### **Petrovich, Linda M., M.D., Lic. No. TM00085, Eden Prairie, MN**

On October 18, 2019, the Board and Linda M. Petrovich, M.D., entered into an Agreed Order requiring her to comply with all terms of the Agreed Order entered by the Kentucky Board of Medical Licensure (KBML) on or about December 7, 2018. The Board found Dr. Petrovich was issued an Agreed Order by the KBML related to her failure to conform to the acceptable standards of medical practice.

##### **Towbin, Nancy Andes, M.D., Lic. No. P5899, Yorba Linda, CA**

On October 18, 2019, the Board and Nancy Andes Towbin, M.D., entered into an Agreed Order requiring her to comply with all terms of the Stipulated Settlement and Disciplinary Order entered by the California Medical Board (CMB) on April 5, 2019. The Board found Dr. Towbin was issued an order by the CMB which arose from medical gross negligence and failure to maintain adequate medical records in the care of a patient.

#### **VIOLATION OF PRIOR ORDER**

##### **Jenks, Michael Jeffrey, M.D., Lic. No. L1083, Dallas**

On October 18, 2019, the Board and Michael Jeffrey Jenks, M.D., entered into an Agreed Order publicly reprimanding Dr. Jenks and within 90 days gain access to his patient records and contact information held by AllScripts and provide proof that he has complied with this requirement. The Board found Dr. Jenks violated his June Order by failing to provide

patients with a means to access their medical records. Dr. Jenks is in arrears on his AllScripts account which manages and provides access to patient records and therefore was unable to notify his patients of his practice closure.

#### **VIOLATION OF BOARD RULES**

##### **Aguilar, Oscar Manuel, M.D., Lic. No. K6979, El Paso**

On October 18, 2019, the Board and Oscar Manuel Aguilar, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within one year complete at least 18 hours of CME, divided as follows: four hours in billing, four hours in risk management, six hours in complementary and alternative medicine and four hours in ethics; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Aguilar violated Board rules in providing Complementary and Alternative Medicine without adequately documenting that he consented a patient to CAM.

#### **INADEQUATE MEDICAL RECORDS**

##### **Lee, Kenneth J., M.D., Lic. No. M2377, Sugar Land**

On October 18, 2019, the Board and Kenneth J. Lee, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Lee prescribed compound medications that were not reasonable and/or medically necessary to five injured employees reviewed, failed to document rationale or justification for the use of multiple classes of agents contained in the compound medications, and failed to document the use or efficacy of the compound medications in improving the injured employee's symptoms.

##### **Lyford, Lawrence Duane, M.D., Lic. No. F2334, Wichita Falls**

On October 18, 2019, the Board and Lawrence Duane Lyford, M.D., entered into an Agreed Order requiring him to within one year complete at least 14 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management and one hour in difficult patient relationships. The Board found Dr. Lyford failed to create and maintain adequate medical records for a patient by not documenting the patient's response to increasing dosages of Ritalin.

##### **Nguyen, Long Phan, M.D., Lic. No. G7293, Bellaire**

On October 18, 2019, the Board and Long Phan Nguyen, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in treating and managing pain. The Board found Dr. Nguyen failed to maintain adequate medical records during his treatment of 19 pain patients.

##### **Terneny, Orlando, M.D., Lic. No. D7896, Houston**

On October 18, 2019, the Board and Orlando Julio Terneny, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 12 hours of CME in medical recordkeeping; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Terneny's medical records did not adequately reflect or reference the justification for prescribing B-12 for two patients and testosterone to another patient.

#### **IMPAIRMENT**

##### **Gibson, Gerald Patrick, Jr., M.D., Lic. No. L6050, Dallas**

On October 18, 2019, the Board and Gerald Patrick Gibson, M.D., entered into a Modified Agreed Order under the following terms for a period of 15 years: shall abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and continue care and treatment with an addiction medicine specialist. Dr. Gibson's practice had been temporarily restricted for issues related to impairment. He has since been under an interim drug screening order and remains under the care of his addiction psychiatrist who supports his return to practice.

## **CEASE AND DESIST**

### **Belloso, Mariel, No License, Houston**

On October 18, 2019, the Board and Mariel Belloso entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Belloso injected Botox into a patient without the patient having a physical examination or other medical examination by a physician, physician assistant, or advanced practice nurse prior to these injections as required by Board rules.

### **Garcia, Sary, No License, Rowlett**

On October 18, 2019, the Board and Sary Garcia entered into a Cease and Desist Order prohibiting her from identifying herself as a Cosmetic Dermatologist practicing in the United States. The Board found that Ms. Garcia's business website for Sary Eyebrows and Skin Care listed herself as a Cosmetic Dermatologist in Venezuela, and stated that she was continuing in her field in the United States.

### **Martiz, Jamie, No License, Houston**

On October 18, 2019, the Board and Jaime Martiz entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Martiz was advertising ophthalmology services to the general public online and websites listed Mr. Martiz as an "M.D." even though Mr. Martiz does not practice medicine in Texas.

### **Pait, Theodore, M.D., No License, Stafford, PA**

On October 18, 2019, the Board and Theodore Pait, M.D., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas, which includes, but is not limited to, providing stem cell treatment in Texas or to Texas patients. The Board found Dr. Pait, who is licensed in other states but does not have an active Texas license, prescribed and billed for stem cell treatment for a Texas patient.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 15, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Plano physician**

On November 14, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Timothy M. Collins, D.O. (Lic. No. J7454), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or around October 29, 2019, Dr. Collins was arrested by the Arlington Police Department's Crimes Against Children Unit on two counts of sexual assault of a child as well as for possession of an illicit substance, methamphetamine, and a variety of pills. Drug paraphernalia was also discovered during a search of Dr. Collin's home office.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Collins, unless the hearing is specifically waived by Dr. Collins.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 15, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends The Woodlands physician**

On November 14, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Fadi Georges Ghanem, M.D. (Lic. No. H8071), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about November 4, 2019 in Montgomery County, Dr. Ghanem was arrested and charged with three felony counts of prescribing controlled substances for other than medical purposes, three felony counts of practicing medicine in violation of subtitle; the charges were related to the deaths of three patients.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ghanem, unless the hearing is specifically waived by Dr. Ghanem.

The temporary suspension remains in place until the Board takes further action.

**###**



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 15, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On November 14, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Steven Bryce Inbody, M.D. (Lic. No. G7443), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about September 11, 2019, Dr. Inbody was indicted on federal charges related to prescribing large quantities of hydrocodone and carisoprodol (Soma) to patients through a practice that he established. Dr. Inbody's conduct in nontherapeutically prescribing large quantities of controlled substances to multiple patients, as evidenced by his arrest and indictment, shows his continued practice would constitute a continuing threat.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Inbody, unless the hearing is specifically waived by Dr. Inbody.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 15, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On November 14, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Aashish Ramesh Parikh, M.D. (Lic. No. M9567), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Parikh currently suffers from a drug or alcohol related impairment that makes him a threat to patients or public safety.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Parikh, unless the hearing is specifically waived by Dr. Parikh.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 15, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Galveston physician**

On November 14, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas physician in training permit of Shawn Paul Robinson, M.D. (Lic. No. BP10065150), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Robinson was arrested and charged with online solicitation of a child for sex. On or about November 7, 2019, Dr. Robinson was re-arrested for violation of conditions of his release on bond after he allegedly continued to access sex related sites on a social media application.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Robinson, unless the hearing is specifically waived by Dr. Robinson.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

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November 19, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Conroe physician**

On November 18, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license Emad Mikhail Tewfik Bishai, M.D. (Lic. No. N7224), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about November 4, 2019 in Montgomery County, warrants for the arrest for Dr. Bishai were issued related to four felony counts of prescribing controlled substances for other than medical purposes, and five felony counts of practicing medicine in violation of the Medical Practices Act; the charges were related to the deaths of four patients. Dr. Bishai was arrested on November 5, 2019, after surrendering to authorities.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Bishai, unless the hearing is specifically waived by Dr. Bishai.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 6, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Pampa physician**

On December 6, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license Francisco Julian Fiallo, M.D. (Lic. No. R0393), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Fiallo tested positive for methamphetamines on two occasions in violation of his Texas Physician Health Program monitoring agreement.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Fiallo, unless the hearing is specifically waived by Dr. Fiallo.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 13, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 30 physicians at December meeting, adopts rule changes**

At its December 6, 2019 meeting, the Texas Medical Board disciplined 30 licensed physicians.

The disciplinary actions included: seven orders related to quality of care violations, three orders related to unprofessional conduct, two voluntary surrenders/revocations, one revocation, one suspension, one restriction, one order related to nontherapeutic prescribing, three orders related to improper prescribing, two orders related to peer review action, two orders related to other states' actions, two orders related to violation of prior order, two orders related to violation of Board rules, and three orders related to inadequate medical records

The Board issued 187 physician licenses at the December meeting, bringing the total number of physician licenses issued in FY20 to 1,001.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 163. LICENSURE**

The amendments to **§163.13**, concerning Expedited Licensure, allows the Board to develop an expedited licensing process for certain applicants who also hold an out-of-state license in good standing. The amendments implement a legislative mandate in H.B. 1504 (86th Regular Legislative Session).

#### **CHAPTER 182. USE OF EXPERTS**

The amendments to Chapter 182, Use of Experts, 22 TAC **§§182.1, 182.3, 182.5, and 182.8**. The Board repealed §§182.2, 182.4, 182.6, and 182.7, for the purpose of restructuring Chapter 182.

The amendments to **§182.1**, relating to Purpose, is amended to clarify the scope of the rule and its applicability.

The amendments to **§182.3**, relating to Definitions, is amended to clarify definitions relating to role, purpose, and scope of various professionals utilized by the board.

The amendments to **§182.5**, relating to Expert Panel, is renamed "Expert Reviewer Qualifications" and amended to delete obsolete language and to change the order of identified certifying boards.

The amendments to **§182.8**, relating to Expert Physician Reviewers, deletes obsolete language regarding the processes and procedures applicable to the expert physician reviewers. The amendments to §182.8 implement the legislative mandate passed in HB 1504 (86th Regular Legislative Session) relating to expert panel reports and providing each reviewer report to the affected licensee and the content of each report. This amendment also adds language requiring notice to the panel when a case involves Complementary and Alternative Medicine.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

**Peel, Garrett Keith, M.D., Lic. No. N3987, Houston**

On December 6, 2019, the Board and Garrett Keith Peel, M.D., entered into an Agreed Order lifting the restriction on Dr. Peel's medical license and placing him under the following terms: he shall have his practice as it relates to any and all breast procedures and associated billing/coding monitored by two physicians for 12 consecutive monitoring cycles; within one year complete at least 12 hours of CME, divided as follows: four hours in risk management and eight hours in billing and coding medical procedures; and within 60 days pay an administrative penalty of \$10,000. The Board found Dr. Peel violated the applicable standard of care in his treatment of two patients and the Board panel found evidence of a pattern of billing/coding violations.

**Rao, Seshagiri, M.D., Lic. No. G0803, Plano**

On December 6, 2019, the Board and Seshagiri Rao, M.D., entered into a Mediated Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; and within one year complete at least four hours of CME in identifying and treating pediatric fungal infections. The Board found Dr. Rao failed to meet the standard of care by using antimicrobial agents for inappropriate indications and in an excessive and undisciplined manner. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Sami, Shehzad, M.D., Lic. No. M7590, Baytown**

On December 6, 2019, the Board and Shehzad Sami, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in cardiac asthenia/management of complicated cardiac cases. The Board found Dr. Sami failed to document alternative diagnostic tests and less invasive treatments offered to a patient who was diagnosed with a rare genetic ailment. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Strickland, James Leland, M.D., Lic. No. L3490, The Woodlands**

On December 6, 2019, the Board and James Leland Strickland, M.D., entered into a Mediated Agreed Order requiring him within one year to complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in cardiac asthenia/management of complicated cardiac cases. The Board found Dr. Strickland did not document in his medical records the recommendations and counseling efforts he made to a patient prior to an implantable cardioverter defibrillator (ICD) implantation. The patient refused the additional diagnostic testing and elected instead to treat the suspected ailment with implantation of an ICD. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Umair, Sonober, M.D., Lic. No. N7363, Houston**

On December 6, 2019, the Board and Sonober Umair, M.D., entered into an Agreed Order publicly reprimanding Dr. Umair and requiring her to within one year complete 24 hours of CME, divided as follows: eight hours in recognizing/identifying child abuse, eight hours in medical recordkeeping, four hours in risk management and four hours in ethics; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Umair failed to appropriately address concerns of possible child abuse and referred a patient to a child psychologist for an interview, rather than reporting to CPS on the day the patient was examined.

**Velasquez, Michael A., M.D., Lic. No. L2726, El Paso**

On December 6, 2019, the Board and Michael A. Velasquez, D.O., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical professionalism. The Board found Dr. Velasquez did not see a patient for three days following their admission to a hospital.

**Watson, Michael Q., M.D., Lic. No. G6770, Seminole**

On December 6, 2019, the Board and Michael Q. Watson, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in drug-seeking behavior and eight hours in prescribing controlled substances; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr.

Watson prescribed stimulants with depressants to patients and failed to properly document the rationale, risks, and benefits of these medications.

#### **UNPROFESSIONAL CONDUCT**

##### **Butler, David Tanksley, M.D., Lic. No. K4866, Austin**

On December 6, 2019, the Board and David Tanksley Butler, M.D., entered into an Agreed Order, lifting the suspension of Dr. Butler's license, and placing him under the following terms: shall not see, examine, treat, prescribe to, provide consultation for, or otherwise practice medicine on female patients, including telemedicine; shall not see, examine, treat, prescribe to, provide consultation for, or otherwise practice medicine on male patients under the age of 18, including telemedicine; within seven days surrender his DEA controlled substances registration certificates and shall not reregister without prior Board approval; shall not possess, administer, or prescribe controlled substances in Texas other than those written to him by a licensed provider for personal use; obtain an independent medical evaluation by an approved Board-certified psychiatrist and follow all recommendations for care and treatment; have his practice monitored by another physician for four consecutive monitoring cycles; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Butler displayed unprofessional conduct by engaging in inappropriate personal relationships with several female patients, failed to maintain confidentiality, prescribed medications, including controlled substances, to patients with whom he was personally involved and nontherapeutically prescribed controlled substances and/or dangerous drugs to several patients without medical justification.

##### **Morrow, Joe Wayne, D.O., Lic. No. H4566, Cedar Park**

On December 6, 2019, the Board and Joe Wayne Morrow, D.O., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Morrow failed to respond to the Board's request for information within 10 days. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Ruiz, Roberto, Jr., M.D., Lic. No. P7199, Odessa**

On December 6, 2019, the Board and Roberto Ruiz, Jr., M.D., entered into an Agreed Order requiring him to for a period of five years, abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain an independent medical evaluation by a board certified psychiatrist approved in advance and follow all recommendations made for care and treatment; within one year complete the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Ruiz pled guilty to three misdemeanor charges: resisting arrest, interfering with emergency request for assistance and assault cause bodily injury and was given two years of community service.

#### **VOLUNTARY SURRENDER/REVOCAION**

##### **Bringewald, Peter Robert, M.D., Lic. No. D9088, Fredericksburg**

On December 6, 2019, the Board and Peter Robert Bringewald, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Bringewald agreed to voluntarily surrender his Texas medical licensure in lieu of further disciplinary proceedings. Dr. Bringewald was under investigation for allegations of self-prescribing. Dr. Bringewald indicated that he wishes to retire from the practice of medicine.

##### **Pena, Francisco I., M.D., Lic. No. F9107, Laredo**

On December 6, 2019, the Board and Francisco I. Pena, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pena agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Pena was found guilty on six felony counts of criminal charges relating to health care fraud. This order resolves a formal complaint filed at the State Office of Administrative Hearings.



## **REVOCACTION**

### **Johnson, Annelle R., M.D., Lic. No. N8798, Van Alstyne**

On December 6, 2019, the Board entered a Default Order regarding Annelle R. Johnson, M.D., which revoked her Texas medical license. On May 22, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Johnson failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Johnson. The Board granted a Determination of Default and Dr. Johnson's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Johnson has 25 days from the service of the order to file a motion for rehearing.

## **SUSPENSION**

### **Husby, Richard Todd, M.D., Lic. No. J4862, Liberty**

On December 6, 2019, the Board and Richard Todd Husby, M.D., entered into an Agreed Order under the following terms: shall remain suspended until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include, at a minimum, but not limited to the following: urine testing results, Alcoholics Anonymous attendance and psychological treatment reports; publicly referred to the Texas Physician Health Program; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Husby, who was previously under temporary suspension, was summarily suspended from his workplace after testing positive for alcohol after exhibiting signs of being impaired.

## **RESTRICTION**

### **Avila, Fernando, M.D., Lic. No. G2899, San Antonio**

On December 6, 2019, the Board and Fernando T. Avila, M.D., entered into an Agreed Order restricting his practice under the following terms: within 90 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and shall be restricted from performing invasive procedures until after successful completion of KSTAR assessment and recommendations; have his practice monitored by another physician for 12 consecutive monitoring cycles; have his billing practices monitored for two years of consecutive monitoring cycles; and within one year complete at least 24 hours of CME, divided as follows: four hours in risk management, four hours in ethics, eight hours in billing and coding and eight hours in indications for interventional treatment. The Board found Dr. Avila violated the standard of care by engaging in a pattern of overutilization and inappropriate billing for procedures that were not performed and others that were performed without adequate indication.

## **NONTHERAPEUTIC PRESCRIBING**

### **Kushwaha, Alok Pratap, M.D., Lic. No. K1232, Grapevine**

On December 6, 2019, the Board and Alok Pratap Kushwaha, M.D., entered into an Agreed Order under the following terms: shall not engage in the treatment of any chronic pain as defined by Board rule; shall immediately surrender DEA controlled substances registration certificates and not reregister without prior Board approval; publicly reprimanded; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing and medical recordkeeping courses offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in supervising and delegating to advanced practice nurses or physician assistants; within one year pay an administrative penalty of \$10,000; and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Kushwaha engaged in a pattern of nontherapeutic prescribing, failing to meet the standard of care with respect to 15 patients and failed to properly

supervise midlevels who, along with Dr. Kushwaha, engaged in the illegal operation of a pain management clinic. The order supersedes any prior orders of the Board.

#### **IMPROPER PRESCRIBING**

##### **Khan, Nadeem Ahmed, M.D., Lic. No. K8777, Willow Park**

On December 6, 2019, the Board and Nadeem Ahmed Khan, M.D., entered into an Agreed Order prohibiting Dr. Khan from treating or otherwise serving as a physician for his immediate family, and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to himself or his immediate family; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Khan improperly treated a family member beyond the 72-hour period of immediate need and failed to maintain adequate medical records during his treatment of three patients.

##### **Rogers, Mark Randall, M.D., Lic. No. H0770, Houston**

On December 6, 2019, the Board and Mark Randall Rogers, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in prescribing controlled substances; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Rogers prescribed medications, including controlled substances, to himself over a period of five years. Dr. Rogers admits to the self-prescribing and not keeping proper medical records, but maintained that he was prescribing himself medications previously prescribed by his PCP.

##### **Stocks, James M., M.D., Lic. No. F4568, Tyler**

On December 6, 2019, the Board and James M. Stocks, M.D., entered into an Agreed Order lifting Dr. Stock's temporary restriction and placing him under the following terms: shall not prescribe to himself, his family or anyone else in which he has a close personal relationship; prior to reapplying for DEA authority to possess, prescribe, administer, or distribute controlled substances, Dr. Stocks shall complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 60 days pay an administrative penalty of \$2,000; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Stocks inappropriately prescribed controlled substances to a work associate and was arrested for a felony charge for diversion of controlled substances, and surrendered his DEA registration to prescribe in Texas.

#### **PEER REVIEW ACTION**

##### **Hamid-Kundi, Monira, M.D., Lic. No. L9226, Baytown**

On December 6, 2019, the Board and Monira Hamid-Kundi, M.D., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and follow any recommendations made by KSTAR; and within one year complete at least eight hours of CME in laparoscopic surgeries. The Board found Dr. Hamid-Kundi violated the standard of care in her treatment of multiple patients over a two-year period, and was subject to peer review action when her hospital privileges were summarily suspended.

##### **Nicol, David Andrew, M.D., Lic. No. G6749, Spicewood**

On December 6, 2019, the Board and David Andrew Nicol, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in interpreting MRI. The Board found Dr. Nicol was the subject of a focused clinical care review by the Veterans' Administration that determined Dr. Nicol failed to properly interpret imaging for several patients.

#### **OTHER STATES' ACTIONS**

**McCorkle, Elizabeth Jean, M.D., Lic. No. R0906, Eugene, OR**

On December 6, 2019, the Board and Elizabeth Jean McCorkle, M.D., entered into an Agreed Order requiring her to comply with all terms of the Stipulated Order entered by the Oregon Medical Board (OMB) on July 11, 2019. The Board found Dr. McCorkle was issued an order from the OMB which arose from her unprofessional or dishonorable conduct and gross or repeated acts of negligence.

**Vora, Shailesh Chhotalal, M.D., Lic. No. L6703, Southlake**

On December 6, 2019, the Board and Shailesh Chhotalal Vora, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: eight hours in ethics and four hours in boundaries; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Vora was the subject of disciplinary action taken by the Arkansas Medical Board related to allegations of engaging in sexual misconduct with two patients.

**VIOLATION OF PRIOR ORDER**

**Fuentes, Rosa, M.D., Lic. No. K1817, San Antonio**

On December 6, 2019, the Board and Rosa Fuentes, M.D., entered into an Agreed Order on Formal Filing requiring her to within seven days surrender her DEA controlled substances registration certificates to eliminate Schedules II and III. Any prescribing of controlled substances under this order shall be carried out in accordance with the 2018 Final Order, which remains in full force and effect. Additionally, Dr. Fuentes shall not possess, administer, or prescribe controlled substances in Texas except as set forth in the order; beginning February 1, 2020, limit her medical practice, including any office and inpatient practice, to a Board-approved group or institutional setting; have her practice monitored by another physician for eight consecutive monitoring cycles; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Fuentes violated the terms of her 2018 Final Order by issuing several prescriptions for controlled substances that allowed patients to obtain refills of those controlled substances or obtain more than a 30-day supply. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Klem, Jeffrey Alan, M.D., Lic. No. L2379, Cleveland**

On December 6, 2019, the Board and Jeffrey Alan Klem, M.D., entered into an Order Denying Termination and Modifying Prior Agreed Order, modifying Dr. Klem's 2018 Order. The modification requires the signed chaperone documentation to be present within the medical records and all copies thereof; and within 60 days Dr. Klem shall pay an administrative penalty of \$1,000. The Board found Dr. Klem failed to document the presence of a chaperone while treating female patients. All other terms of the 2018 Order shall remain in full effect.

**VIOLATION OF BOARD RULES**

**Hay, Joshua, M.D., Lic. No. N5718, North Richland Hills**

On December 6, 2019, the Board and Joshua Hay, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Hay failed to comply with the Board's guidelines and requirements relating to documenting his prescribing and monitoring of chronic pain patients and failed to maintain adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Nieves, Luis Escalante, M.D., Lic. No. M7476, Hurst**

On December 6, 2019, the Board and Luis Escalante Nieves, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Nieves' medical records failed to meet the Board's guidelines for pain management and the Board's rules for documentation.

**INADEQUATE MEDICAL RECORDS**

**Khan, Naeem Ullah, M.D., Lic. No. L6235, Amarillo**

On December 6, 2019, the Board and Naeem Ullah Khan, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least eight hours of CME in medical documentation. The Board found Dr. Khan failed to implement an adequate process to maintain medications kept in his office and failed to adequately document injections administered to patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Patel, Ashokkumar Gordhanbhai, M.D., Lic. No. F7367, Cedar Hill**

On December 6, 2019, the Board and Ashokkumar Gordhanbhai Patel, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least eight hours of CME in medical recordkeeping. The Board found Dr. Patel provided treatment to a patient without documenting rational and efficacy or the patient's status prior to or after the treatment.

**Pearce, David Earl, M.D., Lic. No. G9510, Corpus Christi**

On December 6, 2019, the Board and David Earl Pearce, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least four hours of CME in risk management; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Pearce failed to adequately document that he assessed and made a treatment plan for a mass on a patient's thigh that was later found to be cancerous. Dr. Pearce stated he asked the patient to return following an appointment but no documentation was noted in records or in the letter to the referring physician.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

December 17, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Dallas physician**

On December 17, 2019, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Edward Agura, M.D. (Lic. No. J5681), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Agura had been diverting controlled substances, and admitted himself to an inpatient substance abuse treatment facility on October 13, 2019.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Agura, unless the hearing is specifically waived by Dr. Agura.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 18, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB Guidance Statement on TDI Rules Related to Senate Bill 1264

Today the Texas Department of Insurance (TDI) adopted [emergency rules](#) related to “surprise billing.” This Guidance Statement is to provide clear information to Texas patients and professionals under the Texas Medical Board’s (TMB’s) regulatory authority concerning Senate Bill (SB) 1264.

Physicians and practitioners, under the authority and oversight of TMB, who seek to exercise the exceptions to the prohibitions against balance billing must comply with all provisions of SB 1264, including as interpreted by TDI rules.

TMB has existing authority under both the Medical Practice Act and Board rules to investigate complaints, including balance billing violations [[Sec 164.051\(a\)\(1\)](#), [164.053\(a\)\(1\)](#) and [164.052\(a\)\(5\)](#).] TMB will follow its standard processes regarding Complaints ([Board Rule 178](#)) and Investigations ([Board Rule 179](#)) for any complaint filed concerning a balance billing violation.

Specifically, under the Medical Practice Act, violations of SB 1264 and TDI rules include, but are not limited to, violation of state law connected to the practice of medicine and unprofessional conduct.

TMB is a complaint-driven entity and if someone believes a balance billing-related violation occurred they may [file a complaint](#) with the agency. Additionally, TMB and TDI will continue collaborating to ensure that any complaints filed with TDI regarding TMB licensees will be referred to TMB and investigated. All complaints against TMB licensees filed for violating the new balance billing law, regardless of the source of the complaint, will be thoroughly investigated by TMB.

TMB will work on development of rules consistent with TDI’s rules. The Board looks forward to continuing its practice of involving the public and stakeholders on this important issue as the rulemaking process goes forward.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 18, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Respiratory Care suspends Slaton respiratory care practitioner**

On December 18, 2019, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of David Wayne Smith, RCP (Lic. No. RCP00065103), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about November 22, 2019, Mr. Smith reported to his work shift while under the influence of alcohol. Mr. Smith submitted a blood sample that was positive for alcohol.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Smith, unless the hearing is specifically waived by Mr. Smith.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 20, 2019

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Physician Assistant Board suspends San Antonio physician assistant**

On December 20, 2019, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Thomas Ralph Cook, P.A. (Lic. No. PA05138), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Cook has violated the terms and conditions of his 2017 Agreed Order by conducting house calls where he performed physical examinations without a chaperone present as required under the order.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Cook, unless the hearing is specifically waived by Mr. Cook.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 6, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On January 6, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Lewis A. Leavitt, III, M.D. (Lic. No. F9718), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Leavitt engaged in unprofessional and dishonorable conduct by having a sexual relationship with a patient and was nontherapeutically prescribing several controlled substances to the patient. Dr. Leavitt was also arrested and charged with harassment by telephone, a misdemeanor offense, on or around December 7, 2019.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Leavitt, unless the hearing is specifically waived by Dr. Leavitt.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

January 10, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Edinburg MRT**

On January 9, 2020, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Luis Rey Martinez, MRT (Lic. No. GMR00027010), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about December 3, 2019, Mr. Martinez surrendered himself to the Edinburg Police Department and was taken into custody and booked on a first-degree felony charge of continuous sexual abuse of a child, victim under 14.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Martinez, unless the hearing is specifically waived by Mr. Martinez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 17, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Houston physician**

On January 17, 2020, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Steven Bryce Inbody, M.D. (Lic. No. G7443), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Inbody is prohibited from engaging in the treatment of chronic pain as defined by Board rule; shall not possess, prescribe or distribute controlled substances in Texas; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

The Board panel found that on or around September 18, 2019, Dr. Inbody was arrested on charges of conspiracy to unlawfully distribute and dispense controlled substances and other related charges which resulted in a temporary suspension by the Board. Dr. Inbody surrendered his DEA controlled substances registration, denies the criminal charges and has pleaded not guilty. The Court has prohibited Dr. Inbody from any employment involving the distribution of controlled substances, writing or filling of prescriptions, distributing controlled substances and pre-signing prescriptions.

The temporary restriction remains in place until the Board takes further action.

###

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 13, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Corpus Christi physician**

On February 12, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Rafael Fermin Garcia, M.D. (Lic. No. J3700), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on January 5, 2020, Dr. Garcia was arrested by the Lamesa Police Department in the Medical Arts Emergency Room in Lamesa, Texas for Public Intoxication. Dr. Garcia was allegedly on call in the Emergency Room at the time of arrest.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Garcia, unless the hearing is specifically waived by Dr. Garcia.

The temporary suspension remains in place until the Board takes further action.

###

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 3, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Respiratory Care suspends Fort Worth respiratory care practitioner**

On March 2, 2020, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of James Owen Wood, RCP (Lic. No. RCP00073296), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about January 31, 2020, Mr. Wood was arrested in Fort Worth, Texas, for receiving visual depictions of a minor engaged in sexually explicit conduct. On February 24, 2020, Mr. Wood entered a guilty plea agreement with waiver of appeal to a federal offense, possession of visual depictions of a minor engaged in sexually explicit conduct.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Wood, unless the hearing is specifically waived by Mr. Wood.

The temporary suspension remains in place until the Board takes further action.

**###**

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

March 10, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Mission respiratory care practitioner**

On March 9, 2020, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Karl B. Boncales, RCP (Lic. No. 00073748), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Boncales was arrested multiple times in Hidalgo County for drug related offenses, including possession of controlled substances and driving while intoxicated.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Boncales, unless the hearing is specifically waived by Mr. Boncales.

The temporary suspension remains in place until the Board takes further action

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 14, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB Responding to Gov. Abbott's State Disaster Declaration

Following Governor Greg Abbott's [state disaster declaration](#), the Texas Medical Board, with direction and assistance from the Governor's Office, is implementing procedures to waive certain requirements to help the state's physicians, physician assistants and other health care professionals respond to COVID-19.

"During this critical time, medical providers will need to focus their attention and energy on the health and well-being of our fellow Texans. The Texas Medical Board will be doing all that it can to help assist Texas physicians, and other licensees under our authority, in making sure they stand ready and able to treat patients across the state," said TMB President Sherif Z. Zaafran, M.D.

Governor Abbott approved TMB's request to **temporarily suspend** Texas Occupation Code 111.005 (a)-(b) and Title 22, Chapter 174.6 (a)(2)-(3) of the Texas Administrative Code. The Texas Medical Board asserts that strict compliance with these laws could prevent, hinder, or delay timely delivery of necessary medical services in relation to efforts to cope with the declared disaster.

This suspension is in effect until terminated by the Office of the Governor or until the March 13, 2020 disaster declaration is lifted or expires.

Pursuant to this development, the following new procedures are in effect during the declared disaster period:

- **Allowing Phone Consults.** Telemedicine, including the use of telephone only, may be used to establish a physician-patient relationship. This expanded use of telemedicine may be used for diagnosis, treatment, ordering of tests, and prescribing for all conditions. The standard of care must be met in all instances.
- For **ALL** license and permit holders regulated by the TMB, the agency will take into account extenuating circumstances surrounding the completion of license/permit renewal requirements such as renewal deadlines and completion of continuing education hours.

Due to the developing nature of the public health event, the TMB is monitoring other regulatory issues that may affect our licensees' managing COVID-19 patients. TMB will provide any updates on these issues on the TMB website at [www.tmb.state.tx.us](http://www.tmb.state.tx.us).

TMB will continue working to protect the public's health and safety during the public health emergency.

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](https://dshs.texas.gov/coronavirus/).

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 19, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB Waiver for Chronic Pain Patients Granted by Governor Abbott

Following Governor Greg Abbott's [state disaster declaration](#), the Texas Medical Board, with direction and assistance from the Governor's Office, is implementing procedures to waive certain requirements to help the state's physicians, physician assistants and other health care professionals respond to COVID-19.

Governor Abbott approved TMB's request to **temporarily suspend** Title 22, [Chapter 174.5 \(e\) \(2\)\(A\)](#) of the Texas Administrative Code. The Texas Medical Board asserts that strict compliance with these laws could prevent, hinder, or delay timely delivery of necessary medical services in relation to efforts to cope with the declared disaster.

This waiver allows telephone refill(s) of a valid prescription for treatment of chronic pain by a physician with an established chronic pain patient. Due to the seriousness of the opioid crisis and the need to ensure there is proper oversight of chronic pain management, **this suspension is only in effect until April 10, 2020.**

This measure protects public health and curbs the spread of COVID-19, by providing patients access to ensure on-going treatment of chronic pain and avoids adverse consequences of abrupt cessation of pain medication.

Additionally, this waiver enables health care providers to provide necessary continuity of care for their chronic pain patients, while at the same time better preventing the risk of unnecessary exposure of the physician or their delegates to COVID-19.

The physician(s) remains responsible for meeting the standard of care and all other laws and rules related to the practice of medicine. The standard of care must still be maintained related to the treatment of chronic pain patients.

This waiver follows the [Drug Enforcement Agency \(DEA\) announcement](#) that healthcare professionals can prescribe controlled substances, including opioids, via telemedicine during the current coronavirus public health emergency.

Due to the developing nature of the public health event, the TMB is monitoring other regulatory issues that may affect our licensees managing COVID-19 patients. TMB will provide any updates on these issues on the TMB website at [www.tmb.state.tx.us](http://www.tmb.state.tx.us).

TMB will continue working to protect the public's health and safety during the public health emergency.

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 24, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB Passes Emergency Rules to Enforce Gov. Abbott's Executive Order GA-09**

Following Governor Greg Abbott's issuance of [Executive Order GA-09](#), the Texas Medical Board adopted rules late yesterday on an emergency basis to enforce the Executive Order's prohibition against performing surgeries and medical procedures that are not immediately medically necessary through April 21, 2020.

"The Texas Medical Board has echoed the strong recommendations for providers and health care facilities to postpone any non-emergent surgeries or procedures. We thank Governor Abbott for ordering a statewide prohibition against certain surgeries or procedures if they result in the depletion of hospital capacity or personal protective equipment needed to cope with the COVID-19 disaster," said TMB President Dr. Sherif Z. Zaafran, M.D.

"The Board's Executive Committee approved emergency rules to allow the Board to quickly act if it is determined any licensee under the Board's authority is violating the Executive Order," said President Zaafran.

The Board's Executive Committee adopted to amend the following under 22 TAC Chapters 187, Procedural Rules, Subchapter F, [Temporary Suspension and Restriction Proceedings](#) and 178, [Complaints](#):

- [22 TAC §187.57\(c\)](#), "Continuing Threat to the Public Welfare"
- [22 TAC §178.4\(d\)](#), Complaint Initiation - Peer Review Reporting

The emergency rule amends the definition of "Continuing Threat to the Public Welfare," to include actions specifically prohibited by Executive Order GA-09 as it relates to surgeries and procedures that are "not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician."

The Board also amended the rule relating to peer review and hospital reporting in order to require immediate reporting rather than after the peer review process. Such amendments will minimize delays in reporting and allow for the Board to more immediately utilize the disciplinary authority granted by Texas Occupations Code, [§164.059](#).

The Board will provide further guidance and FAQs on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 27, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Physician Assistant Board suspends Weslaco physician assistant**

On March 27, 2020, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Javier Suarez-Jaramillo, P.A. (Lic. No. PA10788), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Suarez-Jaramillo was emergently referred back to the Board due to a combination of his noncompliance with and further refusal to participate in the Texas Physician Health program testing and his third arrest for Driving While Intoxicated.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Suarez-Jaramillo, unless the hearing is specifically waived by Mr. Suarez-Jaramillo.

The temporary suspension remains in place until the Board takes further action.

**###**

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 3, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends McAllen physician**

On April 2, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jimmi Rios-Perez, M.D. (Lic. No. P1812), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Rios-Perez is the subject of several criminal complaints made to the McAllen Police Department by three patients and two employees alleging inappropriate conduct and sexual assault. Additionally, the panel found that Dr. Rios-Perez violated his 2018 Agreed Order requiring him to have a chaperone present during the examination of a patient.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Rios-Perez, unless the hearing is specifically waived by Dr. Rios-Perez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 6, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Pharr MRT**

On April 3, 2020, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Yvonne Demerson, MRT (Lic. No. GMR00026709), after determining her continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on January 31, 2020, Ms. Demerson was terminated by her employer for testing positive for illegal controlled substances while she was at work.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Ms. Demerson, unless the hearing is specifically waived by Ms. Demerson.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 6, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends San Juan MRT**

On April 3, 2020, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Eric Mireles, MRT (Lic. No. GMR02005884), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about February 20, 2020, Mr. Mireles reported to his work shift while under the influence of a controlled substance. He was terminated from his place of employment on or about March 2, 2020, due to a policy violation resulting from testing positive for a controlled substance and tampering with a drug screen sample.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Mireles, unless the hearing is specifically waived by Mr. Mireles.

The temporary suspension remains in place until the Board takes further action.

###

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

April 9, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB Waiver for Chronic Pain Patients Extended by Governor Abbott**

Governor Greg Abbott today approved the Texas Medical Board's request to extend the [previously issued waiver](#) which temporarily suspends Title 22, [Chapter 174.5 \(e\) \(2\)\(A\)](#) of the Texas Administrative Code, as the measure is still necessary to protect public health by providing patients access to ensure on-going treatment of chronic pain and curbing the spread of COVID-19. **The suspension is only in effect until May 8, 2020.**

The extended waiver continues to allow for telephone refill(s) of a valid prescription for treatment of chronic pain by a physician with an established chronic pain patient. The physician(s) remains responsible for meeting the standard of care and all other laws and rules related to the practice of medicine. The standard of care must still be maintained related to the treatment of chronic pain patients.

For further guidance, please review the TMB's updated telemedicine FAQs on its [COVID-19 website](#), as well as the [Drug Enforcement Administration's COVID-19 website](#) for federal requirements.

TMB will continue to provide any updates on COVID-19 issues on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

###

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

April 21, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB Adopts Emergency Rule to Enforce Gov. Abbott's Executive Order GA-15

Following Governor Greg Abbott's issuance of [Executive Order GA-15](#), the Texas Medical Board's Executive Committee today adopted rules on an emergency basis to enforce the Governor's Executive Order which continues the postponement of certain surgeries and procedures as outlined in the order.

The adopted rule amends 22 TAC Chapter 190.8 Violation Guidelines, and adds to the definition of "Unprofessional and Dishonorable Conduct" under 22 TAC §190.8(2)(U). The adopted emergency rule goes into effect later today at 11:59 p.m. when GA-15 goes into effect.

The rule adds to the definition to include the following:

**(U) a violation of Texas Executive Order GA-15, issued April 17, 2020, which states: "All licensed health care professionals and all licensed health care facilities shall postpone all surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician; provided, however, that this prohibition shall not apply to either of the following:**

**(i) any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster; or**

**(ii) any surgery or procedure performed in a licensed health care facility that has certified in writing to the Texas Health and Human Services Commission both:**

**(1) that it will reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and**

**(2) that it will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID-19 disaster."**

The Executive Committee also withdrew emergency rules related to Executive Order GA-09 effective today at 11:59 p.m.

The Board has published updated FAQs on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](https://dshs.texas.gov/coronavirus/).

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 21, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Austin physician**

On April 20, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of David Tanksley Butler, M.D. (Lic. No. K4866), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on April 15, 2020, Dr. Butler was arrested by the Austin Police Department and charged with possession of child pornography, a 3rd Degree Felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Butler, unless the hearing is specifically waived by Dr. Butler.

The temporary suspension remains in place until the Board takes further action.

###



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 21, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On April 20, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Brett McCormack Cordes, M.D. (Lic. No. N1594), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Cordes currently suffers from a likely impairment related to the use or diversion of controlled substances that makes him a threat to patient or public safety.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Cordes, unless the hearing is specifically waived by Dr. Cordes.

The temporary suspension remains in place until the Board takes further action.

###

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 21, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Respiratory Care suspends San Antonio respiratory care practitioner**

On April 20, 2020, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Aubrey Olivia Ehling, RCP (Lic. No. RCP00018439), after determining her continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Ms. Ehling was terminated from her employment on or about March 4, 2020 due to a positive drug screening that was conducted after Ms. Ehling reported to work while she appeared to be under the influence of drugs or alcohol.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Ms. Ehling, unless the hearing is specifically waived by Ms. Ehling.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 28, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Respiratory Care suspends Pantego respiratory care practitioner**

On April 27, 2020, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Yasheka McCoy, RCP (Lic. No. RCP00075764), after determining her continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Ms. McCoy, while participating in the Board's drug testing program, tested positive for prohibited substances and missed several drug testing check-ins in violation of her February 2020 Agreed Order.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Ms. McCoy, unless the hearing is specifically waived by Ms. McCoy.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

April 30, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB Adopts Emergency Rule Related to Gov. Abbott's Executive Order GA-19

Following Governor Greg Abbott's issuance of [Executive Order GA-19](#), the Texas Medical Board's Executive Committee today adopted rules on an emergency basis.

The adopted rule amends 22 TAC Chapter 190.8 Violation Guidelines, and adds to the definition of "Unprofessional and Dishonorable Conduct" under 22 TAC §190.8(2)(U).

The adopted emergency rule goes into effect May 1, 2020 at 12:00 a.m.

The rule adds the following required minimum standards for safe practice related to COVID-19, and certain posting notice of those minimum standards:

(U) Notice and Compliance Requirements Concerning COVID-19 Minimum Standards of Safe Practice

(i) All physicians providing patient care or engaging in an in-person patient encounter, must implement the following minimum COVID-19 standards of safe practice.

(I) a mask must be worn by both the patient and physician or the physician's delegate when in proximity of the patient (meaning less than a 6-foot distance between the patient and the physician or the physician's delegate);

(II) follow policies the physician, medical and healthcare practice, or facility has in place regarding COVID-19 screening and testing and/or screening patients;

(III) that, before any encounter, patients must be screened for potential symptoms of COVID-19 or verified previously screened within last 20 days; and

(IV) that prior to care involving a medical procedure or surgery on the mucous membranes, including the respiratory tract, with a high risk of aerosol transmission, the minimum safety equipment used by a physician or physician's delegate should include N95 masks, or an equivalent protection from aerosolized particles, and face shields.

(ii) All physicians providing patient care or engaging in an in-person patient encounter in medical and healthcare practices, offices, and facilities, other than hospitals as defined under Chapter 241 of the Texas Health & Safety Code, shall post a COVID-19 Minimum Standards of Safe Practice Notice (COVID-19 Notice), delineating the minimum standards of safe practice described in this subsection, in each public area and treatment room or area of the office, practice, or facility.

The Executive Committee also withdrew emergency rules related to Executive Order GA-15 effective May 1, 2020 at 12:00 a.m.

The Board will publish guidance related to Executive Order GA-19 on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

May 8, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### Waiver for Chronic Pain Patients Extended by Governor Abbott

Governor Greg Abbott today approved the Texas Medical Board's request to extend the [previously issued waiver](#) which temporarily suspends Title 22, [Chapter 174.5 \(e\) \(2\)\(A\)](#) of the Texas Administrative Code, as the measure is still necessary to protect public health by providing patients access to ensure on-going treatment of chronic pain and curbing the spread of COVID-19. **The suspension is in effect until June 6, 2020.**

The extended waiver continues to allow for telephone refill(s) of a valid prescription for treatment of chronic pain by a physician with an established chronic pain patient. The physician(s) remains responsible for meeting the standard of care and all other laws and rules related to the practice of medicine. The standard of care must still be maintained related to the treatment of chronic pain patients.

For further guidance, please review the TMB's telemedicine FAQs on its [COVID-19 website](#), as well as the [Drug Enforcement Administration's COVID-19 website](#) for federal requirements.

TMB will continue to provide any updates on COVID-19 issues on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](https://dshs.texas.gov/coronavirus/).

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 5, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB Adopts Emergency Rule Related to Issuance of Prescriptions

The Texas Medical Board's Executive Committee, with advice and direction from the Governor's Office, today adopted rules on an emergency basis related to the issuance of certain prescriptions during the COVID-19 disaster.

The Governor previously extended the [waiver](#) to temporarily suspend Title 22, [Chapter 174.5 \(e\) \(2\)\(A\)](#) of the Texas Administrative Code. That waiver is set to expire later today.

Accordingly, emergency amendments to §174.5 are necessary to help the state's physicians, physician assistants and other health care professionals continue to mitigate the risk of exposure to COVID-19 and provide necessary medical services related to chronic pain management with controlled substances for patients.

The adopted rule amends 22 TAC Chapter 174.5, Issuance of Prescriptions, adding the following under §174.5(e):

(1) Treatment for Chronic Pain. For purposes of this rule, chronic pain has the same definition as used in §170.2(4) of this title (relating to Definitions).

(A) Treatment of chronic pain with scheduled drugs through use of telemedicine medical services is prohibited, unless:

- i) a patient is an established chronic pain patient of the physician and is seeking telephone refill of an existing prescription, and the physician determines that such telemedicine treatment is needed due to the COVID-19 pandemic; or
- ii) the treatment is otherwise allowed under federal and state law.

(B) If a patient is treated for chronic pain with scheduled drugs through the use of telemedicine medical services as permitted by (A)(i) or (ii) above, the patient's medical records must document the exception and the reason that a telemedicine visit was conducted instead of an in-person visit.

(C) A physician, when determining whether to utilize telemedicine medical services for the treatment of chronic pain with controlled substances as permitted by (A)(i) or (ii) above, shall give due consideration to factors that include: date of the patient's last in-person visit, patient co-morbidities, and occupational-related COVID risks. These are not the sole, exclusive, or exhaustive factors a physician should consider under this rule.

(D) The emergency amendment of this rule effective June 5, 2020 shall be in effect for only 30 days or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter.

(2) Treatment for Acute Pain. For purposes of this rule, acute pain has the same definition as used in §170.2(2) of this title. Treatment of acute pain with scheduled drugs through use of telemedicine medical services is allowed, unless otherwise prohibited under federal and state law.

The emergency amendments shall be in effect for only 30 days or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter, pursuant to Section 2001.034 of the Texas Government Code.

For further guidance, please review the TMB's telemedicine FAQs on its [COVID-19 website](#), as well as the [Drug Enforcement Administration's COVID-19 website](#) for federal requirements.

TMB will continue to provide any updates on COVID-19 issues on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 17, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Gainesville physician**

On June 16, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Robert Mathew Hein, M.D. (Lic. No. M6182), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Hein, following a workplace incident where Dr. Hein was found unresponsive by hospital staff, was suspected by his employer to have been treating patients while under the influence of controlled substances not legitimately prescribed to him. Dr. Hein appeared to be diverting medications from patients for his personal use and currently suffers from a likely impairment that makes him a threat to patient or public safety.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hein, unless the hearing is specifically waived by Dr. Hein.

The temporary suspension remains in place until the Board takes further action.

**###**

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 25, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 46 physicians at June meeting, adopts rule changes

At its June 12, 2020 meeting, the Texas Medical Board disciplined 46 licensed physicians.

The disciplinary actions included: ten orders related to quality of care violations, seven orders related to unprofessional conduct, four voluntary surrenders/revocations, four revocations, two suspensions, two orders related to nontherapeutic prescribing, two orders related to improper supervision or delegation, two orders related to peer review action, four orders related to other states' actions, two orders related to violation of prior order, two orders related to violation of Board rules, two orders related to Texas Physician Health Program violation, two orders related to impairment, and one order related to inadequate medical records. The Board also ratified an order regarding a perfusionist and nine cease and desist orders.

The Board issued 180 physician licenses at the June meeting, bringing the total number of physician licenses issued in FY20 to 3,835.

### RULE CHANGES ADOPTED

#### CHAPTER 166. PHYSICIAN REGISTRATION

The amendments to **§166.2**, concerning Continuing Medical Education, requires at least two hours of continuing medical education (CME) training in topics related to the prescription of opioids and other controlled substances. The amendments further require the completion of a course in human trafficking prevention awareness.

#### CHAPTER 170. PAIN MANAGEMENT

Amends the title of 22 TAC Chapter 170 to "Prescription of Controlled Substances."

The amendments to **§170.2**, concerning Definitions, amends the definitions of "acute pain," "chronic pain," and adds a new definition for "post-surgical, post-procedure, persistent non-chronic pain."

The amendments to **§170.3**, concerning Minimum Requirements for the Treatment of Chronic Pain, requires a review of the Prescription Monitoring Program (PMP) prior to the issuance of a prescription for opioids, benzodiazepines, barbiturates, and carisoprodol.

New **Subchapter C, §170.9**, Prescription Monitoring Program Check, clarifies when and under what circumstances a physician is required to check the PMP before issuing certain controlled substances.

#### CHAPTER 172. TEMPORARY AND LIMITED LICENSES

The amendments to **§172.13**, concerning Conceded Eminence, adds language to clarify the requirements for and process to obtain conceded eminence.

#### CHAPTER 175. FEES AND PENALTIES

The amendments to **§175.1**, concerning Application and Administrative Fees, adds an application and certificate fee for a Radiologist Assistant Certificate in the amount of \$140.00, and also adds a fee for an application for a temporary certificate in the amount of \$140.00.

The amendments to **§175.2**, concerning Registration and Renewal Fees, adds a fee for biennial renewal of a Radiologist Assistant Certificate, in the amount of \$100.00. Radiologist Assistant is a new certificate type mandated by, and in accordance with, House Bill 1504 (86th Regular Legislative Session).

#### **CHAPTER 178. COMPLAINTS**

The amendments to **§178.8**, concerning Appeals, adds language requiring that the board receive a complainant's appeal no later than 90 days after the complainant's receipt of notice of the board's dismissal of the complaint.

#### **CHAPTER 180. TEXAS PHYSICIAN HEALTH PROGRAM AND REHABILITATION ORDERS**

Amends the title of 22 TAC Chapter 180 to "Texas Physician Health Program."

The amendments to **§180.1**, concerning Purpose, describes the authority for rulemaking and the purpose of the Texas Physician Health Program under Chapter 167 of the Texas Occupations Code.

The amendments to **§180.2**, concerning Definitions, updates existing definitions and adds new definitions in order to maintain consistency within this chapter.

The amendments to **§180.3**, concerning Texas Physician Health Program, clarifies and updates existing language to ensure consistency with current program processes and TXPHP Governing Board directives.

The amendments to **§180.4**, concerning Operation of Program, clarifies and updates existing language to ensure consistency with current program processes and TXPHP Governing Board directives.

The repeal of **§180.7**, concerning Rehabilitation Orders, eliminates outdated rule language that was historically necessary when TXPHP was created in 2009.

#### **CHAPTER 195. PAIN MANAGEMENT CLINICS**

The amendments to **§195.1**, concerning Definitions, adds a new definition for "personnel", distinguishing personnel from physicians.

The amendments to **§195.4**, concerning Operation of Pain Management Clinics, adds language distinguishing personnel from physicians who may be employed or contracted to provide medical services at a pain clinic.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Cao, Hiep Andrew, M.D., Lic. No. N8770, Garland**

On June 12, 2020, the Board and Andrew Hiep Cao, M.D., entered into an Agreed Order restricting his license under the following conditions: shall not engage in the practice of treating patients for chronic pain as defined by Board rule; shall not possess, administer, or prescribe Schedule II controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant; within one year and three attempts pass the Medical Jurisprudence Exam; have his practice monitored by another physician for four consecutive monitoring cycles; within 60 days submit a pain management contract for review and approval by the Board; and within three years complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Cao failed to obtain or document adequate patient history or assessment for 15 patients he treated for chronic pain, failed to appropriately monitor patients' use of controlled substances and failed to document adequate medical rationale for the pain medications he prescribed.

##### **Cherian, Rany Antony, M.D., Lic. No. G6918, Bryan**

On June 12, 2020, the Board and Rany Anthony Cherian, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: 8 hours in prescribing controlled substances, 8 hours in

medical recordkeeping and 8 hours in drug-seeking behavior; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Cherian prescribed Adderall to a patient without appropriately monitoring or maintaining adequate medical records of the treatment.

**Choudhri, Mobeen, M.D., Lic. No. N4346, Bellaire**

On June 12, 2020, the Board and Mobeen Choudhri, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 36 hours of in-person CME, divided as follows: 12 hours in supervision and delegation, eight hours in pain management, eight hours in risk management and eight hours in ethics; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Choudhri violated the standard of care for four chronic pain patients, failed to adequately supervise her midlevel providers, and failed to maintain the registration for two pain management clinics.

**Cortes, Wilberto Gil, M.D., Lic. No. M8612, Houston**

On June 12, 2020, the Board and Wilberto Gil Cortes, M.D., entered into an Agreed Order requiring him to within 60 days pay a refund of \$8,800 to the patient at issue; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: four hours in management of physician-patient communications, four hours in risk management and four hours in recognizing and treating surgical complications. The Board found Dr. Cortes failed to meet the standard of care with respect to a patient he performed a liposuction procedure on by failing to properly examine the patient and adequately care for the patient post-operatively after the patient experienced complications.

**Launius, John A., M.D., Lic. No. H2149, Lewisville**

On June 12, 2020, the Board and John A. Launius, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in diagnosis and treatment of ADHD and four hours in patient communication, risk management, and dealing with difficult patients; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Launius failed to meet the standard of care for a patient he treated for ADHD, anxiety and obsessive compulsive disorder.

**McBath, J. Mark, M.D., Lic. No. G8265, Houston**

On June 12, 2020, the Board and J. Mark McBath, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. McBath did not keep adequate medical records while prescribing medications for weight loss. Dr. McBath did not document a history or physical, nor did he adequately document his interactions with the patient.

**Mettauer, Mark Menefee, M.D., Lic. No. K6486, The Woodlands**

On June 12, 2020, the Board and Mark Menefee Mettauer, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in post-operative care. The Board found Dr. Mettauer appropriately prepared a patient for surgery but should have taken the patient back for immediate exploration due to an excessive amount of post-operative bleeding.

**Muscat, Joseph Otto, IV, M.D., Lic. No. H8276, Kingwood**

On June 12, 2020, the Board and Joseph Otto Muscat, IV, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in pediatric orthopedic patients and eight hours in risk management. The Board found Dr. Muscat failed to meet the standard of care for a teenage patient. Dr. Muscat did not properly treat the patient's complex lateral collateral ligament injury.

**Nasur, Ali Mohamed, M.D., Lic. No. P4685, El Paso**

On June 12, 2020, the Board and Ali Mohamed Nasur, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in cardiac catheterization laboratory complications and four hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The

Board found Dr. Nasur failed to meet the standard of care for one patient for whom he performed a cardiac catheterization and failed to timely identify and treat a stroke that occurred.

**Spinks, David Wayne, D.O., Lic. No. F4557, Pasadena**

On June 12, 2020, the Board and David Wayne Spinks, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in treating chronic pain patients. The Board found Dr. Spinks failed to meet the standard of care in treating a patient to whom he prescribed carisoprodol, Tramadol and Ambien, and failed to appropriately monitor the patient for abuse.

**UNPROFESSIONAL CONDUCT**

**Garcia, Ronald K., M.D., Lic. No. H2394, San Antonio**

On June 12, 2020, the Board and Ronald K. Garcia, M.D., entered into an Agreed Order publicly reprimanding Dr. Garcia and requiring him to within 90 days reimburse the patient of the principal amount still owed to the patient, less interest; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: four hours in ethics and eight hours in physician-patient boundaries; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Garcia committed unprofessional conduct by becoming financially involved with a patient. Dr. Garcia admitted to borrowing \$13,000 from an established patient after the patient offered to loan him money when he expressed he was facing financial difficulties. Dr. Garcia has yet to repay the patient, and still owes approximately \$11,000.

**Gonzalez, Mario G., M.D., Lic. No. P4959, North Richland Hills**

On June 12, 2020, the Board and Mario G. Gonzalez, M.D., entered into an Agreed Order under the following terms: for a period of three years, anytime Dr. Gonzalez has a physician-patient encounter with a female patient, including any encounter conducted by electronic means including telemedicine, he shall have a chaperone who is able to directly observe during the encounter; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Gonzalez displayed unprofessional conduct by making inappropriate comments towards two female patients.

**Habib, Muhammad Farhan, M.D., Lic. No. BP10056176, Amarillo**

On June 12, 2020, the Board and Muhammad Farhan Habib, M.D., entered into an Agreed Order publicly reprimanding Dr. Habib. The Board found Dr. Habib was suspended and then resigned from his residency program following his arrest for a third-degree felony charge of Continuous Violence Against the Family. Dr. Habib entered into a Domestic Violence Early Intervention Program.

**Horndeski, Gary Michael, M.D., Lic. No. G2390, Sugar Land**

On June 12, 2020, the Board and Gary Michael Horndeski, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Horndeski's website included unverifiable claims like "best plastic surgeon," and "most innovative."

**Moreno, Robert A., M.D., Lic. No. H7470, El Paso**

On June 12, 2020, the Board and Robert A. Moreno, M.D., entered into an Agreed Order requiring him to comply with all terms of the Settlement Agreement issued by the U.S. Attorney's Office for the Western District of Texas on August 28, 2019. The Board found Dr. Moreno entered into a settlement agreement which arose from submitting false billing claims to federal health care programs.

**Novak, Jacob John, M.D., Lic. No. K2766, Lubbock**

On June 12, 2020, the Board and Jacob John Novak, M.D., entered into an Agreed Consent Order publicly reprimanding Dr. Novak and requiring him to comply with all ordered probation requirements from the Florida County Court of the

Fifteenth Judicial Circuit. The Board found Dr. Novak was arrested and later convicted of battery of a resort and spa housekeeper in Florida in 2019.

**Ortiz, Edward Hurtado, M.D., Lic. No. M4411, Austin**

On June 12, 2020, the Board and Edward Hurtado Ortiz, M.D., entered into an Agreed Order requiring him to within 30 days undergo an independent medical evaluation by a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; limit his practice to a group or an institutional setting approved in advance; have his practice monitored by another physician; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Ortiz improperly manipulated some sleep study reports.

**VOLUNTARY SURRENDER/REVOICATION**

**Coleman, Paul H., M.D., Lic. No. H5757, Odessa**

On June 12, 2020, the Board and Paul H. Coleman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Coleman agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Coleman pled guilty to three felony counts of possession of child pornography and was sentenced to 10 years' imprisonment.

**Maxvill, Charles T., D.O., Lic. No. F5299, Lake Worth**

On June 12, 2020, the Board and Charles T. Maxvill, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Maxvill agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Maxvill pled Nolo Contendere to a misdemeanor offense of Public Lewdness and received a deferred adjudication of guilt, placing him on misdemeanor community supervision for 24 months. The charges were based on allegations that, while on duty at Weatherford Healthcare, Dr. Maxvill offensively touched a nurse that was providing patient care.

**Oates, Myrtle, M.D., Lic. No. J3565, Houston**

On June 12, 2020, the Board and Myrtle Oates, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Oates agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. The Board found that on or about November 21, 2019, Dr. Oates pleaded nolo contendere to and received an Order of Deferred Adjudication for unlawful practice of medicine, a 3rd degree felony, in the 230<sup>th</sup> District Court of Harris County, Texas.

**Rodriguez, Victor M., M.D., Lic. No. K1030, Houston**

On June 12, 2020, the Board and Victor M. Rodriguez, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Rodriguez agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Rodriguez was under investigation for nontherapeutic prescribing and standard of care violations.

**REVOICATION**

**Berry, Alison Joan, M.D., Lic. No. F3757, San Antonio**

On June 12, 2020, the Board entered a Default Order regarding Alison Joan Berry, M.D., which revoked her Texas medical license. On August 28, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Berry failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Berry. The Board granted a Determination of Default and Dr. Berry's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Berry has 25 days from the service of the order to file a motion for rehearing.

**Easter, Thomas Glenn, II, M.D., Lic. No. G7801, El Paso**

On June 12, 2020, the Board entered a Default Order regarding Thomas Glenn Easter, II, M.D., which revoked his Texas medical license. On August 28, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Easter failed to appear at the SOAH hearing and no responsive pleading was

ever filed by Dr. Easter. The Board granted a Determination of Default and Dr. Easter's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Easter has 25 days from the service of the order to file a motion for rehearing.

**Hernandez, Manuel, M.D., Lic. No. C5088, El Paso**

On June 12, 2020, the Board entered a Default Order regarding Manuel Hernandez, M.D., which revoked his Texas medical license. On December 14, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Hernandez failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Hernandez. The Board granted a Determination of Default and Dr. Hernandez' license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Hernandez has 25 days from the service of the order to file a motion for rehearing.

**Lancaster, Chase Edward, M.D., Lic. No. BP10062976, Gilbert, AZ**

On June 12, 2020, the Board entered a Default Order regarding Chase Edward Lancaster, M.D., which revoked his Texas physician in training permit. On January 14, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Lancaster failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Lancaster. The Board granted a Determination of Default and Dr. Lancaster's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Lancaster has 25 days from the service of the order to file a motion for rehearing.

**SUSPENSION**

**Fiallo, Francisco Julian, M.D., Lic. No. R0393, Pampa**

On June 12, 2020, the Board and Francisco Julian Fiallo, M.D., entered into an Agreed Order suspending Dr. Fiallo's license until such a time as he requests in writing to have the suspension stayed or lifted and personally appears before the Board to provide evidence that adequately indicates he is physically, mentally, and otherwise competent to safely practice medicine; abstain from the consumption of prohibited substances as defined by the Order; participate in the Board's drug testing program; within 30 days obtain an independent medical evaluation by a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; continue psychiatric treatment no less than once a month; participate in the activities of Alcoholics Anonymous no less than five times a week; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Fiallo was terminated from the Texas Physician Health Program for violating his monitoring agreement. Dr. Fiallo has been testing under an interim monitoring agreement with the Board; however, there was no evidence from a treating provider that he is safe to return to practice at this time.

**Quintana, Oscar Francisco, M.D., Lic. No. K5672, Houston**

On June 12, 2020, the Board and Oscar Francisco Quintana, M.D., entered into an Agreed Order suspending Dr. Quintana's license until such a time as he requests in writing to have the suspension stayed or lifted and personally appears before the Board to provide evidence that adequately indicates he is physically, mentally, and otherwise competent to safely practice medicine; within 30 days obtain an independent medical evaluation by a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; abstain from the consumption of prohibited substances as defined by the Order; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than five times a week; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Quintana has a history of impairment related to substance abuse issues and has recently relapsed.

**NONTHERAPEUTIC PRESCRIBING**

**Eidman, Dan Kelly, M.D., Lic. No. E4316, Houston**

On June 12, 2020, the Board and Dan Kelly Eidman, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 16

hours of in-person CME, divided as follows: eight hours in medical recordkeeping and eight hours in prescribing opioids; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Eidman failed to meet the standard of care in his prescribing to four chronic pain patients without adequately supporting his prescriptions, treatment plans or monitoring of patients. Dr. Eidman failed to document his rationale for, as well as the dose, frequency and duration of the controlled substances and dangerous drugs he prescribed for the patients.

**Skie, Gregory, M.D., Lic. No. G5617, Arlington**

On June 12, 2020, the Board and Gregory Skie, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates and shall not reregister without prior Board approval; shall not possess, administer, or prescribe controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; limit his practice to a group or institutional setting approved in advance; and within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Skie nontherapeutically prescribed to 18 patients without documenting adequate medical justification for the amount of medication prescribed, and violated Board rules for treating chronic pain.

**IMPROPER SUPERVISION OR DELEGATION**

**Morris, Michael W., M.D., Lic. No. F0262, Humble**

On June 12, 2020, the Board and Michael W. Morris, M.D., entered into an Agreed Order publicly reprimanding Dr. Morris and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: 12 hours in supervision and delegation and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Morris failed to adequately supervise his delegate and unknowingly aided and abetted her unlicensed practice of medicine. Dr. Morris' delegate performed Botox injections and other procedures on at least one patient who had not been evaluated by a physician or other qualified midlevel provider.

**Weeks, Lyle David, M.D., Lic. No. E4959, El Paso**

On June 12, 2020, the Board and Lyle David Weeks, M.D., entered into an Agreed Order publicly reprimanding Dr. Weeks and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME, divided as follows: eight hours in ethics, 12 hours in risk management, with at least four hours in supervision or delegation; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Weeks failed to ensure patients were seen and evaluated by a properly licensed provider prior to the administration of nonsurgical medical cosmetic procedures.

**PEER REVIEW ACTION**

**Cantu, Dennis David, M.D., Lic. No. F1430, Laredo**

On June 12, 2020, the Board and Dennis David Cantu, M.D., entered into an Agreed Order publicly reprimanding and publicly referring Dr. Cantu to the Texas Physician Health program; requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and no later than December 31, 2020, pay an administrative penalty of \$3,000. The Board found Dr. Cantu resigned his privileges at Laredo Medical Center due to an incident that caused a disruption with a patient's family. Dr. Cantu failed to document he had made arrangements for coverage and was delayed in responding to nurse's calls about the patient who was experiencing septic shock.

**Ouma, Joseph Agage, M.D., Lic. No. K1605, Nellis, NV**

On June 12, 2020, the Board and Joseph Agage Ouma, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in appropriate physical examinations; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr.



Ouma's practice was restricted by the United States Air Force for a four-month period for standard of care issues related to nine patients.

#### **OTHER STATES' ACTIONS**

##### **Farooq, Muhammad, M.D., Lic. No. K4422, Camden, DE**

On June 12, 2020, the Board and Muhammad Farooq, M.D., entered into an Agreed Order publicly reprimanding Dr. Farooq. The Board found Dr. Farooq was disciplined by the Delaware Board of Medical Licensure and Discipline for unprofessional conduct.

##### **Jones, Herbert Williams, M.D., Lic. No. M8745, Minneapolis, MN**

On June 12, 2020, the Board and Herbert Williams Jones, M.D., entered into an Agreed Order publicly referring Dr. Jones to the Texas Physician Health Program and requiring him to comply with all terms of the Order entered by the Minnesota Board of Medical Practice (MBMP) on September 14, 2019. The Board found Dr. Jones was disciplined by the MBMP which arose from his impairment.

##### **Lifland, Paul Dennis, M.D., Lic. No. H7180, El Campo**

On June 12, 2020, the Board and Paul Dennis Lifland, M.D., entered into an Agreed Order publicly reprimanding Dr. Lifland and requiring him to comply with all terms of the Order entered by the North Dakota Board of Medicine (NDBM) on July 19, 2019. The Board found Dr. Lifland was disciplined by the NDBM for unprofessional conduct and lacking appropriate documentation in medical records.

##### **Smith, Stephen Ross, M.D., Lic. No. F0005, Baltimore, MD**

On June 12, 2020, the Board and Stephen Ross Smith, M.D., entered into an Agreed Order under the following terms: shall not be permitted to practice in Texas, including telemedicine, until he requests permission and appears before the Board to provide evidence that he is physically, mentally and otherwise competent to safely practice medicine; shall comply with all terms of the Order entered by the Maryland State Board of Physicians (MSBP), effective November 8, 2019; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Smith was disciplined by the MSBP for failure to meet appropriate standards for the delivery of medical care.

#### **VIOLATION OF PRIOR ORDER**

##### **Ibanez, Marc Albert, M.D., Lic. No. M4188, Corpus Christi**

On June 12, 2020, the Board and Marc Albert Ibanez, M.D., entered into an Agreed Order publicly reprimanding Dr. Ibanez and requiring him to within 30 days pay the \$3,000 chart monitoring fee as required by the 2017 Order; and within 30 days pay an additional administrative penalty of \$1,000. The Board found Dr. Ibanez violated his 2017 Agreed Order when he failed to timely pay a chart monitor fee as required.

##### **Yerrington, Robert, M.D., Lic. No. F2132, San Antonio**

On June 12, 2020, the Board and Robert Yerrington, M.D., entered into an Agreed Order requiring him to within 150 days pay an administrative penalty of \$2,000. The Board found Dr. Yerrington violated his 2018 Order when he failed to complete a medical recordkeeping course and certain CME within a year as required by the order.

#### **VIOLATION OF BOARD RULES**

##### **Hughes, Christopher Aaron, M.D., Lic. No. M4180, Argyle**

On June 12, 2020, the Board and Christopher Aaron Hughes, M.D., entered into an Agreed Order requiring him to have his telemedicine practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 20 hours of CME, divided as follows: eight hours in pain management, eight hours in risk management and four hours in telemedicine. The Board found Dr. Hughes failed to meet the requirements for establishing an adequate patient-provider relationship for telemedicine. Specifically, he conducted telephonic patient visits without

using store and forward technology, failed to keep adequate medical records, and treated two patients for chronic pain via telemedicine in violation of Board rules.

**Sunkavally, Srinivas, M.D., Lic. No. M9683, Livingston**

On June 12, 2020, the Board and Srinivas Sunkavally, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Sunkavally failed to adequately document his care, failed to obtain records from other providers and failed to support his prescribing and treatment with adequate medical rationale for six patients.

**TXPHP VIOLATION**

**Fleckenstein, James Lawrence, M.D., Lic. No. G8836, Tulsa, OK**

On June 12, 2020, the Board and James Lawrence Fleckenstein, M.D., entered into an Agreed Order requiring him to abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within seven days surrender his DEA controlled substances registration certificates and not reapply without prior Board approval; shall not possess, administer, or prescribe controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; within 30 days obtain a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment, and receive care no less than four times each month; participate in the activities of Alcoholics Anonymous no less than four times per week; and attend at least three Caduceus meetings per month. The Board found Dr. Fleckenstein failed to comply with a monitoring agreement with the Texas Physician Health Program and was engaged in criminal activity related to his intemperate use of controlled substances. On March 26, 2018, Dr. Fleckenstein plead guilty in the Tulsa District Court to one misdemeanor count of Possession of Controlled Dangerous Substance by Registrant by Fraud/Forgery in which he received a two-year deferred sentence.

**O'Brien, Michael Francis, M.D., Lic. No. N5289, Dallas**

On June 12, 2020, the Board and Michael Francis O'Brien, M.D., entered into an Agreed Order on Formal Filing under the following terms: lifting the suspension of his license for the sole purpose of enrolling in the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; within 30 days enroll in KSTAR; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. O'Brien was terminated from the Texas Physician Health Program for failing to comply with his agreement and that Dr. O'Brien was physically and cognitively impaired. Dr. O'Brien is currently successfully undergoing regular monitoring by the Board. The order remains in effect until superseded by further order. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**IMPAIRMENT**

**Birdwell, Russ Deacon, M.D., Lic. No. K2851, Richardson**

On June 12, 2020, the Board and Russ Deacon Birdwell, M.D., entered into an Agreed Order Upon Formal Filing publicly referring Dr. Birdwell to the Texas Physician Health Program (TXPHP) and requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: eight hours in ethics and four hours in risk management. The Board found Dr. Birdwell failed to meet the standard of care with respect to a surgical patient and was subject to disciplinary action by his peers related to his consumption of alcohol before a procedure, impaired conduct during the procedure, and his refusal to submit to alcohol and drug screening. Dr. Birdwell self-referred to TXPHP and entered into a one-year agreement pursuant to a Baylor Scott and White return to practice agreement. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Garcia, Rafael Fermin, M.D., Lic. No. J3700, Corpus Christi**

On June 12, 2020, the Board and Rafael Fermin Garcia, M.D., entered into an Agreed Order lifting Dr. Garcia's temporary suspension and placing him under the following terms for 10 years: within 30 days obtain a pre-approved board certified physician to serve as his work-site monitor; shall not practice more than 60 hours per week; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; participate in the activities of a county or state medical society committee on physician impairment and rehabilitation; and participate in the activities of Alcoholics Anonymous no less than three times a week. The Board found Dr. Garcia was arrested for public intoxication in the Medical Arts Hospital on January 5, 2020. Dr. Garcia and his counsel assert the charge will be resolved by dismissal agreement, but documentation of that was not available at the time of Dr. Garcia's ISC.

**INADEQUATE MEDICAL RECORDS****Marti, Alfredo, M.D., Lic. No. J1722, Fort Worth**

On June 12, 2020, the Board and Alfredo Marti, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles to include specific review of informed consent documents; and within one year complete at least eight hours of in-person CME, divided as follows: four hours in medical recordkeeping and four hours in obtaining and documenting informed consent. The Board found Dr. Marti's documentation of informed consent for a spinal surgery was inadequate.

**PERFUSIONIST****Behr, Whitney, Donald, PF, Lic. No. PPF02000010, Allen**

On June 12, 2020, the Board and Whitney Donald Behr, PF, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 13, 2019.

**AGREED CEASE & DESISTS****Baer, Brett Martin, DPT, No License, The Woodlands**

On June 12, 2020, the Board and Brett Martin Baer, DPT, entered into an Agreed Cease and Desist Order prohibiting Mr. Baer from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Baer shall cease and desist from referring to himself as a doctor or physician in any manner, including by referring to himself as a "doctor," or "Dr.," unless he also designates the authority under which the title is issued or the college or honorary degree that gives rise to the use of the title. The Board found Mr. Baer, who holds a physical therapist license, was marketing himself as "Dr. Brett Baer" multiple times in public relations and the direct marketing publication Review It Magazine.

**Borbon, Roger, DC, No License, Austin**

On June 12, 2020, the Board and Roger Borbon, DC, entered into an Agreed Cease and Desist Order prohibiting Mr. Borbon from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Borbon is prohibited from using advertising that may mislead the public regarding Mr. Borbon being a medical doctor. The Board found Mr. Borbon, who is a licensed chiropractor, advertised regarding his being a medical doctor who specializes in neurology.

**Garza, Victoria, No License, Harlingen**

On June 12, 2020, the Board and Victoria Garza entered into an Agreed Cease and Desist Order prohibiting Ms. Garza from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Garza provided lip filler procedures without being delegated authority to perform such injections from a properly licensed individual.

**Martinez, Mark, No License, San Antonio**

On June 12, 2020, the Board and Mark Martinez entered into an Agreed Cease and Desist Order prohibiting Mr. Martinez from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Martinez performed a cyrolipolysis (coolsculpting) procedure on a patient who sustained first or second degree burns to his abdomen during the procedure and subsequently developed hyperpigmentation. A physician or physician's midlevel provider did not perform a history, appropriate physical exam, make an appropriate diagnosis, recommend appropriate treatment, obtain consent, prepare or maintain a medical record, or provide written protocols or standing orders for cyrolipolysis.

**Pouncy, Dawda K., RN, FNP, DNP, No License, McKinney**

On June 12, 2020, the Board and Dawda K. Pouncy, RN, FNP, DNP, entered into an Agreed Cease and Desist Order prohibiting Ms. Pouncy from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. Pouncy shall not refer to herself as a doctor or physician in any manner, including by referring to herself as a "doctor," or "Dr.," unless she also designates the authority under which the title issued or the college or honorary degree that gives rise to the use of the title. The Board found Ms. Pouncy marketed herself as "Dr. Dawda" in a variety of books, websites and social media platforms without consistently stating the authority by which she uses the title "Dr." Although there are some references to her doctor of nursing practice degree, there are many more instances where the reference to the degree is not used, as required by law.

**Qian, Ning, L.Ac., No License, Lubbock**

On June 12, 2020, the Board and Ning Qian, L.Ac., entered into an Agreed Cease and Desist Order prohibiting Mr. Qian from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Qian, who is an acupuncturist, engaged in the unlicensed practice of medicine by claiming Chinese acupuncture is a cure for more than 47 different diseases, which was published in an article.

**Ramos, Cynthia M., No License, San Antonio**

On June 12, 2020, the Board and Cynthia M. Ramos entered into an Agreed Cease and Desist Order prohibiting Ms. Ramos from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Ramos performed nonsurgical medical cosmetic procedures without the appropriate and required oversight from a physician or physician's midlevel provider.

**West, Michele, M.D., M.P.H., No License, Dallas**

On June 12, 2020, the Board and Michele West, M.D., M.P.H., entered into an Agreed Cease and Desist Order prohibiting Ms. West from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. West shall not use "M.D." on any communications in Texas without disclosure that she is not licensed in Texas. The Board found Ms. West was employed by Geneticare, Health Solutions, LLCL as a medical advisor, of which she consulted with Geneticare employees in educating them on evidenced based and clinical guidelines on genetic testing. Unknowingly to Ms. West, Geneticare failed to communicate that she was not licensed in the state of Texas.

**Yannis, Rex Anthony, M.D., No License, Chattanooga, TN**

On June 12, 2020, the Board and Rex Anthony Yannis, M.D., entered into an Agreed Cease and Desist Order prohibiting Dr. Yannis from practicing medicine in the state of Texas or on Texas patients, including through telemedicine; including, but not limited to: performing any act, issuing a medical opinion affecting patient care and treatment related to patient care services initiated in this state, and that would affect the diagnosis or treatment of a patient. The Board found Dr. Yannis, who does not hold a Texas medical license, treated a family member in Texas without providing appropriate evaluations or keeping adequate medical records. Dr. Yannis utilized his DEA certificate for Tennessee, issued prescriptions for a controlled substance to the family member from 2014-2019, which were filled in Texas.

*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 1, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB Extends Emergency Rule Related to Issuance of Prescriptions**

The Texas Medical Board's Executive Committee, with advice and direction from the Governor's Office, today adopted rules on an emergency basis related to the issuance of certain prescriptions during the COVID-19 disaster.

The Board [previously adopted](#) emergency amendments to [Title 22, Chapter 174.5](#), which are set to expire July 4, 2020, at 11:59 p.m. The new amendments, effective July 5, 2020 at 12:00 a.m., leave the previous emergency rule unchanged, with the exception of the rule's expiration date.

The emergency rule will remain in place until September 2, 2020 at 11:59 p.m. or for the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter, pursuant to Section 2001.034 of the Texas Government Code.

For further guidance, please review the TMB's telemedicine FAQs on its [COVID-19 website](#), as well as the [Drug Enforcement Administration's COVID-19 website](#) for federal requirements.

TMB will continue to provide any updates on COVID-19 issues on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 8, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Floresville physician**

On July 7, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Machele Elaine Williams, D.O. (Lic. No. K4608) after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Williams' intemperate use of alcohol and noncompliance with her Texas Physician Health Program agreement constitutes a continuing threat to public welfare.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Williams, unless the hearing is specifically waived by Dr. Williams.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 8, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Farmers Branch physician**

On July 7, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Kenneth Colvin Sherman, Jr., M.D. (Lic. No. F5045) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Sherman was arrested by the Dallas County Sheriff's Department on one charge of Aggravated Sexual Assault of a Child, and two charges of Indecency with a Child, Exposes.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Sherman, unless the hearing is specifically waived by Dr. Sherman.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 14, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Conroe physician**

On July 10, 2020, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Miguel Juan Flores, M.D. (Lic. No. E7398), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Flores is prohibited from prescribing Schedule II controlled substances; shall not treat patients for chronic pain as defined by Board rule; and may not prescribe Schedule III, IV, and/or V controlled substances other than in a hospital setting.

The Board panel found that Dr. Flores was arrested on or around November 4, 2019 by the Montgomery County District Attorney's Office on felony charges relating to nontherapeutic prescribing of controlled substances.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 31, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB Statement Regarding COVID-19 Treatments**

The Texas Medical Board is aware of sometimes conflicting information being published regarding COVID-19. In the past week there was a widely published claim of a “cure” for COVID-19. As we are all aware the medical community is still learning, researching and gaining understanding of the virus. While there are drugs and therapies being used to treat COVID-19, there is no definitive cure at this time.

Both patients and physicians have a right to decide what treatment may be used for COVID-19. The Board does not issue endorsements of the use of any specific drugs or treatments for COVID-19, but any treatment decision must be made with full, proper and accurate disclosure by a physician.

Physicians should refer to laws and Board rules, including those for complementary and alternative medicine, when considering potential treatments and medical decisions regarding COVID-19. A physician must provide full disclosure of treatment options, side effects, obtain informed consent, and there cannot be false, misleading or deceptive advertising or statements made regarding any therapies, including a cure for COVID-19.

If the Board were to receive a complaint, it would be reviewed following the Board’s standard enforcement process, and may include a standard of care review by outside third-party physician experts if the matter involves the treatment of a patient. The Board may also investigate complaints for false, misleading or deceptive advertising, which could include for assuring a permanent cure for an incurable disease.

TMB will continue to provide any updates on COVID-19 issues on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 11, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Longview physician**

On August 10, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Matt E. Hipke, M.D. (Lic. No. H6289) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Hipke is the subject of a criminal investigation involving allegations of sexual assault of three children who were patients.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hipke, unless the hearing is specifically waived by Dr. Hipke.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

August 21, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB President Zaafran Provides COVID-19 Update at August Board Meeting

Texas Medical Board President Dr. Sherif Z. Zaafran, M.D., provided an update on the Board's ongoing COVID-19 response at today's August board meeting.

President Zaafran outlined ongoing agency efforts, reiterating the Board's commitment in carrying out its vital mission of protecting the public health during the pandemic.

To date, TMB has issued over 2,700 emergency licenses and re-activated licenses for 55 retired licensees.

"Our incredible staff has managed to issue or reactivate these licenses in a mere 1 to 3 business days, said President Zaafran. "Importantly, this work is being done concurrently with the Board's existing, steady workload of processing thousands of other health care professionals to work in our state during this critical time."

In addition to increasing the number of available health care professionals through expediting emergency licensing, the Board has also worked with the Governor's Office to help expand the use of telemedicine and relieve administrative requirements of licensees by extending deadlines for licensure renewals and in-person continuing medical education.

During his board meeting update, President Zaafran also addressed misinformation regarding the Board's [previous statement](#) on COVID-19 treatments.

"The Texas Medical Board has never prohibited the use of Hydroxychloroquine alone, or in conjunction with other drugs, for the treatment of COVID-19. In fact, the TMB does not prohibit any drug or treatment," clarified Zaafran. "The off-label use of Hydroxychloroquine as an alternative therapy for COVID-19 patients is completely permissible. As is the case with any alternative therapy, physicians must ensure they comply with [Board Rule 200](#) which requires physicians to provide full disclosure of treatment options, side effects, and obtain informed consent."

"Licensees should not fear disciplinary action from the TMB simply for expressing their support of specific COVID-19 treatments like Hydroxychloroquine," added Zaafran. "What providers should keep in mind is because there is no definitive cure, claims of a cure may constitute false, misleading or deceptive advertising, which is prohibited by law and may prompt an inquiry from the TMB."

"We at the TMB are very grateful for the incredible work performed by over one-hundred fifty thousand TMB licensees to take care of our families, our neighbors, our fellow Texans, and us," said Zaafran. "For as long as this pandemic persists and well beyond COVID-19, TMB staff and Board members will continue to efficiently and fairly serve our licensees and the citizens of Texas."

TMB will continue to provide any updates on COVID-19 issues on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](https://dshs.texas.gov/coronavirus/).

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

September 3, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 24 physicians at August meeting, extends emergency rule**

At its August 21, 2020 meeting, the Texas Medical Board disciplined 24 licensed physicians.

The disciplinary actions included: two orders related to quality of care violations, five orders related to unprofessional conduct, two voluntary surrenders/revocations, one revocation, one suspension, one order related to nontherapeutic prescribing, four orders related to peer review action, three orders related to other states' actions, two orders related to violation of prior order, one order related to Texas Physician Health Program violation, and two orders related to inadequate medical records. The Board also ratified two cease and desist orders.

The Board issued 163 physician licenses at the August meeting. The Board closed FY20 with a total of 4,862 physician licenses issued.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 174. TELEMEDICINE**

The amendments to §174.5, concerning [Issuance of Prescriptions](#), extends the emergency rule which was set to expire at 11:59 p.m. on September 2, 2020. The amendment extends the rule for 60 days (until 11:59 p.m. on November 1, 2020) or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Bentancourt, Alejandro Jorge, M.D., Lic. No. L2139, Harlingen**

On August 21, 2020, the Board and Alejandro Jorge Bentancourt, M.D., entered into an Agreed Order requiring him to within one year complete at least six hours of CME in management of pituitary tumors; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Bentancourt failed to adequately inform a patient and their family of reasonable alternative options to surgery on a pituitary tumor given a usually low malignancy rate. Dr. Bentancourt's operative report was inadequate and did not fully detail the surgical approach taken.

##### **Nowzaradan, Younan, M.D., Lic. No. E7211, Houston**

On August 21, 2020, the Board and Younan Nowzaradan, M.D., entered into an Agreed Order requiring him to within a year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 12 hours of CME, divided as follows: four hours in coding and documentation of billing, four hours in recognizing and treating surgical complication and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Nowzaradan failed to meet the standard of care with respect to four surgical patients.

#### **UNPROFESSIONAL CONDUCT**

##### **Guerrero, Jorge, M.D., Lic. No. G8154, Houston**

On August 21, 2020, the Board and Jorge Guerrero, M.D., entered into an Agreed Order publicly reprimanding Dr. Guerrero and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days disclose all active delegation orders to the Board; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Guerrero claims that he was unaware of his license being used to order Botox products. Dr. Guerrero did not report the purported fraudulent use of his license to police.

**Kugler, Carlos David, M.D., Lic. No. M9431, Houston**

On August 21, 2020, the Board and Carlos David Kugler, M.D., entered into an Agreed Order on Formal Filing requiring him to comply with all terms of his deferred adjudication agreement entered in November, 2018. The Board found Dr. Kugler entered a guilty plea for possession of marijuana and received deferred adjudication. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Kruckner, Douglas Lee, M.D., Lic. No. M1189, Stamford**

On August 21, 2020, the Board and Douglas Lee Kruckner, M.D., entered into an Agreed Order on Formal Filing suspending Dr. Kruckner's license; however, the suspension is stayed and he is placed on probation under the following terms for a period of 5 years: shall limit his medical practice to a group or institutional setting approved in advance by the Board; within seven days request modification of his DEA controlled substances registration to eliminate Schedules II and III and not reregister without prior Board approval; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; obtain a treating psychiatrist and follow all recommendations for care and treatment; within one year and three attempts each, pass the Federation of State Medical Board's Special Purpose Examination (SPEX) and the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in boundaries, four hours in risk management, four hours in ethics and four hours in chronic pain management; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Kruckner failed to meet the standard of care in his treatment of eleven patients, engaged in unprofessional conduct by having a sexual relationship with a woman to whom he was prescribing controlled substances and was impaired due to his intemperate use of drugs and alcohol. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Messer, Dale Leonard, M.D., Lic. No. D2740, Alvin**

On August 21, 2020, the Board and Dale Leonard Messer, M.D., entered into an Agreed Order publicly reprimanding Dr. Messer and prohibiting him from seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine on female patients, including telemedicine; within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; within one year complete at least eight hours of CME in ethics; within 90 days pay an administrative penalty of \$1,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Messer admitted to having a consensual sexual relationship with a patient, acknowledging that he was observed in a patient's room having sex. Dr. Messer admitted to resigning while under peer review at Clear Lake Regional Medical Center.

**Syed, Ghyasuddin, M.D., Lic. No. L3493, Baytown**

On August 21, 2020, the Board and Ghyasuddin Syed, M.D., entered into an Agreed Order requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have a non-familial chaperone, not related to the patient or respondent, present anytime he performs an examination of a female patient and may not be alone with any female patient in the course and scope of his practice; may not delegate the decision-making or use of his DEA credentials to prescribe or refill Schedule II prescriptions to any delegate or midlevel provider; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in ethics. The Board found Dr. Syed engaged in inappropriate behavior with three female patients and failed to adequately document his treatment of the patients.

**VOLUNTARY SURRENDER/REVOCAION**

**Borissova, Irina Vitalyevna, M.D., Lic. No. N1268, San Antonio**

On August 21, 2020, the Board and Irina Vitalyevna Borissova, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Borissova agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Borissova was under investigation by the Board regarding her failure to comply with certain requirements of her 2016 Order, as modified. Dr. Borissova indicated her desire to voluntarily and permanently surrender her license rather than continuing to serve under the order.

**Sherman, Kenneth Colvin, Jr., M.D., Lic. No. F5045, Farmers Branch**

On August 21, 2020, the Board and Kenneth Colvin Sherman, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sherman agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Sherman's license was temporarily suspended and he was under investigation by the Board regarding allegations of indecency with a child and aggravated sexual assault of a child.

**REVOCAATION**

**Brindley, Paul Claunch, M.D., Lic. No. D2370, Galveston**

On August 21, 2020, the Board entered a Default Order regarding Paul Claunch Brindley, M.D., which revoked his Texas medical license. On December 19, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Brindley failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Brindley. The Board granted a Determination of Default and Dr. Brindley's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Brindley has 25 days from the service of the order to file a motion for rehearing.

**SUSPENSION**

**Iguh, Bernadette Uche, M.D., Lic. No. N0846, Houston**

On August 21, 2020, the Board and Bernadette Uche Iguh, M.D., entered into an Agreed Order suspending Dr. Iguh's Texas medical license; however, the suspension is probated until such a time as her criminal proceeding is resolved. The Board found Dr. Iguh is awaiting sentencing following her guilty plea to one felony count related to health care fraud.

**NONTHERAPEUTIC PRESCRIBING**

**Barry, Gene N., M.D., Lic. No. H9780, Nome**

On August 21, 2020, the Board and Gene N. Barry, M.D., entered into an Agreed Order on Formal Filing under the following terms: shall not engage in the practice of treating chronic pain as defined by Board rule; Dr. Barry and his delegates are prohibited from prescribing opioids, benzodiazepines, barbiturates and carisoprodol; within seven days request modification of his DEA controlled substances registration to eliminate Schedule II and not reregister for Schedule II without prior Board approval; and shall not possess, administer or prescribe Schedule II controlled substances in Texas. The Board found Dr. Barry nontherapeutically prescribed Hydrocodone and Soma to 15 patients, failed to meet the standard of care in the treatment of chronic pain, and failed to maintain adequate medical records for the patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**PEER REVIEW ACTION**

**Isern, Raul Dario, Jr., M.D., Lic. No. H3476, Beaumont**

On August 21, 2020, the Board and Raul Dario Isern, Jr., M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Isern and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management; and within 30 days pay an administrative penalty of \$1,000. The Board found Dr. Isern was terminated from his employment at a psychiatric hospital as a result of numerous ongoing and unresolved complaints

regarding his attendance and job performance. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Johnson, John Gordon, D.O., Lic. No. M0769, Round Rock**

On August 21, 2020, the Board and John Gordon Johnson, D.O., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in evaluation and treatment for meningitis and four hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Johnson's privileges were suspended by the Seton Healthcare System based on inadequate patient care.

**Loucks, Joshua Robert, M.D., Lic. No. BP10064410, Bellaire**

On August 21, 2020, the Board and Joshua Robert Loucks, M.D., entered into an Agreed Order publicly reprimanding Dr. Loucks. The Board found Dr. Loucks was dismissed from his internal medicine residency program due to incomplete patient documentation and one instance of dishonesty in status of the incomplete documentation and medical records.

**Rankin, Michael Brett, M.D., Lic. No. R0780, Dallas**

On August 21, 2020, the Board and Michael Brett Rankin, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Rankin and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Rankin had his hospital privileges terminated following delinquencies in completing medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**OTHER STATES' ACTIONS**

**Imam, Naiyer, M.D., Lic. No. M1782, Roanoke, VA**

On August 21, 2020, the Board and Naiyer Imam, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Imam was disciplined by the Minnesota Board of Medical Practice who imposed a reprimand of his license and was disciplined by the North Carolina Medical Board who also imposed a reprimand.

**Parde, Andrea KZ, M.D., Lic. No. Q4485, Omaha, NE**

On August 21, 2020, the Board and Andrea KZ Parde, M.D., entered into an Agreed Order under the following terms: for a period of five years abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within seven days modify her DEA controlled substances registration certificates for Texas to eliminate Schedule II and shall not reregister without prior Board approval; shall not possess, administer, dispense, or prescribe Schedule II controlled substances; shall participate in the activities of Alcoholics Anonymous no less than three times per week; within 30 days obtain a licensed professional counselor to serve as her treating counselor and follow all recommendations for care and treatment; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Parde, who was previously temporarily suspended due to action taken by the Nebraska Department of Health and Human Services, is in compliance with the terms of her Nebraska order, including drug testing, and is in the process of obtaining licensure in Kansas and will be subject to random drug and alcohol screening.

**Siyanbade, Oyetunde, M.D., Lic. No. R0326, Brownsville**

On August 21, 2020, the Board and Oyetunde Siyanbade, M.D., entered into an Agreed Order requiring him to comply with all terms of the North Dakota Board of Medicine's Order entered in November 22, 2019 and pay an administrative penalty of \$2,500 within 60 days. The Board found Dr. Siyanbade was disciplined by the North Dakota Board of Medicine due to unprofessional conduct.

**VIOLATION OF PRIOR ORDER**

**Ferguson, Donald William, II, M.D., Lic. No. L6039, Arlington**



On August 21, 2020, the Board and Donald William Ferguson, II, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Ferguson violated the terms of his 2018 Order by submitting a positive test for prohibited substances.

**Jakubowski, Robert Gerard, M.D., Lic. No. G9479, San Antonio**

On August 21, 2020, the Board and Robert Gerard Jakubowski, M.D., entered into a Modified Agreed Order, modifying Dr. Jakubowski's 2018 Order to prohibit him from possessing, administering, or prescribing Schedule II controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use. The provision is not subject to modification or termination until December 24, 2020. The Board found Dr. Jakubowski prescribed controlled substances and issued refills to patients beyond an acute need, in violation of his 2018 Order, as modified. All other terms of the 2018 Order, as modified, remain in full effect.

**TXPHP VIOLATION**

**Way, Megan Kendra, M.D., Lic. No. M4644, Frisco**

On August 21, 2020, the Board and Megan Kendra Way, M.D., entered into an Agreed Order publicly referring her to the Texas Physician Health Program. The Board found Dr. Way submitted a drug screen that was positive for alcohol. Dr. Way has admitted the violation and is continuing to seek medical and recovery treatment, has participated in an out-patient sobriety program, and currently works in a group or institutional setting.

**INADEQUATE MEDICAL RECORDS**

**Diaz, Antonio Manuel, Jr., M.D., Lic. No. E5508, Brownsville**

On August 21, 2020, the Board and Antonio Manuel Diaz, Jr., M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least four hours of CME in recordkeeping. The Board found Dr. Diaz performed a physical and breast exam, though his charting of the breast exam did not sufficiently document patient consent and the role of the chaperone. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Mercer, Lloyd F., Jr., M.D., Lic. No. G3610, Tyler**

On August 21, 2020, the Board and Lloyd F. Mercer, Jr., M.D., entered into a Mediated Modified Agreed Order, modifying his 2014 Order to allow treatment of patients with acute pain only on a one-time basis for 30 days with only two 30 day refills; complete all eight cycles of chart monitoring and that his physician monitor be a specialist in ADHD treatment; and within one year complete at least 10 hours of CME, divided as follows: two hours in drug-seeking behavior and eight hours in the prescribing of ADHD. The Board found Dr. Mercer was in compliance with his 2014 Order but that there was standard of care and/or inadequate documentation issues for two patients he treated for ADHD with Adderall. All other terms of the 2014 Order, as modified, remain in full effect.

**AGREED CEASE & DESISTS**

**Draluck, D. Elliot, D.C., No License, Grapevine**

On August 21, 2020, the Board and D. Elliot Draluck, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Draluck from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Draluck is prohibited from using advertising that may mislead the public regarding his being a medical doctor. The Board found Mr. Draluck's website failed to identify him as "D.C." or "Doctor of Chiropractic" after using the abbreviation "Dr."

**Hockings, Jeffrey M., D.C., No License, Grapevine**

On August 21, 2020, the Board and Jeffrey M. Hockings, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Hockings from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Hockings is prohibited from using advertising that may mislead the public regarding his being a medical doctor. The Board found Mr. Hockings' website failed to identify him as "D.C." or "Doctor of Chiropractic" after using the

abbreviation "Dr." Mr. Hockings holds a Doctorate of Chiropractic degree, but is not licensed to practice medicine or chiropractic care in the state of Texas.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 3, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Midlothian physician**

On September 3, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jeffrey Albert Astbury, M.D. (Lic. No. J3967) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on August 10, 2020, Dr. Astbury was arrested on a warrant out of Dallas County for online solicitation of a minor.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Astbury, unless the hearing is specifically waived by Dr. Astbury.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 10, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On September 10, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Abhishek Seth, M.D. (Lic. No. P6264) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Seth reported to work impaired and thereby posed a potential threat to patient safety.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Seth, unless the hearing is specifically waived by Dr. Seth.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 15, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Floresville physician**

On September 11, 2020, a disciplinary panel of the Texas Medical Board convened and temporarily restricted, with notice, the Texas medical license of Machelle Elaine Williams, D.O. (Lic. No. K4608), after determining her continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective September 14, 2020.

Dr. Williams is prohibited from engaging in the practice of medicine, including telemedicine, until she completes an independent medical evaluation by a pre-approved board certified psychiatrist and follows all recommendations made for continued care and treatment. Dr. Williams is also prohibited from supervising or delegating prescriptive authority to a physician assistant or advanced practice nurse or supervising a surgical assistant that is engaged in the practice of clinical medicine. Upon completion of the required evaluation, Dr. Williams will be required to appear before the board and provide evidence and information that adequately indicates she is physically, mentally, and otherwise competent to safely resume practice.

The Board panel found that Dr. Williams' noncompliance with her Texas Physician Health Program agreement and impairment constitute a continuing threat to public welfare. Dr. Williams' license was previously temporarily suspended as Dr. Williams had not signed an interim drug testing agreement with the Board. The panel considered Dr. Williams' willingness to cooperate with drug and alcohol screening and a medical evaluation.

The temporary restriction remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

September 21, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Houston MRT**

On September 18, 2020, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of David Eoff, MRT (Lic. No. GMR02003326), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Eoff was arrested in Montgomery County on one count of online solicitation of a minor and three counts of promotion of child pornography.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Eoff, unless the hearing is specifically waived by Mr. Eoff.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 9, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Fort Worth physician**

On October 8, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Caesar Mark Capistrano, M.D. (Lic. No. J8943) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on September 21, 2020, Dr. Capistrano was charged, along with co-conspirator Tameka Lachelle Noel, M.D., with operating a pill mill which, according to the federal criminal complaint, was recruiting patients from homeless shelters to distribute prescription drugs.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Capistrano, unless the hearing is specifically waived by Dr. Capistrano.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 9, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Fort Worth physician**

On October 8, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Tameka Lachelle Noel, M.D. (Lic. No. P7322) after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on September 21, 2020, Dr. Noel was charged, along with co-conspirator Caesar Mark Capistrano, M.D., with operating a pill mill which, according to the federal criminal complaint, was recruiting patients from homeless shelters to distribute prescription drugs.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Noel, unless the hearing is specifically waived by Dr. Noel.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 26, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Physician Assistant Board restricts San Antonio physician assistant**

On October 23, 2020, a disciplinary panel of the Texas Physician Assistant Board temporarily restricted, with notice, the Texas physician assistant license of Thomas Ralph Cook, P.A. (Lic. No. PA05138), after determining his continuation in the unrestricted practice as a physician assistant poses a continuing threat to public welfare. The restriction was effective immediately.

Mr. Cook is prohibited from practicing as a physician assistant in any home health care practice setting.

The Board panel found that Mr. Cook has violated the terms and conditions of his 2017 Agreed Order by conducting house calls where he performed physical examinations without a chaperone present as required under the order.

The temporary restriction remains in place until the Board takes further action. The 2017 Order, as modified, remains in effect until superseded by another Board Order.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

October 29, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 19 physicians at October meeting**

At its October 16, 2020 meeting, the Texas Medical Board disciplined 19 licensed physicians.

The disciplinary actions included: seven orders related to quality of care violations, four orders related to unprofessional conduct, two voluntary surrenders/revocations, two revocations, one order related to peer review action, one order related to other states' actions, one order related to Texas Physician Health Program violation, and one order related to inadequate medical records. The Board also ratified eight cease and desist orders.

The Board issued 175 physician licenses at the October meeting, bringing the total number of physician licenses issued in FY21 to 566.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Balat, Isam, M.D., Lic. No. E0795, Houston**

On October 16, 2020, the Board and Isam Balat, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: six hours of CME in current concepts on the treatment of endometriosis, six hours in medical recordkeeping and four hours in risk management. The Board found Dr. Balat resigned his hospital privileges while quality of care issues related to 10 patients were being investigated. Dr. Balat performed urogynecological surgical procedures on the patients who experienced suboptimal outcomes, longer hospital stays and who required long-term follow-up care. Additionally, Dr. Balat failed to maintain adequate medical records on the patients.

##### **Chaney, Paul Eugene, M.D., Lic. No. P1734, Waco**

On October 16, 2020, the Board and Paul Eugene Chaney, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in critical care management and four hours in risk management. The Board found Dr. Chaney discharged a pediatric patient without confirming the patient's vitals were rechecked. The patient subsequently presented at another ER in a significantly worsened condition and was diagnosed with septic shock. The patient died prior to transfer.

##### **Henry, Craig B., M.D., Lic. No. H2942, Arlington**

On October 16, 2020, the Board and Craig B. Henry, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in hormone therapy. The Board found Dr. Henry failed to adequately document his rationale for the treatments provided and the justification for his medical decision-making regarding a patient's hormone replacement therapy.

##### **Kuban, David Larry, D.O., Lic. No. F9699, Granbury**

On October 16, 2020, the Board and David Larry Kuban, D.O., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in diagnosis and treatment of lymphatic malignancies. The Board found Dr. Kuban failed to meet the standard of care by failing to address a patient's symptoms early enough to diagnose and, therefore, treat the patient's Hodgkin's lymphoma.

##### **Pflieger, Kurt Loring, M.D., Lic. No. J5444, Rockwall**

On October 16, 2020, the Board and Kurt Loring Pflieger, M.D., entered into an Agreed Order on Formal Filing requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; and within one year complete at least 12 hours of CME, divided as follows: eight hours in psychiatric diagnosis, management, and treatment of adolescent patients and four hours in diagnosis, management, and treatment of ADHD and adherence to the guidelines of the American Academy of Pediatrics. The Board found Dr. Pflieger failed to meet the standard of care by improperly continuing to treat a 14-year-old patient with medication without obtaining prior medical records or conducting a proper history or evaluation. Dr. Pflieger prescribed medications to the patient for an extended period of time without properly documenting his medical rationale or referring the patient to a psychiatrist. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Puig, Carlos Eduardo, M.D., Lic. No. N6588, McAllen**

On October 16, 2020, the Board and Carlos Eduardo Puig, M.D., entered into an Agreed Order publicly reprimanding Dr. Puig and requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in appropriate and timely communication with staff. The Board found Dr. Puig failed to meet the standard of care with respect to two patients experiencing high-risk deliveries and whose infants subsequently died following delivery. Dr. Puig had his privileges restricted by his employer's peer review committee.

**Wijay, Danielle Andry, M.D., Lic. No. R5693, Houston**

On October 16, 2020, the Board and Danielle Andry Wijay, M.D., entered into an Agreed Order requiring her to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; have her practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 24 hours of CME, divided as follows: eight hours in anesthesia risks and complications, eight hours in risk management, four hours in physician-patient communications and four hours in medical recordkeeping. The Board found Dr. Wijay failed to meet the standard of care and keep adequate medical records for a patient during her anesthesia care.

**UNPROFESSIONAL CONDUCT**

**Del Pino, Dino Mario, M.D., Lic. No. M0054, McAllen**

On October 16, 2020, the Board and Dino Mario Del Pino, M.D., entered into an Agreed Order requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Del Pino engaged in unprofessional conduct when he made inappropriate comments about a nurse's personal life.

**Garner, Garrett H., M.D., Lic. No. K5536, Plano**

On October 16, 2020, the Board and Garrett H. Garner, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in boundaries and four hours in risk management. The Board found Dr. Garner engaged in unprofessional conduct attempting to comfort a patient following a procedure by kissing her on the cheek.

**Lane, Frank Elmer, M.D., Lic. No. G3541, Dallas**

On October 16, 2020, the Board entered a Final Order regarding Frank Elmer Lane, M.D., requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in medical record keeping; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Lane failed to timely respond to a patient's request for copies of her medical records. The action was based on the findings of two administrative law judges at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH.

**Lang, John Andrew, M.D., Lic. No. L6483, Lubbock**

On October 16, the Board and John Andrew Lang, M.D., entered into an Agreed Order under the following terms: shall not treat or serve as a physician for his immediate family and shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs with potential for abuse to himself or immediate family; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as

follows: four hours in ethics, four hours in risk management, four hours in medical recordkeeping, four hours in physician communications and eight hours in controlled substances; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Lang nontherapeutically prescribed controlled substances and dangerous drugs to friends and family and did not keep adequate medical records for those patients. With respect to another patient, Dr. Lang stuck himself with a suturing needle; continued to suture the patient with the contaminated needle, and failed to keep adequate medical records for the patient.

#### **VOLUNTARY SURRENDER/REVOICATION**

##### **Eichelberger, Philip T., M.D., Lic. No. C6308, Baytown**

On October 16, 2020, the Board and Philip T. Eichelberger, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Eichelberger agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Eichelberger was under investigation by the Board regarding his prescribing of controlled substances.

##### **Jagella, Eugene, M.D., Lic. No. R2134, Del Rio**

On October 16, 2020, the Board and Eugene Jagella, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Jagella agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Jagella was under investigation by the Board regarding the revocation of his Massachusetts medical license in December 2019 and as a result of allegations related to his prescribing of opiates to several patients.

#### **REVOICATION**

##### **Howard, Thomas Edward, Jr., M.D., Lic. No. G0730, Fort Worth**

On October 16, 2020, the Board entered a Default Order regarding Thomas Edward Howard, Jr., M.D., which revoked his Texas medical license. On July 21, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Howard failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Howard. The Board granted a Determination of Default and Dr. Howard's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Howard has 25 days from the service of the order to file a motion for rehearing.

##### **Karnes, Jeffrey, M.D., Lic. No. BP10064196, Houston**

On October 16, 2020, the Board entered a Default Order regarding Jeffrey Karnes, M.D., which revoked his Texas physician-in-training permit. On December 10, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Karnes failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Karnes. The Board granted a Determination of Default and Dr. Karnes' permit was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Karnes has 25 days from the service of the order to file a motion for rehearing.

#### **PEER REVIEW ACTION**

##### **Courtney, Stephen Paul, M.D., Lic. No. J1639, Plano**

On October 16, 2020, the Board and Stephen Paul Courtney, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Courtney resigned his privileges at Baylor Scott & White, Frisco, Texas, while he was subject to a peer review investigation regarding his care of several patients.

#### **OTHER STATES' ACTIONS**

##### **Dambro, Mark Richard, M.D., Lic. No. H3998, Fort Worth**

On October 16, 2020, the Board and Mark Richard Dambro, M.D., entered into a Waiver Order publicly reprimanding Dr. Dambro and requiring him to within 60 days pay an administrative penalty of \$500. The Board found Mr. Dambro was

disciplined by the Maryland State Board of Physicians due to failure to submit to a criminal records check in a timely manner.

#### **TXPHP VIOLATION**

##### **Galusha, Andrea Lyn, M.D., Lic. No. K8902, Flower Mound**

On October 16, 2020, the Board and Andrea Lyn Galusha, M.D., entered into an Agreed Order requiring her for a period of five years to abstain from the consumption of prohibited substances as defined in the Order; for a period of five years participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than three times per week; within 30 days obtain a preapproved board certified psychiatrist specializing in addiction to serve as a treating psychiatrist and follow all recommendations for continued care and treatment; and participate in the activities of a county or state medical society committee on physician health and rehabilitation, including any weekly meetings. The Board found Dr. Galusha tested positive for alcohol use while under her Texas Physician Health Program monitoring agreement.

#### **INADEQUATE MEDICAL RECORDS**

##### **Jumao-As, Ramil, M.D., Lic. No. L2359, San Antonio**

On October 16, 2020, the Board and Ramil Jumao-As, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least 20 hours of CME, divided as follows: eight hours in risk management, eight hours in medical recordkeeping and four hours in physician-patient communications; and within 90 days pay an administrative penalty of \$2,000. The Board found a late rounding time contributed to a delay in diagnosis of a patient's bowel obstruction and referral to surgery and that Dr. Jumao-As should have more completely documented the patient care in the medical record. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **AGREED CEASE & DESISTS**

##### **Cotter, Adolfo, M.D., No TX License, St. Paul, MN**

On October 16, 2020, the Board and Adolfo Cotter, M.D., entered into an Agreed Cease and Desist Order prohibiting Dr. Cotter from practicing medicine, including the practice of telemedicine on Texas patients, both in and from the state of Texas without a license issued by the Texas Medical Board. The Board found Dr. Cotter, who is not licensed in Texas, exercised medical judgment and rendered a medical opinion that affected the treatment of a patient residing in the state of Texas.

##### **Durrett, Lance, D.C., No License, The Woodlands**

On October 16, 2020, the Board and Lance Durrett, D.C., entered into an Agreed Cease and Desist Order prohibiting Dr. Durrett, D.C., from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and prohibiting him from holding himself out to be a licensed physician in the state of Texas. The Board found Dr. Durrett, D.C., on his website was referring to himself as "doctor," or "Dr.," without stating that he is not a licensed physician in the state of Texas and was diagnosing and offering to treat patients with stem cell treatments for physical disease or disorders including disc degeneration outside the scope of practice of a chiropractor.

##### **Leslie, Trisha, No License, West Lake Hills**

On October 16, 2020, the Board and Trisha Leslie entered into an Agreed Cease and Desist Order prohibiting Ms. Leslie from practicing medicine without a license issued by the Texas Medical Board or holding herself out to be a licensed physician in the state of Texas. The Board found Ms. Leslie advertises the use of a Lamprobe device to remove skin tags and other minor skin growths. Ms. Leslie does not work under the supervision of a physician and is not qualified to diagnose skin growths or skin conditions.

##### **Madden, Karisha L., DDS, No License, Houston**

On October 16, 2020, the Board and Karisha L. Madden, DDS, entered into an Agreed Cease and Desist Order prohibiting Ms. Madden from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and

prohibiting her from holding herself out to be a licensed physician in the state of Texas. The Board found Ms. Madden advertised on her website that she offered services, including Botox, dermal fillers, and other skin treatments and treated a patient with Dysport injections.

**Moore, Dustin, No License, Houston**

On October 16, 2020, the Board and Dustin Moore entered into an Agreed Cease and Desist Order prohibiting Mr. Moore from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and prohibiting him from holding himself out to be a licensed physician in the state of Texas. The Board found Mr. Moore admitted to administering skin treatment injections including Botox for a period of several years and without proper physician involvement.

**Omana, Alicia C., No License, Spring**

On October 16, 2020, the Board and Alicia C. Omana entered into an Agreed Cease and Desist Order prohibiting Ms. Omana from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and prohibiting her from holding herself out to be a licensed physician in the state of Texas. The Board found Ms. Omana stated on her website that she was trained as a medical doctor and noted she was a physician. Her website offers patients phone medical consultations and offered no medical disclaimer statement. Ms. Omana has since removed references to herself as "Dr. Omana" and clarifies that she is not a licensed M.D.

**Pryor, Bryant Allan, M.D., No License, Houston**

On October 16, 2020, the Board and Bryant Allan Pryor, M.D., entered into an Agreed Cease and Desist Order prohibiting Mr. Pryor from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and prohibiting him from holding himself out to be a licensed physician in the state of Texas. The Board found Mr. Pryor, who surrendered his Texas medical license in 2018 after being indicted on a felony count of conspiracy to distribute and dispense controlled substances, posted a video online wearing scrubs in which he refers to himself as "Dr. Pryor," and the "travel doctor," and makes the statement "for my fellow clinicians," then lists the types of individuals who should be tested for the COVID-19 virus.

**Solis-Gonzalez, Gabriela, No License, Houston**

On October 16, 2020, the Board and Gabriela Solis-Gonzalez entered into an Agreed Cease and Desist Order prohibiting Ms. Solis-Gonzalez from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and prohibiting her from holding herself out to be a licensed physician in the state of Texas. The Board found Ms. Solis-Gonzalez was arrested and charged with practicing medicine without a licensee, a third-degree felony, following an undercover investigation by the Houston Police Department at a medical spa that she owned and operated.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 29, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Marshall physician**

On October 29, 2020, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Shaun Bobbi Kelehan, M.D. (Lic. No. L6234), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Kelehan is prohibited from seeing, examining, treating, prescribing to, or otherwise practicing medicine on male patients. Dr. Kelehan shall not see, examine, treat, prescribe to, or practice medicine on any patient outside of in-person encounters within his clinics, including telemedicine, call coverage, and telephone refill encounters.

The Board panel found that based on evidence, Dr. Kelehan engaged in nonconsensual sexual encounters with a patient and administered medications to the patient during these encounters. On the date of the alleged sexual assault, there is no record of the treatment provided to the patient.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 2, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Respiratory Care suspends Amarillo respiratory care practitioner**

On October 29, 2020, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Michael L. Payne, RCP (Lic. No. RCP00059138), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Payne was terminated by his employer following positive breathalyzer results which was conducted after he presented to work appearing to be under the influence of alcohol or drugs.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Payne, unless the hearing is specifically waived by Mr. Payne.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

November 2, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Fort Worth respiratory care practitioner**

On October 29, 2020, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Kevin Steward, RCP (Lic. No. RCP00053437), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Steward completed a “for cause” drug screen and was terminated by his employer because the drug screen was positive for cocaine and marijuana.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Steward, unless the hearing is specifically waived by Mr. Steward.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 3, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB Approves New Emergency Rule Related to Issuance of Prescriptions**

The Texas Medical Board's Executive Committee, with advice and direction from the Governor's Office, adopted rules on an emergency basis related to the issuance of certain prescriptions during the COVID-19 disaster.

The new amendments to [Title 22, Chapter 174.5](#), which went into effect November 3, 2020 at 12:01 a.m., continue to allow for telephone refill of certain prescriptions to established chronic pain patients as long as the patient has been seen by the prescribing physician, or health professional defined under Chapter 111.001(1) of the Texas Occupations Code, in the last 90 days either in-person or via telemedicine using audio and video two-way communication.

The emergency rule will remain in place for 60 days (until January 2, 2021 at 11:59 p.m.) or for the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter, pursuant to Section 2001.034 of the Texas Government Code.

For further guidance, please review the TMB's telemedicine FAQs on its [COVID-19 website](#), as well as the [Drug Enforcement Administration's COVID-19 website](#) for federal requirements.

TMB will continue to provide any updates on COVID-19 issues on the TMB website at [www.tmb.state.tx.us/page/coronavirus](http://www.tmb.state.tx.us/page/coronavirus).

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at [dshs.texas.gov/coronavirus/](http://dshs.texas.gov/coronavirus/).

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 17, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Leander MRT**

On November 17, 2020, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Ty C. Curiel, MRT (Lic. No. GMR00026379), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Curiel has had recent incidents in which law enforcement was dispatched to Mr. Curiel's home. The most recent on Oct. 21, 2020, involved a standoff with police at Mr. Curiel's home. Mr. Curiel was taken into custody and charged with possession of a controlled substance and disorderly conduct/discharge of a firearm.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Curiel, unless the hearing is specifically waived by Mr. Curiel.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 17, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Austin MRT**

On November 17, 2020, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Darrin Pons, MRT (Lic. No. GMR00106557), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Pons was charged with one count of rape of a child and five counts of aggravated sex abuse of a child in 3rd District Court in Salt Lake County, Salt Lake City, Utah.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Pons, unless the hearing is specifically waived by Mr. Pons.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 19, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Respiratory Care suspends Garland respiratory care practitioner**

On November 19, 2020, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Tiffany Nashaye Escalante, RCP (Permit No. RCP00078625), after determining her continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Ms. Escalante reported to her work shift and appeared to be under the influence of a controlled substance. Ms. Escalante was terminated by her employer following her testing positive for amphetamine and methamphetamine.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Ms. Escalante, unless the hearing is specifically waived by Ms. Escalante.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 23, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Texas License of Los Angeles physician**

On November 19, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Anshul Mihir Gandhi, M.D. (Lic. No. S4141) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Gandhi's medical license was suspended/restricted by the Medical Board of California pursuant to a Court Order issued in California following his indictment on four felony counts of sexual battery.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Gandhi, unless the hearing is specifically waived by Dr. Gandhi.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 23, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Texas License of New York physician**

On November 19, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Cesar Francisco Mella, M.D. (Lic. No. P7160) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Mella has exhibited a history and pattern of impairment, including a recent incident requiring emergency medical services.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Mella, unless the hearing is specifically waived by Dr. Mella.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 24, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Lubbock physician**

On November 19, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas physician-in-training permit of Bhavik Kantibhai Patel, D.O. (Lic. No. BP10063344), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Patel was arrested by the Lubbock Police Department and charged with prostitution/other payor person under eighteen years of age, a second-degree felony, and was later dismissed from his residency program.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Patel, unless the hearing is specifically waived by Dr. Patel.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 24, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Frisco physician**

On November 19, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Nisha Vijay, M.D. (Lic. No. R4494), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Vijay has exhibited a history and pattern of impairment, including multiple contacts with police due to her impairment.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Vijay, unless the hearing is specifically waived by Dr. Vijay.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 17, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends San Antonio physician**

On December 15, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Joel Fernandez, M.D. (Lic. No. R4387), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on October 19, 2020 a court ordered a continued inpatient hospitalization for Dr. Fernandez following an incident in which police were dispatched to his home and Dr. Fernandez was transported to a hospital emergency room for emergency detention due to his impaired mental state.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Fernandez, unless the hearing is specifically waived by Dr. Fernandez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 17, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Texas license of Florida physician**

On December 15, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Valery Ann Niedermeyer, M.D. (Lic. No. K3930), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Niedermeyer's Florida medical license was emergently restricted due to her impairment and remains suspended.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Niedermeyer, unless the hearing is specifically waived by Dr. Niedermeyer.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 18, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 26 physicians at December meeting, adopts rule changes

At its December 4, 2020 meeting, the Texas Medical Board disciplined 26 licensed physicians.

The disciplinary actions included: four orders related to quality of care violations, two orders related to unprofessional conduct, one voluntary surrender/revocation, three suspensions, one restriction, one order related to criminal activity, one order related to nontherapeutic prescribing, two orders related to peer review action, two orders related to violation of Board rules, one order related to violation of prior order, four orders related to other states' actions, two orders related to Texas Physician Health Program violation, one order related to impairment and one order related to inadequate medical records. The Board also ratified two cease and desist orders.

The Board issued 154 physician licenses at the December meeting, bringing the total number of physician licenses issued in FY21 to 994.

### RULE CHANGES ADOPTED

#### CHAPTER 161. GENERAL PROVISIONS

New Rule, **§161.11**, entitled Memorandum of Understanding between Texas Medical Board (TMB) and Texas Physician Health Program (TXPHP), adopts the Memorandum of Understanding entered into by the TMB and the TXPHP, pursuant to H.B. 1504 (86th Legislature TMB Sunset Bill (2019)). H.B. 1504 added a provision to Texas Occupations Code §167.012 directing the TMB and TXPHP to enter into a memorandum of understanding to establish performance measures for the TXPHP, include a list of services provided by TMB to TXPHP, and require an internal audit of TXPHP to be completed once every three years.

#### CHAPTER 170. PRESCRIPTIONS OF CONTROLLED SUBSTANCES

New **Subchapter D**, and new **§170.10**, entitled Electronic Prescribing of Controlled Substances, sets forth requirements and exceptions related to controlled substance e-prescribing. Further, the rule sets forth the process and circumstances in which a physician may obtain a waiver from controlled substance e-prescribing requirements, in accordance with Texas Health and Safety Code §481.0756, as set forth by H.B. 2174 (86th Leg. (2019)).

#### CHAPTER 180. TEXAS PHYSICIAN HEALTH PROGRAM

The amendments to **§180.4**, concerning Operation of Program, corrects an error in the rule and is necessary to ensure that the rules are consistent with Texas Occupations Code Section 153.051(d)(10).

#### CHAPTER 183. ACUPUNCTURE

The amendments to **§183.20**, concerning Continuing Acupuncture Education, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that acupuncturists complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course. Other changes to §183.20 reorganize and format the rule.

#### CHAPTER 184. SURGICAL ASSISTANTS

The amendments to **§184.4**, concerning Qualifications for Licensure, repeals language requiring an applicant for a surgical assistant license to attest to good moral character in order to obtain a license, pursuant to H.B. 1504 (86th Legislature (2019)).

The amendments to **§184.25**, concerning Continuing Education, implement new continuing education requirements set forth by H.B. 2059 (86th Leg.). The new language requires that licensed surgical assistants complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course requirement. Other changes proposed to 184.25 remove references to annual requirements, as the hours are required on a biennial basis. Other changes to §184.25 reorganize and format the rule.

#### **CHAPTER 185. PHYSICIAN ASSISTANTS**

The amendments to **§185.6**, concerning Biennial Renewal of License, implement new continuing education requirements set forth by H.B. 2059 passed by the 86th Legislature, Regular Session (2019). The new language requires that physician assistants complete a course in the topic of human trafficking prevention. The new courses are to be completed as part of the formal course hours required each biennial registration period. Carry forwards will not be allowed toward the new requirements. Other changes to §185.6 reorganize and format the rule.

#### **CHAPTER 186. RESPIRATORY CARE PRACTITIONERS**

The amendments to **§186.10**, concerning Continuing Education Requirements, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that respiratory care practitioners complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Other changes to 186.10 reorganize and format the rule.

#### **CHAPTER 187. PROCEDURAL RULES**

The amendments to **§187.9**, concerning Board Actions; **§187.35**, concerning Presentation of Proposal for Decision; **§187.37**, concerning Final Decisions and Orders; and repeal of **§187.38**, concerning Motions for Rehearing, repeals language limiting the board's authority to issue more than one remedial plan to resolve complaints of violations of laws by licensees, pursuant to H.B. 1504 (86th Legislature TMB Sunset Bill (2019)). H.B. 1504 changed Texas Occupations Code §164.0015 so that the board is permitted to issue remedial plans to address minor law violations if the licensee has not received a remedial plan in the preceding five years. Remaining amendments delete language related to non-disciplinary orders, a type of order that the board has had no authority to issue since approximately 2009. Finally, the amendments delete an unnecessary reference to Chapter 175 of the board rules.

#### **CHAPTER 188. PERFUSIONISTS**

The amendments to **§188.24**, concerning Continuing Education, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that perfusionists complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Other changes to §188.24 reorganize and format the rule.

#### **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

The amendments to §194.7, concerning Biennial Renewal of Certificate or Placement on the Board's Non-Certified Technician Registry, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that radiologist assistants, medical radiologic technologists, and non-certified technicians complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course requirement. For radiologist assistants, the course will be required in addition to the formal course hours. Other changes to 194.7 reorganize and format the rule.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

**Ayoub, Mohammed, M.D., Lic. No. K9219, Houston**

On December 4, 2020, the Board and Mohammed Ayoub, M.D., entered into an Agreed Order requiring him to within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 24 hours of CME, divided as follows: eight hours in drug-seeking behavior, eight hours in risk management and eight hours in controlled substances. The Board found Dr. Ayoub failed to administer urine testing and recognize that a patient was abusing substances and continued to prescribe controlled substances to the patient despite those signs. Dr. Ayoub also failed to keep adequate medical records showing his justification for continuing his prescribing to the patient.

**Bahra, Pauldeep, M.D., Lic. No. P6581, Dallas**

On December 4, 2020, the Board and Pauldeep Bahra, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in risk management, four hours in indications for interventional procedures, four hours in indications for vascular surgery and four hours in informed consent. The Board found Dr. Bahra inappropriately performed an endovascular stenting procedure without adequately considering the patient's history and comorbidities. Dr. Bahra proceeded with the stent procedure without providing adequate informed consent to the patient on the risks and benefits of the procedure.

**Boland, Howard Leland, M.D., Lic. No. G3166, Dickinson**

On December 4, 2020, the Board and Howard Leland Boland, M.D., entered into an Agreed Order requiring Dr. Boland, for a period of at least three years, to limit his medical practice to patients bearing the primary diagnosis of mental health or substance abuse/addiction and being related within the specialty practice of psychiatry. Dr. Boland shall not engage in the general practice of medicine and shall not treat patients for ailments requiring specialty care and must refer those patients; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: eight hours in risk management, four hours in ethics and eight hours in general or emergency medicine. The Board found Dr. Boland failed to perform an adequate physical evaluation for a patient who had significant respiratory symptoms, dyspnea and chest pain.

**Meyer, James Richard, M.D., Lic. No. E4527, Uvalde**

On December 4, 2020, the Board and James Richard Meyer, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in appropriate treatment of gynecological malignancy. The Board found Dr. Meyer failed to meet the standard of care related to the treatment of a patient he failed to evaluate for possible endometrial cancer.

**UNPROFESSIONAL CONDUCT**

**Ciacchella, Sebastian, M.D., Lic. No. N9831, Fort Worth**

On December 4, 2020, the Board and Sebastian Ciacchella, M.D., entered into an Agreed Order prohibiting Dr. Ciacchella from performing medical examinations of rectum/anus, genitourinary organs, and female breast; and within one year complete at least 12 hours of CME, divided as follows: eight hours in boundaries and four hours in risk management. The Board found Dr. Ciacchella's clinical privileges were revoked and he was terminated from employment with the Veteran's Administration after performing at least 12 medical examinations beyond the scope of his restricted privileges.

**Crumbliss, Joseph Howe, M.D., Lic. No. F4797, Abilene**

On December 4, 2020, the Board and Joseph Howe Crumbliss, M.D., entered into an Agreed Order publicly reprimanding Dr. Crumbliss and requiring him to have a chaperone present anytime he performs a physical examination on any patient; within 30 days obtain an independent medical evaluation from a preapproved board certified psychiatrist and follow recommendations made for care and treatment; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Crumbliss engaged in inappropriate boundaries violations with six patients from approximately 2008 to 2018.

## **VOLUNTARY SURRENDER/REVOCAION**

### **Lu, Kang, M.D., Lic. No. P3760, Crestview, FL**

On December 4, 2020 the Board and Kang Lu, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lu agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Lu was under investigation following his surrender of his Georgia medical license due to fraudulent renewal of medical license and arrest and conviction for criminal activity.

## **SUSPENSION**

### **Aduba, Uchenna Okechukwu, M.D., Lic. No. R1333, Frisco**

On December 4, 2020, the Board and Uchenna Okechukwu Aduba, M.D., entered into an Agreed Order on Formal Filing suspending Dr. Aduba's Texas medical license until he requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that indicates that he is physically, mentally, and otherwise competent to safely practice medicine; within 30 days obtain an independent medical evaluation from a preapproved board certified forensic neuropsychiatrist and follow all recommendations for care and treatment; and shall not be permitted to supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Aduba was previously temporarily suspended due to impairment issues and has a pending criminal matter involving allegations of stalking a minor. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Cordes, Brett McCormack, M.D., Lic. No. N1594, Manvell**

On December 4, 2020, the Board and Brett McCormack Cordes, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Cordes' Texas medical license until he requests in writing to have the suspension stayed or lifted and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, objective evidence of at least one year of sustained sobriety. Dr. Cordes shall not diagnose, treat, or examine any patient in Texas, nor use his license to practice medicine, including telemedicine. Dr. Cordes is also not permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Cordes' prescribing practices to be below the standard of care and his diversion of controlled substances to be more extensive, involving his medical assistant, who participated in the diversion effort at Dr. Cordes' direction.

### **Lampley, Joseph Carver, D.O., Lic. No. J9149, Anson**

On December 4, 2020, the Board and Joseph Carver Lampley, D.O., entered into an Agreed Order suspending Dr. Lampley's Texas medical license until he requests in writing to have it stayed or lifted and personally appears before the Board to provide evidence that indicates he is physically, mentally, and otherwise competent to safely practice medicine, including evidence that he is in full compliance with his 2019 Order. Dr. Lampley shall not diagnose, treat or examine any patient in Texas, nor shall he use his license to practice medicine, including telemedicine. Additionally, he shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Lampley is in violation of his 2019 Order by failing to provide a list of treating providers, receive ongoing care and treatment, complete required CME, and cooperate with Board staff.

## **RESTRICTION**

### **Deshmukh, Avi Trimbak, M.D., Lic. No. H1067, Granbury**

On December 4, 2020, the Board and Avi Trimbak Deshmukh, M.D., entered into an Agreed Order restricting Dr. Deshmukh's practice to administrative medicine under the following terms: shall not practice clinical medicine as defined in the Order; shall not possess authority to order, deliver, possess or prescribe controlled substances in Texas; shall not supervise or delegate medical acts or prescriptive authority; and shall not engage in the practice of telemedicine. The Board found Dr. Deshmukh was under investigation due to his possible impairment. Dr. Deshmukh has voluntarily retired from clinical practice to focus on administrative medicine.

## **CRIMINAL ACTIVITY**

### **Aziz, Syed Munir, M.D., Lic. No. L9612, McKinney**

On December 4, 2020, the Board and Syed Munir Aziz, M.D., entered into an Agreed Order requiring him to comply with all terms of his probation entered on or around December 5, 2019; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Aziz pleaded guilty to a federal misdemeanor offense related to his practice of medicine, was sentenced to probation and required to pay a fine.

## **NONTHERAPEUTIC PRESCRIBING**

### **Hadzic, Daniel Boris, M.D., Lic. No. M5204, Levelland**

On December 4, 2020, the Board and Daniel Boris Hadzic, M.D., entered into an Agreed Order under the following terms: shall not treat patients for chronic pain as defined by Board rule; within 30 days refer any and all current chronic pain patients to appropriate specialists; within seven days request modification of his DEA controlled substances registration certificate to eliminate Schedule II and not reregister without authorization from the Board; shall not possess, administer, or prescribe Schedule II controlled substances in Texas; within one year complete at least 12 hours of CME, divided as follows: four hours in documentation and eight hours in treatment of pain including prescribing; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Hadzic prescribed opioids and sedatives to a patient in increasing quantities without documenting his rationale in the medical record, failed to order urine drug screens for the patient, and failed to check the prescriber database.

## **PEER REVIEW ACTION**

### **Babbel, Daniel McLain, M.D., Lic. No. N8369, Midland**

On December 4, 2020, the Board and Daniel McLain Babbel, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation from a preapproved board certified psychiatrist and follow all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least six hours of CME in risk management, which includes the topic of boundaries. The Board found Dr. Babbel was subject to peer review action resulting from unprofessional interactions with staff. Dr. Babbel voluntarily relinquished his privileges while the investigation was ongoing.

### **Fox, Christina A., M.D., Lic. No. Q4751, San Antonio**

On December 4, 2020, the Board and Christina A. Fox, M.D., entered into an Agreed Order under the following terms for a period of five years: within 30 days obtain an independent medical evaluation from a preapproved board certified psychiatrist and follow all recommendations for care and treatment; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and within one year complete at least 16 hours of CME, divided as follows: four hours in ethics, four hours in professionalism, four hours in medical recordkeeping and four hours in anger management. The Board found Dr. Fox resigned while under investigation for disruptive behavior by two different employers, failed to maintain adequate medical records for two patients, and self-prescribed and diverted controlled substances and dangerous drugs for her own personal use.

## **VIOLATION OF BOARD RULES**

### **Freeman, Georgeanne, D.O., Lic. No. N2508, Austin**

On December 4, 2020, the Board and Georgeanne Freeman, D.O., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in controlled substances. The Board found Dr. Freeman pre-signed blank triplicate forms and left them at her office for use by another physician and midlevels.

### **Rojas, Hugo Alonzo, M.D., Lic. No. J0650, San Antonio**



On December 4, 2020, the Board and Hugo Alonzo Rojas, M.D., entered into an Agreed Order prohibiting Dr. Rojas from treating or otherwise serving as a physician for his immediate family and he shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with potential for abuse to himself or his immediate family. Additionally, Dr. Rojas is required to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in prescribing controlled substances; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Rojas prescribed controlled substances to six friends or family members in violation of Board rules and without appropriate documentation.

#### **VIOLATION OF PRIOR ORDER**

##### **Hayes, Leo Michael, D.O., Lic. No. K2486, Houston**

On December 4, 2020, the Board and Leo Michael Hayes, D.O., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates for Schedules II-V and not reregister without prior Board approval; shall not possess, administer, or prescribe Schedule II-V controlled substances in Texas; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Hayes violated terms of his 2016 Order by failing to appropriately supervise staff who may have used his DEA certificates to issue prescriptions without the patients being seen, failed to maintain adequate medical records, failed to register a pain management clinic, failed to implement chart monitoring recommendations and failed to cooperate with, and provide requested information to, Board staff.

#### **OTHER STATES' ACTIONS**

##### **Lalezari, Sepehr, M.D., Lic. No. R5153, Los Angeles, CA**

On December 4, 2020, the Board and Sepehr Lalezari, M.D., entered into an Agreed Order publicly reprimanding Dr. Lalezari and requiring him to within 60 days pay an administrative penalty of \$500. The Board found Dr. Lalezari was disciplined by the Maryland State Board of Physicians for his failure to submit to a criminal records check.

##### **Salmeron, Daniel, M.D., Lic. No. S2493, Boston, MA**

On December 4, 2020, the Board and Daniel Salmeron, M.D., entered into an Agreed Order publicly reprimanding Dr. Salmeron and requiring him to within 60 days pay an administrative penalty of \$500. The Board found Dr. Salmeron was disciplined by the Rhode Island Board of Medical Licensure which arose from his failure to complete medical records in a timely manner.

##### **Senft, Susan Heidi, M.D., Lic. No. G0537, Kailua-Kona, HI**

On December 4, 2020, the Board and Susan Heidi Senft, M.D., entered into an Agreed Order requiring her to within 60 days pay an administrative penalty of \$500. The Board found Dr. Senft was disciplined by the Hawaii Medical Board with a Settlement Agreement on February 4, 2020 due to a misrepresentation on her Hawaii application and was assessed a fine.

##### **Virk, Zia Ullah, M.D., Lic. No. N6756, Pikeville, KY**

On December 4, 2020, the Board and Zia Ullah Virk, M.D., entered into an Agreed Order requiring him to comply with all terms of the order entered by the Kentucky Board of Medical Licensure (KBML) on May 7, 2020; and requiring Dr. Virk to have a chaperone anytime he performs a physical examination on a female patient. The Board found Dr. Virk was disciplined by the KBML under certain terms which arose from unprofessional conduct.

#### **TXPHP VIOLATION**

##### **Carlock, Anna Rogers, M.D., Lic. No. N0677, Mansfield**

On December 4, 2020, the Board and Anna Rogers Carlock, M.D., entered into an Agreed Order suspending Dr. Carlock's license for six months after which she may request to have the suspension stayed or lifted and makes an appearance before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Dr. Carlock is also not permitted to supervise or delegate prescriptive authority to a physician assistant or

advanced practice nurse or supervise a surgical assistant. The Board found Dr. Carlock had several instances of noncompliance with her Texas Physician Health Program Agreements.

**Friday, Renee Yvette, M.D., Lic. No. L6384, Alamogordo, NM**

On December 4, 2020, the Board and Renee Yvette Friday, M.D., entered into an Agreed Order requiring her to within 60 days pay her unpaid Texas Physician Health Program (TXPHP) participation fees in the amount of \$3,000; within 90 days obtain an independent medical evaluation from a preapproved board certified psychiatrist who specializes in addiction medicine and follow all recommendations for care and treatment; and within 30 days obtain a preapproved psychologist and receive continued care and treatment no less than one time each month. The Board found Dr. Friday was referred to the Board following her noncompliance with her TXPHP monitoring agreement.

**IMPAIRMENT**

**Newton, Jerry, M.D., Lic. No. E1085, Palestine**

On December 4, 2020, the Board and Jerry Newton, M.D., entered into an Agreed Order limiting Dr. Newton's practice to clinical medicine. Dr. Newton shall not perform any surgical procedures. The Board found Dr. Newton voluntarily limited his surgical privileges with a hospital after he suggested a potential safety concern due to his physical illness causing a hand tremor.

**INADEQUATE MEDICAL RECORDS**

**Battle, Clinton Charles, M.D., Lic. No. F1368, Arlington**

On December 4, 2020, the Board and Clinton Charles Battle, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates and not reregister without prior Board approval; and shall not possess, administer or prescribe controlled substances in Texas. The Board found Dr. Battle failed to maintain adequate medical records during his treatment of 14 patients. The records lacked consistent and adequate documentation of physical exams, indications, alternate treatments and potential side effects.

**CEASE & DESISTS**

**Colston, Zalinda, APRN, Rusk**

On December 4, 2020, the Board and Zalinda Colston, APRN, entered into an Agreed Cease and Desist Order prohibiting Ms. Colston from practicing medicine without a license issued by the Texas Medical Board. The Board found Ms. Colston administered stem cell injections without a proper supervising physician.

**Huynh, Anh Mai Thi, No License, Houston**

On December 4, 2020, the Board and Anh Mai Thi Huynh entered into an Agreed Cease and Desist Order prohibiting Ms. Huynh from practicing medicine without a license issued by the Texas Medical Board. The Board found Ms. Huynh provided skin treatment services without having a physician or other midlevel governing the activities of the business.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile.*

*Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 18, 2020

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Beaumont physician**

On December 18, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Sadiq Ali, M.D. (Lic. No. Q7128), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on October 23, 2020, Dr. Ali was arrested by the Beaumont Police Department and charged with prostitution, younger than 18 years of age, a 2nd degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ali, unless the hearing is specifically waived by Dr. Ali.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 18, 2020

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends San Antonio physician**

On December 18, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Rosa A. Fuentes, M.D. (Lic. No. K1817), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Fuentes has violated the terms of her 2018 and 2019 Orders with the Board by failing to surrender her DEA controlled substances registration certificates on or before December 13, 2019, by failing to limit her medical practice to an approved group or institutional setting on or before February 1, 2020, by failing to initiate chart monitoring, and by failing to cooperate with, and timely respond to, Board staff's requests for information.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 4, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Corpus Christi physician**

On February 3, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Hugo Ernesto Guido, M.D. (Lic. No. M8689), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Guido was formally dismissed from the Texas Physician Health Program due to continued noncompliance and has been uncooperative with requests from Board staff.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Guido, unless the hearing is specifically waived by Dr. Guido.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 4, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Corpus Christi physician**

On February 3, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Robert Quarles Lewis, M.D. (Lic. No. F1746), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Lewis admitted to consuming alcohol prior to a scheduled surgery, which was canceled prior to taking place. Dr. Lewis subsequently requested a leave of absence from his practice group.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Lewis, unless the hearing is specifically waived by Dr. Lewis.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

February 9, 2021

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Waller MRT**

On February 5, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of James Francis LaFleur, III, MRT (Lic. No. GMR02001637), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. LaFleur was arrested on or about December 17, 2020, for Attempted Aggravated Kidnapping with Intent to Commit Bodily Injury/Sexual Abuse, a second degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. LaFleur, unless the hearing is specifically waived by Mr. LaFleur.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 19, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 49 physicians at March meeting**

At its March 5, 2021 meeting, the Texas Medical Board disciplined 49 licensed physicians.

The disciplinary actions included: seven orders related to quality of care violations, five orders related to unprofessional conduct, six voluntary surrender/revocation, one suspension, one order related to criminal activity, five orders related to nontherapeutic prescribing, three orders related to peer review action, one order related to improper supervision or delegation, one order related to violation of Board rules, two orders related to violation of prior order, thirteen orders related to other states' actions, two orders related to impairment and two orders related to inadequate medical records. The Board also ratified five cease and desist orders and a termination of suspension order.

The Board issued 110 physician licenses at the March meeting, bringing the total number of physician licenses issued in FY21 to 2,106.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Chambers, William Melvin, D.O., Lic. No. H6106, Azle**

On March 5, 2021, the Board and William Melvin Chambers, D.O., entered into an Agreed Order prohibiting him from delegating the decision-making or use of his DEA credentials to prescribe, or refill, controlled substances prescriptions to any delegate or midlevel provider; have his practice monitored by another physician for four consecutive monitoring cycles; within one year complete at least 20 hours of CME, divided as follows: eight hours in risk management, four hours in prescribing opioids and eight hours in proper supervision of midlevels; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Chambers and/or his delegate inappropriately prescribed controlled substances to four employees and four patients in violation of the standard of care, and failed to properly supervise his delegate.

##### **Charleston, Craig Anthony, M.D., Lic. No. L9653, Beaumont**

On March 5, 2021, the Board and Craig Anthony Charleston, M.D., entered into an Agreed Order requiring him to have his practice monitored for eight consecutive monitoring cycles; and within one year complete at least 16 hours of CME, divided as follows: eight hours in pain management and eight hours in medical recordkeeping. The Board found Dr. Charleston's prescribing was not supported by the documentation provided, and he did not maintain images or documentation as to the dosage of dye used related to a procedure.

##### **Johnson, Edward Wallace, III, M.D., Lic. No. R0033, Palestine**

On March 5, 2021, the Board and Edward Wallace Johnson, III, M.D., entered into an Agreed Order requiring him to within one year complete at least 20 hours of CME, divided as follows: eight hours in hematology, eight hours in medical recordkeeping and four hours in risk management. The Board found Dr. Johnson failed to get a complete picture of a patient's health and medications, and failed to prescribe adequate treatment for the patient's abnormal prothrombin time (PT) on a second visit.

##### **Katsigiannis, Christos A., M.D., Lic. No. J0036, Houston**

On March 5, 2021, the Board and Christos A. Katsigiannis, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in interventional peripheral vascular



procedures, four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Katsigiannis failed to meet the standard of care for one patient when he performed an atherectomy and angioplasty on the patient.

**McDougall, Cameron Michael, M.D., Lic. No. Q5034, Flushing, MI**

On March 5, 2021, the Board and Cameron Michael McDougall, M.D., entered into an Agreed Order requiring him to within a year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in communications and conflict resolution. The Board found Dr. McDougall misidentified his location on a patient's spine during surgery and did not adequately document his thought process when identifying the patient's vertebrae.

**Parra, Guillermo, M.D., Lic. No. G8332, El Paso**

On March 5, 2021, the Board and Guillermo Parra, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in risk management and eight hours in supervision and delegation. The Board found Dr. Parra's documentation and workup for a patient was below the standard of care and he failed to timely provide records to a patient.

**Travis, Allison Bonds, M.D., Lic. No. Q3339, McKinney**

On March 5, 2021, the Board and Allison Bonds Travis, M.D., entered into an Agreed Order requiring her to within one year complete at least 24 hours of CME in laparoscopic cholecystectomy and intraoperative cholangiogram; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Travis should have utilized additional techniques to confirm accurate anatomy, including assistance from another surgeon or use of an intraoperative cholangiogram.

**UNPROFESSIONAL CONDUCT**

**Barrientos, Ryan R., M.D., Lic. No. P1519, Houston**

On March 5, 2021, the Board and Ryan R. Barrientos, M.D., entered into an Agreed Order requiring him to within one year complete eight hours of CME in ethics. The Board found Dr. Barrientos sent an unprofessional text message to a colleague while having issues with excessive alcohol at the time. Dr. Barrientos has self-enrolled in the Texas Physician Health Program and is in full compliance with the program.

**Gurmendi, Alfredo Fausto, M.D., Lic. No. L2294, Alamogordo, NM**

On March 5, 2021, the Board and Alfredo Fausto Gurmendi, M.D., entered into an Agreed Order requiring him to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management (Physician Coaching). The Board found Dr. Gurmendi spoke in a rude and inappropriate manner to members of the OR staff, his female coworkers and had his hospital privileges suspended for seven days.

**Hawkins, Germaine Bernard, D.O., Lic. No. L3329, Arlington**

On March 5, 2021, the Board and Germaine Bernard Hawkins, D.O., entered into an Agreed Order publicly reprimanding Dr. Hawkins and requiring him to within 30 days obtain Board approval for a qualified individual, not otherwise employed by Dr. Hawkins, to serve as a monitor to oversee any preceptorships that he undertakes at his practice for a period of three years; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics, four hours in risk management and four hours in professionalism; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Hawkins provided preceptorship for nursing students using the name, credentials and license of a nurse practitioner without her consent or knowledge.

**Patel, Bharatkumar Shivabhai, M.D., Lic. No. H5347, Webster**

On March 5, 2021, the Board and Bharatkumar Shivabhai Patel, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: eight hours in billing and coding, eight hours in ethics and eight hours in risk management; within 30 days pay back all money received from the patient and her insurance company for all services billed with the exception of the March 14, 2020, date of service; within 60 days pay an administrative penalty of \$3,000; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete the medical

recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Patel engaged in unprofessional conduct for improperly billing a patient for services not rendered and/or coded incorrectly.

**Sherman, John Miller, III, M.D., Lic. No. D1046, El Paso**

On March 5, 2021, the Board and John Miller Sherman, III, M.D., entered into an Agreed Order requiring him to within one year complete at least 32 hours of CME, divided as follows: eight hours in ethics, eight hours in risk management, eight hours in patient communication and eight hours in medical recordkeeping; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Sherman performed an unwanted pelvic and rectal exam as the patient stated they were conducted without her consent. Dr. Sherman's medical records are illegible and do not meet the standard for keeping medical records.

**VOLUNTARY SURRENDER/REVOCAION**

**Arshad, Muhammad Kaleem, M.D., Lic. No. R1166, Harvey, LA**

On March 5, 2021, the Board and Muhammad Kaleem Arshad, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Arshad agreed to voluntarily surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Arshad was convicted of a felony offense related to health care fraud and received three years of supervised probation.

**Emert, Frank Leroy, Jr., M.D., Lic. No. E5515, Vincennes, IN**

On March 5, 2021, the Board and Frank Leroy Emert, Jr., M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Emert agreed to voluntarily surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Emert is not currently engaged in the practice of medicine and intends to permanently retire due to a physical disability.

**Green, Roland Hale, M.D., Lic. No. R8749, Las Vegas, NV**

On March 5, 2021, the Board and Roland Hale Green, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Green agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Green pled guilty to conspiracy to commit healthcare fraud and was sentenced to probation and ordered to pay restitution.

**Kakria, Anshuk, M.D., Lic. No. BP10068339, Bergenfield, NJ**

On March 5, 2021, the Board and Anshuk Kakria, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Kakria agreed to voluntarily surrender his Texas permit in lieu of further disciplinary proceedings. The Board found Dr. Kakria was terminated from his residency program after failing a drug screen.

**Martinez, Cervando, Jr., M.D., Lic. No. D9228, San Antonio**

On March 5, 2021, the Board and Cervando Martinez, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Martinez agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Martinez was under investigation for standard of care violations involving four patients, and he has decided to cease practicing and retired from medicine.

**Taylor, Michael Bryon, M.D., Lic. No. F2055, Tyler**

On March 5, 2021, the Board and Michael Bryon Taylor, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Taylor agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Taylor was under investigation for failure to meet the standard of care and resigning while under peer review for the incident.

**SUSPENSION**

**Ali, Sadiq, M.D., Lic. No. Q7128, Beaumont**

On March 5, 2021, the Board and Ali Sadiq, M.D., entered into an Agreed Order suspending his license until such a time as he requests in writing and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine; within 30 days undergo an intensive diagnostic evaluation by a pre-approved board certified psychiatrist and follow all recommendations for care and treatment; within 30 days obtain a pre-approved treating psychologist and follow all treatment recommendations; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Sadiq was temporarily suspended due to his arrest for soliciting a prostitute younger than 18 years of age. The order supersedes all prior orders of the Board.

## **CRIMINAL ACTIVITY**

### **Flores, Miguel Juan, M.D., Lic. No. E7398, Cleveland**

On March 5, 2021, the Board and Miguel Juan Flores, M.D., entered into an Agreed Order restricting his license under the following terms: prohibited from prescribing Schedule II controlled substances; shall not treat patients for chronic pain as defined by Board rule; shall not prescribe Schedule III, IV, and/or V controlled substances other than in a hospital setting; may treat acute pain only in a hospital setting on a one-time basis for no more than 72 hours with no refills for any patient; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found that on or around November 4, 2019, Dr. Flores was arrested by the Montgomery County DA's Office on felony charges relating to nontherapeutic prescribing of controlled substances to one patient.

## **NONTHERAPEUTIC PRESCRIBING**

### **Jain, Nisha, M.D., Lic. No. M1789, Dallas**

On March 5, 2021, the Board and Nisha Jain, M.D., entered into an Agreed Order requiring her to within seven days surrender her DEA controlled substances registration certificates and not reregister without prior Board approval; shall not possess, administer, or prescribe controlled substances in Texas other than prescriptions written to her by a licensed provider for personal use; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping; within 60 days pay an administrative penalty of \$3,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Jain violated the standard of care, prescribed controlled substances nontherapeutically, failed to meet Board rule requirements of prescribing for 18 of 20 patients reviewed, and failed to adequately create and maintain medical records.

### **Locke, Edwin Brady, M.D., Lic. No. K5608, Midland**

On March 5, 2021, the Board and Edwin Brady Locke, M.D., entered into an Agreed Order prohibiting him from treating patients for chronic pain as defined by Board rule and shall refer all chronic pain patients to appropriate specialists within 30 days; within one year complete at least 28 hours of CME, divided as follows: 12 hours in supervision and delegation, four hours in medical recordkeeping, four hours in risk management and eight hours in prescription of opioids; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Locke and his delegate prescribed controlled substances including opioids, alprazolam, and Adderall to one patient with a history of illicit drug use, did not properly monitor the patient's use of the medications, and failed to maintain adequate medical records.

### **Longoria, Leonardo Arturo, M.D., Lic. No. R1407, El Paso**

On March 5, 2021, the Board and Leonardo Arturo Longoria, M.D., entered into an Agreed Order publicly reprimanding Dr. Longoria and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Longoria had his clinical privileges revoked following allegations he stole hospital property.

### **Phillips, Bruce Allen, M.D., Lic. No. H2685, Dallas**

On March 5, 2021, the Board and Bruce Allen Phillips, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; have his practice monitored by another physician for eight consecutive monitoring cycles; within six months complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least four hours of CME in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Phillips nontherapeutically prescribed medications, including controlled substances, to a patient; failed to maintain adequate medical records and failed to timely respond to a request for the patient's medical records.

**Thacker, Brett McKinney, M.D., Lic. No. G0195, Waxahachie**

On March 5, 2021, the Board and Brett McKinney Thacker, M.D., entered into an Agreed Order publicly reprimanding Dr. Thacker and requiring him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; and have his practice monitored by another physician for 12 consecutive monitoring cycles. The Board found Dr. Thacker nontherapeutically prescribed medications, including controlled substances, to nine patients, and failed to meet the standard of care by failing to perform a proper history or evaluation of a patient regarding their Hepatitis C diagnosis.

**PEER REVIEW ACTION**

**Cobbs, Kenneth Franklin, M.D., Lic. No. M1595, Muskogee, OK**

On March 5, 2021, the Board and Kenneth Franklin Cobbs, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in postoperative care and four hours in risk management. The Board found Dr. Cobbs had his privileges revoked to perform total knee arthroplasty procedures.

**Griffin, Robert Amos, M.D., Lic. No. E6386, Austin**

On March 5, 2021, the Board and Robert Amos Griffin, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in drug seeking behavior, eight hours in risk management and eight hours in pain management. The Board found Dr. Griffin prescribed controlled substances in high doses for two pain patients without adhering to the requirements of Board Rule 170.3. Dr. Griffin terminated his employment with Unity Health Care while under a quality investigation.

**Patel, Luv Bipin, M.D., Lic. No. BP10069288, San Antonio**

On March 5, 2021, the Board and Luv Bipin Patel, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Patel was terminated from his residency program after his non-compliance with a performance improvement plan and after testing positive for alcohol at work. Dr. Patel is currently enrolled with the Texas Physician Health Program under a multi-year monitoring agreement.

**IMPROPER SUPERVISION OR DELEGATION**

**Biggers, Jerel Raymond, D.O., Lic. No. G2646, Dallas**

On March 5, 2021, the Board and Jerel Raymond Biggers, D.O., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days submit to the Board for review and approval all valid supervision and delegation agreements and standing orders; and within one year complete at least 24 hours of CME, divided as follows: 12 hours in supervision of midlevels, four hours in risk management, four hours in medical recordkeeping and four hours in appropriate management of hormone therapy. The Board found Dr. Biggers failed to adequately supervise his midlevel provider, which led to inappropriate treatments, a lack of patient follow-up and lack of medical documentation for the care provided by Dr. Biggers' delegate. Additionally, Dr. Biggers' delegate issued false and misleading advertising for stem cell therapies and IV treatments for coronavirus prevention.

**VIOLATION OF BOARD RULES**

**Franklin, Wayne Jay, M.D., Lic. No. L4378, Phoenix, AZ**

On March 5, 2021, the Board and Wayne Jay Franklin, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete 48 hours of CME required for his license renewal period of December 1, 2016 to November 30, 2018, with at least two hours in medical ethics and/or professional responsibility; within one year complete at least four additional hours in ethics; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Franklin failed to obtain and/or document the required 48 hours of CME required for his two-year license renewal period. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **VIOLATION OF PRIOR ORDER**

##### **Bangale, Anil, M.D., Lic. No. E7370, Fort Worth**

On March 5, 2021, the Board and Anil Bangale, M.D., entered into an Agreed Order prohibiting him from practicing medicine in Texas until such a time as he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Bangale failed to implement his chart monitor's recommendations relating to medical recordkeeping.

##### **Mech, Arnold Walter, M.D., Lic. No. G9499, Frisco**

On March 5, 2021, the Board and Arnold Walter Mech, M.D., entered into an Agreed Order publicly reprimanding Dr. Mech and requiring him to within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Mech did not comply with his 2019 Order requiring him to timely provide medical records to patients.

#### **OTHER STATES' ACTIONS**

##### **Alexander, Joe Bob, M.D., Lic. No. E0780, Abilene**

On March 5, 2021, the Board and Joe Bob Alexander, M.D., entered into an Agreed Order requiring him to complete and comply with all terms of the March 5, 2020 Order issued by the Oklahoma State Board of medical Licensure; further Dr. Alexander is prohibited from prescribing Schedules II, III (except for phendimetrazine), and V controlled substances. Dr. Alexander is permitted to prescribe Schedule IV controlled substances. The Board found Dr. Alexander was disciplined by the Oklahoma Board under several terms, including limiting his prescribing of certain drugs.

##### **Anh, Ho Dzung, M.D., Lic. No. R4936, Walnut, CA**

On March 5, 2021, the Board and Ho Dzung Anh, M.D., entered into an Agreed Order requiring him to comply with all terms of the disciplinary order issued by the Medical Board of California (MBC) on March 23, 2020. The Board found Dr. Anh was disciplined by the MBC which arose from his prescribing antibiotics through telemedicine for two patients without obtaining a reliable history, performing a physical exam or otherwise verifying that there was a medical indication for the prescriptions.

##### **Anwar, Farrukh, M.D., Lic. No. Q5753, Caro, MI**

On March 5, 2021, the Board and Farrukh Anwar, M.D., entered into a Waiver Order publicly reprimanding Dr. Anwar and requiring him to within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Anwar was disciplined by the Michigan Board of Medicine for negligence or failure to exercise due care, including negligent delegation to, or supervision of, employees or other individuals.

##### **Blasko, Barbara, M.D., Lic. No. R9040, Riverside, CA**

On March 5, 2021, the Board and Barbara Blasko, M.D., entered into an Agreed Order requiring her to comply with the terms of the order issued by the West Virginia Medical Board on March 4, 2020. The Board found Dr. Blasko was disciplined by the West Virginia Medical Board which imposed a reprimand and civil fine of \$2,000.

##### **Creighton, Christopher P., M.D., Lic. No. P0821, Rockwall**

On March 5, 2021, the Board and Christopher P. Creighton, M.D., entered into a Waiver Order publicly reprimanding Dr. Creighton and requiring him to comply with all terms of the California Board order entered into on October 30, 2020. The Board found Dr. Creighton was disciplined by the Medical Board of California for unprofessional conduct pertaining to medical treatment of a patient.

**DiSanto, Vinson, D.O., Lic. No. P1540, Knoxville, TN**

On March 5, 2021, the Board and Vinson DiSanto, D.O., entered into an Agreed Order prohibiting him from possessing, administering, or prescribing controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. DiSanto was disciplined by the Alabama State Board of Medical Examiners which revoked his Alabama license and assessed a fine for his failure to practice medicine or osteopathy with reasonable skill and safety to patients.

**Friemel, Susannah Parker, M.D., Lic. No. L6385, Davenport, IA**

On March 5, 2021, the Board and Susannah Parker Friemel, M.D., entered into a Waiver Order requiring her to comply with all terms of the Iowa Board order entered on August 28, 2020. The Board found Dr. Friemel was disciplined by the Iowa Board of Medicine for improper prescribing.

**Hansen, Thomas, M.D., Lic. No. N7621, North Richland Hills**

On March 5, 2021, the Board and Thomas Hansen, M.D., entered into a Waiver Order publicly reprimanding Dr. Hansen and requiring him to comply with all terms of the Illinois Board order effective November 16, 2020; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Hansen was disciplined by the Illinois Department of Financial and Professional Regulation for failure to timely respond to an MRI and blood testing for a patient.

**Hyson, Morton Isaac, M.D., Lic. No. G4477, Las Vegas, NV**

On March 5, 2021, the Board and Morton Isaac Hyson, M.D., entered into a Waiver Order publicly reprimanding Dr. Hyson; and requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Hyson was disciplined by the Nevada State Board of Medical Examiners for failure to maintain proper medical records and failure to comply with an order.

**Jovanovich, Alexandar, M.D., Lic. No. R9228, Chicago, IL**

On March 5, 2021, the Board and Alexandar Jovanovich, M.D., entered into a Waiver Order requiring him to comply with all terms of the Iowa Board order entered into on August 28, 2020. The Board found Dr. Jovanovich was disciplined by the Iowa Board of Medicine for failure to establish a valid physician-patient relationship with patients receiving telemedicine services.

**McClain, Gregory Dewayne, M.D., Lic. No. N3408, Greenwood Village, CO**

On March 5, 2021, the Board and Gregory Dewayne McClain, M.D., entered into an Agreed Order Upon Formal Filing publicly reprimanding Dr. McClain and requiring him to within 30 days undergo an independent medical evaluation from a pre-approved board certified psychiatrist and follow all recommendations for care and treatment; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in communication; within one year and three attempts pass the Medical Jurisprudence Exam; and within 90 days pay an administrative penalty of \$5,000. The Board found Dr. McClain was sentenced to one year and four months in Missouri County jail and was disciplined by the Missouri and Wisconsin Medical Boards for the same charges relating to harassment. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Nwabueze, Chinedu N., M.D., Lic. No. S8085, St. Louis, MO**

On March 5, 2021, the Board and Chinedu N. Nwabueze, M.D., entered into a Waiver Order requiring him to comply with all terms of the California Board Order entered into on October 14, 2020. The Board found Dr. Nwabueze was disciplined by the Medical Board of California for failure to disclose on his application unusual circumstances during his training program.

**Roethle, Scott Taggart, M.D., Lic. No. M5909, Sedalia, MO**

On March 5, 2021, the Board and Scott Taggart Roethle, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Roethle was disciplined by the Idaho State Board of Medicine for failing to prescribe and provide treatment within the scope of the state's Medical Practice Act and Idaho Telehealth Access Act.

## **IMPAIRMENT**

### **Fernandez, Joel, M.D., Lic. No. R4387, San Antonio**

On March 5, 2021, the Board and Joel Fernandez, M.D., entered into an Agreed Order suspending his license until he requests in writing and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine, including the completion of the independent medical evaluation; and within 30 days obtain an independent medical evaluation from a pre-approved board certified psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Fernandez was previously temporarily suspended due to impairment issues.

### **Seth, Abhishek, M.D., Lic. No. P6264, Houston**

On March 5, 2021, the Board and Abhishek Seth, M.D., entered into an Agreed Order terminating Dr. Seth's suspension and publicly referring him to the Texas Physician Health Program (TXPHP). The Board found Dr. Seth was previously temporarily suspended for impairment concerns and has since self-reported to the TXPHP and has been in full compliance for several months. The order supersedes the order of temporary suspension entered on September 10, 2020.

## **INADEQUATE MEDICAL RECORDS**

### **Anderson, Michael Alan, M.D., Lic. No. L5975, Corpus Christi**

On March 5, 2021, the Board and Michael Alan Anderson, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours in medical recordkeeping and documentation. The Board found Dr. Anderson's documentation of a patient's medication cross-tapering and discharge was lacking as the records lacked notes regarding his assessments of the patient and the discharge summary does not sufficiently detail the patient's hospital course or patient's death.

### **Boyd, Gary D., M.D., Lic. No. F9226, Tyler**

On March 5, 2021, the Board and Gary D. Boyd, M.D., entered into an Agreed Order publicly reprimanding Dr. Boyd and requiring him to have a medical scribe present for the entirety of any and all patient visits to observe and record information related to each patient visit in the patient's medical records; and within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in ethics and four hours in the topic of risk management. The Board found Dr. Boyd documented in one patient's medical records that he performed a physical examination of the patient during an office visit when no physical exam had been performed.

## **CEASE & DESISTS**

### **Al Hawamdeh, Duaa, No License, Grand Prairie**

On March 5, 2021, the Board and Duaa Al Hawamdeh entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and from acting as, or holding herself out to be, a licensed physician in Texas. The Board found Ms. Al Hawamdeh offered liposuction and other medical services on Facebook.

### **Castleberry, Kim Alan, O.D., No License, Plano**

On March 5, 2021, the Board and Kim Alan Castleberry, O.D., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in Texas without a license issued by the Texas Medical Board and cease and desist from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Castleberry, who is a licensed optometrist, was diagnosing and treating medical conditions and seeking payment for these services.

### **Garcia, Beatriz, No License, Dallas**

On March 5, 2021, the Board and Beatriz Garcia entered into an Agreed Cease and Desist Order prohibiting her from engaging in the practice of medicine in the state of Texas without a license issued by the Texas Medical Board. The

Board found Ms. Garcia performed a colon hydrotherapy procedure that resulted in the patient being hospitalized for colon perforation and required extensive medical care after the procedure.

**Stangenwald, Jessica, D.C., F.N.P., No License, Hurst**

On March 5, 2021, the Board and Jessica Stangenwald, D.C., F.N.P., entered into an Agreed Cease and Desist Order prohibiting her from engaging in the practice of medicine both in and from the state of Texas. The Board found Ms. Stangenwald, who is a licensed chiropractor and family nurse practitioner in Texas, offered and advertised medical services such as stem cell injections and "Coronavirus prevention IVs," for which she had no delegated authority and with no knowledge of her supervising physician.

**Tatum, Leslie, No License, New Braunfels**

On March 5, 2021, the Board and Leslie Tatum, entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Tatum administered antibody testing to hundreds of patients for COVID-19. Ms. Tatum was not acting under the supervision of a physician at any time during the time she advertised, administered, and interpreted testing results, nor is she a licensed midlevel provider.

**Visintine, Crystal Felici, No License, McAllen**

On March 5, 2021, the Board and Crystal Felici Visintine entered into an Agreed Cease and Desist Order prohibiting Ms. Visintine from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Visintine engaged in the corporate practice of medicine by jointly operating a med spa and conducted a consultation with a patient where she took the patient's medical history, obtained informed consent (though the patient refused to sign the form), and performed a nonsurgical cosmetic procedure.

**OTHER ORDERS/ACTIONS**

**TERMINATION OF SUSPENSION**

**Astbury, Jeffrey Albert, M.D., Lic. No. J3967, Midlothian**

On March 5, 2021, the Board entered an Order Granting Termination of Suspension, terminating Dr. Astbury's September 2020 Suspension Order. The Board found Dr. Astbury's license should be restored based on information obtained showing that the Dallas County District Attorney's Office rejected the charges and that the case would not be filed.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile.*

*Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 8, 2021

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Laredo MRT**

On April 6, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of Ruben Alfredo Cordova, MRT (Lic. No. GMR00028017), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Cordova, who was under an Agreed Order stemming from DWI convictions, was arrested on several more recent driving while intoxicated charges and has not completed any terms of his order with the Board.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Cordova, unless the hearing is specifically waived by Mr. Cordova.

The temporary suspension remains in place until the Board takes further action.

**###**

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

April 8, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Burleson respiratory care practitioner**

On April 8, 2021, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Rodrigo J. Hernandez, RCP (Permit No. RCP00070050), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about February 4, 2021, Mr. Hernandez was arrested by the Arlington Police Department for aggravated sexual assault of a child – forcible rape, a first-degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Hernandez, unless the hearing is specifically waived by Mr. Hernandez.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 23, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Texas license of Missouri physician**

On April 23, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Joseph Premalal Kumara Fernando, M.D. (Lic. No. S8036), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Fernando is currently being held in jail in the state of Missouri, and has been charged with first-degree statutory sodomy, deviate sexual behavior with a minor.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Fernando, unless the hearing is specifically waived by Dr. Fernando.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 23, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Beaumont physician**

On April 23, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Michael Wesley Holmes, M.D. (Lic. No. E7118), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on March 31, 2021, Dr. Holmes was indicted on a charge of sexual assault, a second-degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Holmes, unless the hearing is specifically waived by Dr. Holmes.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

May 20, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Richmond respiratory care practitioner**

On May 18, 2021, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Jesse Alvarado, RCP (Permit No. RCP00067112), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Alvarado is noncompliant with his Texas Physician Health Program monitoring agreement as he has had multiple positive drug screens as well as missed check-ins and drug screens since entering into the agreement.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Alvarado, unless the hearing is specifically waived by Mr. Alvarado.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 16, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends El Paso physician**

On June 14, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Brian James August, M.D. (Lic. No. H9762), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on May 26, 2021, Dr. August was indicted on 15 counts related to distribution of controlled substances causing death or serious bodily injury, and healthcare fraud resulting in death.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. August, unless the hearing is specifically waived by Dr. August.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 17, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Port Arthur physician**

On June 17, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Raees Ahmed, M.D. (Lic. No. N0595), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Ahmed was recently indicted on charges, including indecency with child – sexual contact, a second degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ahmed, unless the hearing is specifically waived by Dr. Ahmed.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

June 24, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Physician Assistant Board suspends San Antonio physician assistant**

On June 23, 2021, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Texas physician assistant license of Christopher Felix Montoya, P.A. (Lic. No. PA06048), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board found Mr. Montoya has been indicted on charges related to health care fraud and despite his incarceration, was continuing to run his practice from jail. Mr. Montoya continued to bill Medicare for services rendered despite not being present at his clinics to treat patients.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 25, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 26 physicians at June meeting**

At its June 11, 2021 meeting, the Texas Medical Board disciplined 26 licensed physicians.

The disciplinary actions included: five orders related to quality of care violations, four orders related to unprofessional conduct, six voluntary surrender/revocations, three suspensions, three revocations, one order related to nontherapeutic prescribing, one order related to violation of prior order and three orders related to other states' actions. The Board also ratified five cease and desist orders.

The Board issued 213 physician licenses at the June meeting, bringing the total number of physician licenses issued in FY21 to 4,117.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **East, John Wayne, D.O., Lic. No. K7724, Addison**

On June 11, 2021, the Board and John Wayne East, D.O., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management. The Board found Dr. East violated the standard of care when he performed a rhizotomy on a patient's wrong side.

##### **Lauer, Scott David, M.D., Lic. No. K9102, Colleyville**

On June 11, 2021, the Board and Scott David Lauer, M.D., entered into an Agreed Order publicly reprimanding Dr. Lauer and requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in post-operative complications, eight hours in risk management and eight hours in ethics/professionalism; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Lauer failed to assume appropriate care of a post-operative patient of another physician after agreeing to cover the patient, failed to properly address the patient's bleeding and failed to properly communicate with hospital staff.

##### **Mason, Christopher N., M.D., Lic. No. L1129, Mount Pleasant**

On June 11, 2021, the Board and Christopher N. Mason, M.D., entered into an Agreed Order requiring him to within one year complete at 16 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management and four hours in post-operative care. The Board found Dr. Mason violated the standard of care by failing to recognize a patient's abnormal test results which necessitated further care and recognition of potential surgical complications, and he did not maintain adequate medical records.

##### **Perry, Richard J., D.O., Lic. No. J0193, Sanger**

On June 11, 2021, the Board and Richard J. Perry, D.O., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in evaluating and treating anxiety and depression in adolescents, eight hours in diagnosis and treatment of obesity in adolescents and four hours in medical recordkeeping. The Board found that Dr. Perry failed to meet the standard of care in his prescribing and monitoring the use of Phentermine in a pediatric patient who was under 16 years of age during the relevant time period. Furthermore, Respondent failed to maintain adequate medical records for the treatment of this patient.

**Young, Mark David, M.D., Lic. No. J0388, Denison**

On June 11, 2021, the Board and Mark David Young, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 49 hours of CME, divided as follows: 17 hours (or two days) in an intensive medical recordkeeping course, 10 hours in an intensive patient communication course, eight hours in anger management, six hours in outpatient care for common fractures, four hours in ethics, and four hours in prescribing controlled substances; and within 30 days pay an administrative penalty of \$5,000. The Board found Dr. Young failed to meet the standard of care for a patient's extended arm cast immobilization, failed to appropriately document medical rationale, surgical procedure and follow-up care for three patients with complications following hand or wrist surgeries, exhibited unprofessional conduct that was disruptive to surgical staff during a procedure, and self-prescribed medications, including controlled substances to himself beyond immediate need.

**UNPROFESSIONAL CONDUCT**

**Abbasi, Maaz Ahmed, M.D., Lic. No. M6992, Missouri City**

On June 11, 2021, the Board and Maaz Ahmed Abbasi, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in risk management. The Board found Dr. Abbasi was investigated by the federal government for health care fraud allegations related to the issuance of home health certification and plans of care and executed an Agreed Settlement wherein he agreed to pay restitution and to an exclusion from participating in federal health care programs for a period of three years.

**Doan, Dennis Phuong, M.D., Lic. No. N9041, Fort Worth**

On June 11, 2021, the Board and Dennis Phuong Doan, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Doan and suspending his license; however, the suspension is stayed and he is placed on probation under the following terms for a period of two years: shall comply with all terms of the Order Granting Deferred Adjudication issued on December 22, 2020 by Parker County Court; he is prohibited from seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine on female patients at any time for any reason in any practice setting, including telemedicine. Notwithstanding this restriction, Dr. Doan shall be allowed to practice administrative medicine services such as records review, interpretation of EKG's, echocardiography tests, and stress tests that involve female patients. Additionally, within one year Dr. Doan shall complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Doan has engaged in unprofessional misconduct with multiple female patients and employees by improperly touching their breasts and making inappropriate comments and pleaded guilty to one Class A misdemeanor for violating the Texas Medical Practice Act. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Freeman, Phillip Neal, M.D., Lic. No. G9851, Houston**

On June 11, 2021, the Board and Phillip Neal Freeman, M.D., entered into an Agreed Order publicly reprimanding Dr. Freeman and requiring him to have a chaperone anytime he performs a physical examination on a female patient; within six months complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least eight hours of CME in ethics; and shall not be permitted to supervise female medical professionals or to supervise or delegate prescriptive authority to a female physician assistant or female advanced practice nurse. The Board found Dr. Freeman violated sexual boundaries by sexually harassing a colleague and resigned his privileges in lieu of further disciplinary action.

**Safadi, Lawrence Victor, M.D., Lic. No. S5060, Edinburg**

On June 11, 2021, the Board and Lawrence Victor Safadi, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in ethics. The Board found Dr. Safadi did not fully disclose a potential eligibility issue with the Board when he applied for a license in Texas.

## **VOLUNTARY SURRENDER/REVOCAION**

### **Brame, Cory Lynne, M.D., Lic. No. K5260, Newport Beach, CA**

On June 11, 2021, the Board and Cory Lynne Brame, M.D., entered into an Agreed Order of Voluntary Surrender on Formal Filing in which Dr. Brame agreed to voluntarily surrender her license in lieu of further disciplinary proceedings. The Board found Dr. Brame was unable to complete terms of her 2019 Remedial Plan to maintain her Texas license. Dr. Brame resides and practices in California and does not believe she will return to practice in Texas where CME requirements are recurring. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Hurst, Paul W., M.D., Lic. No. L6949, Plantation, FL**

On June 11, 2021, the Board and Paul W. Hurst, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Hurst agreed to voluntarily surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Hurst was under investigation for sexual boundary violations.

### **Kelehan, Shaun Bobbi, M.D., Lic. No. L6234, Marshall**

On June 11, 2021, the Board and Shaun Bobbi Kelehan, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Kelehan agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Kelehan was Temporarily Restricted on October 29, 2020 for boundaries violations with a male patient. Following entry of the order, a second male patient made an outcry to a new provider regarding alleged inappropriate touching and boundaries violations that occurred during the course of Dr. Kelehan's prior care and treatment.

### **Syed, Ghyasuddin, M.D., Lic. No. L3493, Baytown**

On June 11, 2021, the Board and Ghyasuddin Syed, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Syed agreed to voluntarily surrender his license in lieu of further disciplinary proceedings, effective July 10, 2021. The Board found Dr. Syed pled guilty to conspiracy to commit offense or to defraud the United States, a felony.

### **Taylor, Michael Byron, M.D., Lic. No. F2055, Tyler**

On June 11, 2021, the Board and Michael Byron Taylor, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Taylor agreed to voluntarily surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Taylor was under investigation regarding his failure to meet the standard of care while intubating a patient and resigning while under peer review for the incident.

### **Willis, Ellen Denise, M.D., Lic. No. H4801, Oronoco, MN**

On June 11, 2021, the Board and Ellen Denise Willis, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Willis agreed to voluntarily surrender her license in lieu of further disciplinary proceedings. The Board found Dr. Willis reported to the Board that she had a specific medical condition and was no longer in practice. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **SUSPENSION**

### **Coppedge, Woodrow William, M.D., Lic. No. L2853, Houston**

On June 11, 2021, the Board and Woodrow William Coppedge, M.D., entered into an Agreed Order of Voluntary Suspension on Formal Filing, suspending his license until such a time as he requests in writing and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine; publicly referred to the Texas Physician Health Program; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Coppedge exhibited signs of alcohol impairment and resigned in lieu of termination for possible impairment and work performance issues. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Hein, Robert Mathew, M.D., Lic. No. M6182, Argyle**

On June 11, 2021, the Board and Robert Mathew Hein, M.D., entered into an Agreed Order suspending Dr. Hein's license until such a time as he requests in writing and personally appears before the Board to provide clear evidence that he is

physically, mentally, and otherwise competent to safely practice medicine; and prohibiting him from supervising or delegating prescriptive authority to a physician assistant or advanced practice nurse or supervising a surgical assistant. Dr. Hein cannot request an appearance before the Board until after six months have passed following entry of the order. The Board found Dr. Hein treated multiple patients while under the influence of controlled substances not legitimately prescribed to him. The order remains in effect until superseded by another order of the Board.

**Henry, Craig B., M.D., Lic. No. H2942, Arlington**

On June 11, 2021, the Board and Craig B. Henry, M.D., entered into an Agreed Order of Suspension, suspending his license until such a time as he requests in writing and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include, at a minimum, complete and final resolution of any and all criminal charges and investigations. Additionally, Dr. Henry shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found that on February 19, 2021, Dr. Henry pled guilty to Conspiracy to Commit Healthcare Fraud, a felony.

**REVOCACTION**

**Brown, Lance Fortson, M.D., Lic. No. K9738, San Antonio**

On June 11, 2021, the Board entered a Default Order regarding Lance Fortson Brown, M.D., which revoked his Texas medical license. On January 21, 2021, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Brown failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Brown. The Board granted a Determination of Default and Dr. Brown's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Brown has 25 days from the service of the order to file a motion for rehearing.

**Oro, Febe Linda Panal, M.D., Lic. No. G4185, Denison**

On June 11, 2021, the Board entered a Default Order regarding Febe Linda Panal Oro, M.D., which revoked her Texas medical license. On March 25, 2021, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Oro failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Oro. The Board granted a Determination of Default and Dr. Oro's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Oro has 25 days from the service of the order to file a motion for rehearing.

**Smith, Stephen Allen, M.D., Lic. No. H9718, Houston**

On June 11, 2021, the Board entered a Default Order regarding Stephen Allen Smith, M.D., which revoked his Texas medical license. On January 14, 2021, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging violations of standard of care and unprofessional conduct. Dr. Smith failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Smith. The Board granted a Determination of Default and Dr. Smith's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Smith has 25 days from the service of the order to file a motion for rehearing.

**NONTHERAPEUTIC PRESCRIBING**

**Pollack, Lee, M.D., Lic. No. H5730, Spring**

On June 11, 2021, the Board and Lee Pollack, M.D., entered into a Mediated Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management, four hours in supervising and delegating to midlevel providers and four hours in proper prescribing of controlled substances; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Pollack nontherapeutically prescribed controlled substances to fifteen patients and failed to create and maintain adequate medical records justifying his care and treatment of the patients. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **VIOLATION OF PRIOR ORDER**

### **Castaneda, Jose Luis, M.D., Lic. No. F3818, Brownsville**

On June 11, 2021, the Board and Jose Luis Castaneda, M.D. entered into a Modification Order, modifying Dr. Castaneda's June 2019 Order. The modification removes the requirement to pass the SPEX exam, and adds terms which limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved by the Board, and extends the deadline for payment of his monitoring fee six months. The Board found Dr. Castaneda was not meeting the terms of his order due to financial and practice constraints after being laid off due to COVID's financial impact on the practice. All other terms of the order as modified remain in full effect.

## **OTHER STATES' ACTIONS**

### **Bakotic, Bradley Wayne, D.O., Lic. No. L5668, Alpharetta, GA**

On June 11, 2021, the Board and Bradley Wayne Bakotic, D.O., entered into a Waiver Order publicly reprimanding Dr. Bakotic and requiring him to pay an administrative penalty of \$500. The Board found Dr. Bakotic was disciplined by the Maryland State Board of Physicians with a Consent Order.

### **Steele, John Joseph, M.D., Lic. No. M8360, Southfield, MI**

On June 11, 2021, the Board and John Joseph Steele, M.D., entered into a Waiver Order publicly reprimanding Dr. Steele and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$5,000. The Board found that it was alleged Dr. Steele was disciplined by the Surgeon General of the United States Air Force on December 30, 2020 due to falsification of official documents to gain off duty employment.

### **Wheatley, Grayson, M.D., Lic. No. L2748, Nashville, TN**

On June 11, 2021, the Board and Grayson Wheatley, M.D., entered into a Waiver Order publicly reprimanding Dr. Wheatley and requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found that it was alleged Dr. Wheatley was disciplined by the Arizona Medical Board for inappropriately providing telemedicine services to a 76-year-old patient.

## **CEASE & DESISTS**

### **Gregoire, Serge, No License, Webster**

On June 11, 2021, the Board and Serge Gregoire entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas and shall correct all advertisements and websites to clarify that he is not a medical doctor, but instead a Ph.D. and that he is not licensed to practice medicine in the state of Texas. The Board found Mr. Gregoire advertised "Houston Nutrition Mind and Body Solutions," where he allegedly treated a patient for terminal insomnia, nerve pain and weight control for a period of approximately three years. Mr. Gregoire advertised on a website which refers to him as a "Houston Functional Medicine doctor," calls him "Dr. Serge Gregoire," states that he has helped many people recover from chronic conditions, and does not specifically state that he is not licensed to practice medicine in the state.

### **Heil-Mealey, Polly, No License, Humble**

On June 11, 2021, the Board and Polly Heil-Mealey entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas, and prohibiting her from referring to herself as a doctor or physician in any manner, including by referring to herself as "doctor," or "Dr.," unless she also designates the authority under which the title is used or the college or honorary degree that gives rise to the use of the title. The Board found Ms. Heil-Mealey, by advertising medical services and holding herself out as a physician, engaged in the unlawful practice of medicine in the state of Texas.

### **Martin, Jenna Louise, APN, Pearland**

On June 11, 2021, the Board and Jenna Louise Martin, APN, entered into an Agreed Cease and Desist Order prohibiting her from engaging in the practice of medicine both in and from the state of Texas. The Board found Ms. Martin engaged

in the practice of medicine when she offered to treat, and treated patients, with medical services including stem cell treatments and regenerative therapy, and operated outside the scope of her practice and prescriptive authority agreement.

**Trejo, Jennifer, No License, Lake Worth**

On June 11, 2021, the Board and Jennifer Trejo entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board, and is prohibited from using advertising that may mislead the public regarding treatment that can mitigate or prevent COVID-19. The Board found that on April 10, 2020, the Federal Trade Commission (FTC) sent a warning letter to Abundant Life Wellness Center (ALWC) concerning unlawful advertisement on social media in regards to preventing and/or treating Coronavirus by purchasing Zyto hand cradles and supplements from ALWC. The advertisement had the potential to mislead the public into thinking Ms. Trejo was offering her services as a medical doctor.

**Trigger, Martha, No License, Lake Worth**

On June 11, 2021, the Board and Martha Trigger entered into an Agreed Cease and Desist prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board, and is prohibited from using advertising that may mislead the public regarding treatment that can mitigate or prevent COVID-19. The Board found that on April 10, 2020, the Federal Trade Commission (FTC) sent a warning letter to Abundant Life Wellness Center (ALWC) concerning unlawful advertisement on social media in regards to preventing and/or treating Coronavirus by purchasing Zyto hand cradles and supplements from ALWC. The advertisement had the potential to mislead the public into thinking Ms. Trigger was offering her services as a medical doctor.

###

*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 16, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Tyler MRT**

On July 15, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist certificate of Taylor Belcher, MRT (Lic. No. GMR00108651), after determining her continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Ms. Belcher has been arrested and charged with felony drug possession multiple times including the most recent on or about May 27, 2021 in Arp, Texas.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Ms. Belcher, unless the hearing is specifically waived by Ms. Belcher.

The temporary suspension remains in place until the Board takes further action.

###

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 20, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Humble MRT**

On July 19, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist certificate of Cadwallader Coles, III, MRT (Lic. No. GMR00019743), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Coles is alleged to have sexually assaulted a patient during a CT scan and had been in possession of drug paraphernalia and illegal substances while he was working. Further, Mr. Coles admitted that he was under the influence of alcohol while working.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Coles, unless the hearing is specifically waived by Mr. Coles.

The temporary suspension remains in place until the Board takes further action.

###



**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 22, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Physician Assistant Board suspends Harlingen physician assistant**

On July 20, 2021, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, with notice, the Texas physician assistant license of Fernando Mendez, P.A. (Lic. No. PA09267), after determining his continuation in the practice as a physician assistant poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Mendez initiated a sexual relationship with a patient and has exhibited a pattern of conduct of violating boundaries with patients, and issuing prescriptions to those with whom he has a close personal relationship.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 26, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Friendswood physician**

On July 23, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Arlette Naylor Pharo, D.O. (Lic. No. H6509), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Pharo has exhibited a history and pattern of impairment that constitutes a continuing threat to the public health and welfare.

The temporary suspension remains in place until the Board takes further action.

###

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 31, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Beaumont physician**

On August 30, 2021, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Guoxin Wu, M.D. (Lic. No. N4852), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Wu is prohibited from seeing, examining, treating, prescribing to, consulting on, or otherwise practicing medicine on female patients, including telemedicine.

The Board panel found that Dr. Wu was reported to the National Practitioner Data Bank regarding his voluntary resignation of hospital privileges while under investigation. Based on the reporting, Dr. Wu was the subject of complaints made by nursing staff for placing his hands under patient covers during administration of anesthesia.

The temporary restriction remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

August 31, 2021

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Deer Park MRT**

On August 31, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist certificate of David Scott Bailey, MRT (Lic. No. GMR00014314), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about August 11, 2021, Mr. Bailey was arrested and charged with six counts of possession of child pornography, a third-degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Bailey, unless the hearing is specifically waived by Mr. Bailey.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 2, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Medical Board Issues Record Number of Physician Licenses**

*Total eclipses previous record by 435 licenses issued in a fiscal year*

The Texas Medical Board has issued a record number of physician licenses, ending the fiscal year with 5,304 licenses issued. The state's fiscal year ended on August 31, 2021.

"Our agency staff have worked incredibly hard amid an unthinkable challenging year for all of health care. The Texas Medical Board has shown that it, too, has risen to meet the ever-evolving challenges and is committed to serving Texans." said Texas Medical Board President Dr. Sherif Z. Zaafran, M.D. "I want to congratulate our staff for a job well done in ensuring qualified physicians wishing to practice in Texas have the opportunity to do so to help meet our state's needs now and in the future."

The TMB's previous record year-ending total for physician licenses was 4,869 issued in 2019. In the past decade, the Board [has issued](#) an average of 4,200 physician licenses each fiscal year.

Currently, there are 94,544 [Texas licensed](#) physicians.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

September 3, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 27 physicians at August meeting, adopts rule changes

At its August 20, 2021 meeting, the Texas Medical Board disciplined 27 licensed physicians.

The disciplinary actions included: seven orders related to quality of care violations, four orders related to unprofessional conduct, one voluntary surrender/revocation, one restriction, two orders related to nontherapeutic prescribing, two orders related to improper prescribing, two orders related to violation of Board rules, one order related to impairment and seven orders related to other states' actions. The Board also ratified five cease and desist orders.

The Board issued 214 physician licenses at the August meeting. The Board issued a total of 5,304 physician licenses in FY 2021, an all-time record of licenses issued in a fiscal year.

### RULE CHANGES ADOPTED

#### CHAPTER 187. PROCEDURAL RULES

The amendments to §§187.2(6), 187.6 and 187.16, relating to Definitions, Appearances Personally or by Representative, and Informal Show Compliance (ISC) Information and Notices, adds a definition of "appear/appearance." The amendments to §187.6 and §187.16 are conforming amendments to incorporate consistent usage of the term "appear" and "appearance."

### DISCIPLINARY ACTIONS

#### QUALITY OF CARE

##### **Burt, Nancy A., M.D., Lic. No. K8037, San Antonio**

On August 20, 2021, the Board and Nancy A. Burt, M.D., entered into an Agreed Order requiring her to within one year complete at least 16 hours of CME, divided as follows: eight hours in managing patients with depression and risk of suicide, four hours in risk management and four hours in patient communications. The Board found Dr. Burt had been treating a patient for Parkinson's disease when he began to express issues with depression. Patient's wife called Dr. Burt's office letting staff know the patient could be vulnerable to self-harm but staff only recommended the patient go to Alamo Health for mental care, rather than urging the patient to seek care at an emergency room.

##### **Cox, Derrick Dione, M.D., Lic. No. P7262, El Paso**

On August 20, 2021, the Board and Derrick Dione Cox, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: 15 hours in medical ethics and one hour in communications with patients; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Cox failed to evaluate, treat and document treatment when one patient presented to the emergency room with an emergency surgical condition, and after the patient was admitted to the hospital and after being contacted by hospital staff multiple times while he was on call.

##### **Koch, Eric B., M.D., Lic. No. P5198, El Paso**

On August 20, 2021, the Board and Eric B. Koch, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Koch and requiring him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; and within one year complete at least

16 hours of CME, divided as follows: eight hours in operative management of biliary tract disease, four hours in risk management and four hours in liver trauma or surgical complications. The Board found Dr. Koch clipped and cut a structure during a laparoscopic cholecystectomy surgery that led to a significant bleed.

**McGonagle, Martin Eugene, M.D., Lic. No. G6563, Granbury**

On August 20, 2021, the Board and Martin Eugene McGonagle, M.D., entered into an Agreed Order prohibiting Dr. McGonagle from prescribing Phentermine, Topamax, or any combination of such medications for weight loss management, until the successful completion of at least 32 hours of CME in prescribing medications for weight loss; and within one year complete at least eight hours of CME in risk management. The Board found Dr. McGonagle failed to meet the standard of care by nontherapeutically prescribing Topamax and Phentermine to nine patients without appropriate indications or monitoring.

**Ng, Federico Roman, M.D., Lic. No. J6623, Monahans**

On August 20, 2021, the Board and Federico Roman Ng, M.D., entered into a Mediated Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in physician-patient communications, four hours in prescribing to psychiatric patients and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Ng continued to treat a non-compliant psychiatric patient outside of his specialty, even when the patient refused to heed his referral to a psychiatrist; and queried a second patient about her social history in a way which made the patient uncomfortable.

**Pelly, Lorenzo, M.D., Lic. No. G2453, Brownsville**

On August 20, 2021, the Board and Lorenzo Pelly, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 28 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in professional communication, eight hours in risk management and eight hours in addressing complications in complex patients. The Board found Dr. Pelly failed to adequately and timely evaluate and treat a patient's acute kidney injury; failed to timely assess, order treatment and a gastroenterologist consultation for a second patient; failed to timely assess a third patient after they were admitted to intensive care in critical condition; failed to maintain adequate and complete medical records, and in June 2018 was required by his employer to take a course after inappropriately touching a nurse.

**Sonbol, Yassir Ahmed, M.D., Lic. No. P1024, Sugar Land**

On August 20, 2021, the Board and Yassir Ahmed Sonbol, M.D., entered into an Agreed Order requiring him to within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management and eight hours in cardiac testing. The Board found Dr. Sonbol saw a patient for one incident of chest pain but did not document an adequate history of the patient's complaint or order repeat testing.

**UNPROFESSIONAL CONDUCT**

**Barba, Carlos Alberto, M.D., Lic. No. P7385, Brownsville**

On August 20, 2021, the Board and Carlos Alberto Barba, M.D., entered into an Agreed Order publicly reprimanding Dr. Barba and requiring him to have a chaperone present anytime he performs any examination on a female patient; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management; within 90 days pay an administrative penalty of \$10,000; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Barba engaged in sexual contact with a patient and made false and misleading statements to the Board and Peer Review Committee regarding the encounter. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**De Llanos, Ariel, M.D., Lic. No. N2465, San Antonio**

On August 20, 2021, the Board and Ariel De Llanos, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. De Llanos and requiring him to within six months obtain an independent medical evaluation from a

pre-approved psychiatrist and follow all recommendations made for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. De Llanos engaged in unprofessional conduct and a breach of physician-patient boundaries by becoming romantically and financially involved with a patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Iguh, Bernadette Uche, D.O., Lic. No. N0846, Houston**

On August 20, 2021, the Board and Bernadette Uche Iguh, M.D., entered into an Agreed Order revoking Dr. Iguh's Texas medical license; however, the revocation is stayed and she is placed on probation for three years under the following terms: comply with all terms of the Judgement entered on or around March 5, 2021; limit her medical practice to a group setting approved in advance; have her billing practice monitored for four consecutive monitoring cycles; within one year complete at least 12 hours of CME, divided as follows: eight hours in ethics and four hours in billing; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found that on March 5, 2021, the Court entered a Judgement based on Dr. Iguh's plea of guilty to one count of conspiracy to commit health care fraud and her subsequent cooperation with federal investigators sentencing her to time served, 15 months of supervised release, and to pay restitution. The order supersedes all prior orders entered by the Board.

**Raju, Saagar, M.D., Lic. No. S9978, Riverside, CA**

On August 20, 2021, the Board and Saagar Raju, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in professionalism; and publicly referring him to the Texas Physician Health Program. The Board found Dr. Raju was untruthful on an application he filed with the Board to obtain licensure when he answered "No," to a question asking if he ever resigned in lieu of further investigation or action, and also answered "No," to a question related to impairment and failed to report to the Board his history of substance use.

**VOLUNTARY SURRENDER/REVOCAION**

**Nguyen, Khanh Quoc, M.D., Lic. No. F4975, Houston**

On August 20, 2021, the Board and Khanh Quoc Nguyen, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Nguyen agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Nguyen voluntarily surrendered his medical license to the Medical Board of California on or about December 10, 2020 due to unprofessional conduct and/or repeated negligent acts on two patients.

**RESTRICTION**

**Crumbliss, Joseph, M.D., Lic. No. F4797, Abilene**

On August 20, 2021, the Board and Joseph Crumbliss, M.D., entered into a Modification Order, modifying Dr. Crumbliss' December 2020 Order. The modification requires Dr. Crumbliss to have a chaperone for all patient encounters; restricts him from treating minor patients; requires him to attend psychotherapy treatment every two weeks with quarterly reports and requires him to terminate physician-patient relationships with all patients who made boundary violations allegations against him that were incorporated by the December 2020 Order. The Board found additional modifications to his 2020 Order were warranted based on recommendations from the Independent Medical Evaluation. All other terms of the order remain in full effect until superseded by subsequent order of the Board.

**NONTHERAPEUTIC PRESCRIBING**

**Al-Khadour, Hussamaddin, M.D., Lic. No. L1257, Houston**

On August 20, 2021, the Board and Hussamaddin Al-Khadour, M.D., entered into an Agreed Order suspending Dr. Al-Khadour's Texas medical license; however, the suspension is stayed and he is placed on probation for a period of 18 months under the following terms: within seven days request modification of his DEA controlled substances registration



certificate to eliminate Schedule II and shall not reregister without prior Board approval; have his practice monitored by another physician for 12 consecutive months; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and shall not be permitted to supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Al-Khadour failed to meet the standard of care, nontherapeutically prescribed, failed to adhere to the established guidelines and requirements for the treatment of pain for 12 patients, and operated an unregistered pain management clinic. Dr. Al-Khadour also displayed unprofessional conduct when he pled guilty to possession of a controlled substance by his ordering of testosterone cyprionate for office use under his clinic name.

**Rosin, Lauren Michelle, M.D., Lic. No. R9849, Sugar Land**

On August 20, 2021, the Board and Lauren Michelle Rosin, M.D., entered into an Agreed Order requiring Dr. Rosin to have her practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in medical recordkeeping; and within 60 days pay an administrative fee of \$3,000. The Board found Dr. Rosin failed to meet the standard of care by inappropriately prescribing Trinaz when there was no indication for use and failed to establish a proper physician-patient relationship as required Board Rule 174 standards for the provision of Telemedicine Medical Services.

**IMPROPER PRESCRIBING**

**Groff, Geoffrey Allen, M.D., Lic. No. J9694, Houston**

On August 20, 2021, the Board and Geoffrey Allen Groff, M.D., entered into an Agreed Order requiring him to within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and for a period of one year obtain treatment from a Board-approved therapist and follow recommendations made for care and treatment. The Board found Dr. Groff self-reported that he had surrendered his DEA controlled substances registration certificates. Dr. Groff had been prescribing dangerous drugs and controlled substances including hydrocodone, beyond immediate medical need to three family members without documenting his care or conducting proper histories, examinations or monitoring.

**Pena, Francisco Inocente, M.D., Lic. No. D0250, Edinburg**

On August 20, 2021, the Board and Francisco Inocente Pena, M.D., entered into an Agreed Order prohibiting Dr. Pena from treating or otherwise serving as a physician for his immediate family; prohibiting him from prescribing, dispensing, administering, or authorizing controlled substances or dangerous drugs to himself or his immediate family; and within one year complete at least 12 hours of CME, divided as follows: eight hours in appropriate prescribing of controlled substances and four hours of risk management. The Board found Dr. Pena prescribed dangerous drugs and/or controlled substances to himself and a close family member and failed to keep medical records for the treatment.

**VIOLATION OF BOARD RULES**

**Carlson, Gregory B., M.D., Lic. No. K0666, Denison**

On August 20, 2021, the Board and Gregory B. Carlson, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in medical recordkeeping and four hours in evaluation of cardiac patients. The Board found Dr. Carlson violated Board rules related to documentation.

**Miller, George Givens, M.D., Lic. No. G8286, Webster**

On August 20, 2021, the Board and George Givens Miller, M.D., entered into an Agreed Order publicly reprimanding Dr. Miller and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in informed consent; within 30 days submit to the Board for review and approval all consent

forms for complementary and alternative medicine, including stem cell treatment; and within six months pay an administrative penalty of \$6,000. The Board found Dr. Miller aided and abetted a chiropractor in the unlicensed practice of medicine who advertised and offered 'stem cell' injections to patients, failed to obtain informed consent from the patients, and failed to prescribe or administer the allograft products to the patients in conformity with Board Rule 200.

## **IMPAIRMENT**

### **Lewis, Robert Quarles, M.D., Lic. No. F1746, Corpus Christi**

On August 20, 2021, the Board and Robert Quarles Lewis, M.D., entered into an Agreed Order lifting the suspension of Dr. Lewis' license and publicly referring him to the Texas Physician Health Program. Dr. Lewis had been temporarily suspended due to impairment.

## **OTHER STATES' ACTIONS**

### **Aronowitz, Joel Alan, M.D., Lic. No. G3118, Los Angeles, CA**

On August 20, 2021, the Board and Joel Alan Aronowitz, M.D., entered into a Waiver Order requiring him to complete four hours of CME in ethics/risk management and comply with all terms of the California Board Order dated on or about March 22, 2021. The Board found Dr. Aronowitz was disciplined by the Medical Board of California due to departure of care while performing a medical procedure on a patient.

### **Burkett, David Scott, M.D., Lic. No. K7675, Monroe, LA**

On August 20, 2021, the Board and David Scott Burkett, M.D., entered into an Agreed Order prohibiting him from practicing in Texas until he appears before the Board and provides evidence that he is physically, mentally, and otherwise competent to safely practice; and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Burkett engaged in pharmaceutical diversion and Medicaid fraud and had his license suspended by the Louisiana State Board of Medical Examiners for one year and was reinstated under certain terms and lifetime probation.

### **Doebler, William, M.D., Lic. No. T1048, Bonita Springs, FL**

On August 20, 2021, the Board and William Doebler, M.D., entered into a Waiver Order publicly reprimanding him. The Board found Dr. Doebler was reprimanded by the Department of Financial and Professional Regulation of the State of Illinois in May 2021.

### **Higgins, Stanley, M.D., Lic. No. Q3691, Dallas**

On August 20, 2021, the Board and Stanley Higgins, M.D., entered into a Waiver Order requiring him to within one year complete at least four hours of CME in ethics or risk management; and comply with the Wisconsin Waiver Order. The Board found Dr. Higgins signed a Waiver Order pursuant to disciplinary action by the Wisconsin Medical Examining Board.

### **Kieran, Own Robert, D.O., Lic. No. P8148, Poinciana, FL**

On August 20, 2021, the Board and Owen Robert Kieran, D.O., entered into a Waiver Order requiring him to within 60 days pay an administrative penalty of \$3,000; and comply with all terms of the Florida Order dated on or about May 11, 2021. The Board found it was alleged Dr. Kieran was disciplined by the State of Florida Board of Osteopathic Medicine due to performing a wrong site procedure on a patient.

### **Reyes, Kurt, M.D., Lic. No. R5927, McKinney**

On August 20, 2021, the Board and Kurt Reyes, M.D., entered into a Waiver Order publicly reprimanding Dr. Reyes and requiring him to within one year complete at least eight hours of CME in the topic treatment of obesity; and pay an administrative penalty of \$5,000 per year for the Waiver Order. The Board found it was alleged Dr. Reyes was disciplined by the United States Army Command on June 14, 2019 due to unprofessional conduct to include deleting medical profiles in his obesity practice without consulting treating physicians.

### **Takeuchi, Sean, M.D., Lic. No. R7910, Plantation, FL**

On August 20, 2021, the Board and Sean Takeuchi, M.D., entered into a Waiver Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found that it was alleged in December 2019, Dr. Takeuchi was subject to disciplinary action by the Michigan Board of Medicine due to violations of the state's public health code.

#### **CEASE & DESISTS**

##### **Castillo, Fabiola, NCR, Dallas**

On August 20, 2021, the Board and Fabiola Castillo, NCR, entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Castillo engaged in the unlicensed practice of medicine by providing injections to two patients to treat medical conditions without appropriate physician or midlevel supervision onsite and by also directly or indirectly charging for those treatments.

##### **Chappell, Christopher, No License, Mansfield**

On August 20, 2021, the Board and Christopher Chappell entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Chappell is prohibited from using advertising that may mislead the public regarding treatment that can mitigate or prevent COVID-19. The Board found Mr. Chappell's online company was advertising improper COVID-19 treatment claims and was issued a warning from the Federal Trade Commission.

##### **Hajjar, Elie Hanna, No License, Houston**

On August 20, 2021, the Board and Elie Hanna Hajjar entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Hajjar is prohibited from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Hajjar was employed by Hillcroft Physicians where he posed as a licensed medical professional and examined, diagnosed, treated, referred, and prescribed drugs for patients and maintained patient medical records. On February 23, 2021, Mr. Hajjar was indicted and charged with one count of Conspiracy to Commit Healthcare Fraud and four counts of making false statements related to health care matters.

##### **Hernandez, Linda Jasmine, No License, Addison**

On August 20, 2021, the Board and Linda Jasmine Hernandez entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Hernandez owns and operates Jasmine Day Spa which regularly advertised a variety of medical/cosmetic services, including Botox and other injections and/or the use of prescription medical devices for cosmetic purposes. Ms. Hernandez failed to provide information regarding any supervision and indicated in her response to the Board that a medical director is not contracted with her spa.

##### **Nguyen, Kelly, No License, San Antonio**

On August 20, 2021, the Board and Kelly Nguyen entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. Nguyen is prohibited from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Nguyen performed facial injections and used prescription medical devices for cosmetic purposes without the proper medical supervision to perform such procedures.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

September 3, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends San Antonio physician**

On September 1, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jeffrey Lewis Glass, M.D. (Lic. No. H9953), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Glass was the subject of a hospital's disciplinary action based upon inappropriate sexual conduct with a patient.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Glass, unless the hearing is specifically waived by Dr. Glass.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

October 6, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Corpus Christi physician-in-training**

On October 5, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas physician-in-training permit of Andrew Blake Dahlke, M.D. (Lic. No. BP10070636), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Dahlke was arrested by the Corpus Christi Police Department on or about May 4, 2021, for possession or promotion of child pornography. Effective May 7, 2021, Dr. Dahlke was suspended from his residency at Christus Spohn Shoreline.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Dahlke, unless the hearing is specifically waived by Dr. Dahlke.

The temporary suspension remains in place until the Board takes further action.

###

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

October 11, 2021

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends San Antonio MRT**

On October 8, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist certificate of Jorge Pichardo, MRT (Lic. No. GMR00091864), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on September 15, 2021, Mr. Pichardo was arrested by the Kerr County Sheriff's Office and charged with Online Solicitation of Minor Sexual Contact, a second-degree felony, and Resisting Arrest, a misdemeanor.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Pichardo, unless the hearing is specifically waived by Mr. Pichardo.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

October 29, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 16 physicians at October meeting

At its October 15, 2021 meeting, the Texas Medical Board disciplined 16 licensed physicians.

The disciplinary actions included: two orders related to quality of care violations, four orders related to unprofessional conduct, three voluntary surrenders/revocations, one suspension, one order related to nontherapeutic prescribing, one order related to other states' actions, and four orders related to inadequate medical records. The Board also ratified two cease and desist orders.

The Board issued 197 physician licenses at the October meeting, bringing the total number of physician licenses issued in Fiscal Year 2022 to 733.

### RULE CHANGES ADOPTED (AT SEPTEMBER 17, 2021 MEETING)

#### CHAPTER 174. TELEMEDICINE

The amendments to §174.5, relating to the Issuance of Prescriptions, allow physicians to utilize telemedicine to continue issuing previous prescription(s) for scheduled medications to established chronic pain patients, if the physician has, within the past 90 days, seen a patient in-person or via a telemedicine visit using two-way audio and video communication.

### DISCIPLINARY ACTIONS

#### QUALITY OF CARE

##### **Doe, Andrew L., M.D., Lic. No. P2230, Houston**

On October 15, 2021, the Board and Andrew L. Doe, M.D., entered into an Agreed Order publicly reprimanding him and requiring him to within six months schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in ethics and eight hours in risk management. The Board found Dr. Doe failed to meet the standard of care in his pre-operative and post-operative documentation. Dr. Doe performed a wrong level kyphoplasty procedure that required an emergency laminectomy.

##### **Patel, Vipul, M.D., Lic. No. M4433, Bedford**

On October 15, 2021, the Board and Vipul Patel, M.D., entered into an Agreed Order requiring him to within a year complete at least 12 hours of CME, divided as follows: four hours in risk management and eight hours in prescribing controlled substances to comorbid patients. The Board found Dr. Patel continued a prescription at discharge that was contraindicated for the patient.

#### UNPROFESSIONAL CONDUCT

##### **Enty, Don Arthur, M.D., Lic. No. F9399, Colleyville**

On October 15, 2021, the Board and Don Arthur Enty, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 36 hours of CME, divided as follows: 12 hours in supervision and delegation, 8 hours in medical ethics, 8 hours in risk management and 8 hours in telemedicine; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Enty aided and abetted six chiropractors in the unlicensed practice of medicine. Dr. Enty failed to adequately assess the patients, obtain informed consent for the treatments, or establish a proper physician-patient relationship.

**Karim, Azim Amin, M.D., Lic. No. Q2911, Houston**

On October 15, 2021, the Board and Azim Amin Karim, M.D., entered into an Agreed Order within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in prescribing controlled substances; and within 30 days pay an administrative penalty of \$3,000. The Board found Dr. Karim self-prescribed medications, including controlled substances and benzodiazepines, and did not maintain any medical records for his self-prescribing, submitted a false statement to the Board, and failed to secure access to his prescriptions, allowing an individual or individuals to issue fraudulent prescriptions using his DEA number.

**Mays, Jeffry Patrick M.D., Lic. No. J7815, Brady**

On October 15, 2021, the Board and Jeffry Patrick Mays, M.D., entered into a Waiver Order publicly referring him to the Texas Physician Health Program. The Board found Dr. Mays was arrested for allegations of Driving While Intoxicated, open container, and unlawful carry of a concealed weapon.

**Seymour, Gregory Todd, M.D., Lic. No. K9663, Tomball**

On October 15, 2021, the Board and Gregory Todd Seymour, M.D., entered into an Agreed Order placing him under the following terms for a period of two years: shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; shall not seek primary care from any practice partner or colleague; within 30 days obtain a pre-approved rheumatologist, psychiatrist and psychotherapist, and follow all recommendations for care and treatment from these providers; within 30 days obtain a pre-approved physician work-site monitor and be monitored for a period of two years; shall not treat or otherwise serve as a physician for his immediate family or prescribe, dispense, administer or authorize controlled substances or addictive drugs to himself or his immediate family; participate in the activities of Alcoholics Anonymous no less than once a week; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in the prescribing of controlled substances and four hours in ethics. The Board found Dr. Seymour self-prescribed controlled substances and failed to comply with the Texas Physician Health Program and the Board's interim monitoring agreements, missing several screens and testing positive for alcohol.

**VOLUNTARY SURRENDER/REVOCATION**

**Bridges, Vancy H., M.D., Lic. No. G7788, Dallas**

On October 15, 2021, the Board and Vancy H. Bridges, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Bridges agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Bridges was under investigation based on unprofessional conduct.

**De Blanche, Lorraine Emma, M.D., Lic. No. S2278, Tableview, Cape Town, South Africa**

On October 15, 2021, the Board and Lorraine Emma De Blanche, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. De Blanche agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. De Blanche was under investigation by the Board regarding allegations of disciplinary action taken by another state.

**Capitaine, Raul R.J., M.D., Lic. No. H4885, Corpus Christi**

On October 15, 2021, the Board and Raul R.J. Capitaine, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Capitaine agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings.



Dr. Capitaine shall immediately cease practice in Texas on or before 5:00 p.m. on November 15, 2021. The Board found Dr. Capitaine prescribed controlled substances to and became sexually involved with a psychiatric patient. Dr. Capitaine has been experiencing health issues and wishes to retire.

## **SUSPENSION**

### **Williams, Machele Elaine, D.O., Lic. No. K4608, Floresville**

On October 15, 2021, the Board and Machele Elaine Williams, D.O., entered into an Agreed Order of Voluntary Suspension, suspending her Texas medical license until she requests in writing and personally appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. Dr. Williams has been restricted from medical practice since September 11, 2020, and received a medical evaluation that determined she is unable to safely practice at this time due to a mental and physical impairment as well as noncompliance with drug and alcohol testing.

## **NONTHERAPEUTIC PRESCRIBING**

### **Holmes, Michael Wesley, M.D., Lic. No. E7118, Beaumont**

On October 15, 2021, the Board and Michael Wesley Holmes, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management, four hours in prescribing controlled substances and four hours in medical recordkeeping; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Holmes nontherapeutically prescribed and failed to adhere to established guidelines and requirements for the treatment of pain, and failed to meet the standard of care in his treatment for the patient based on his lack of due diligence. The order does not supersede Dr. Holmes' prior order of temporary suspension.

## **OTHER STATES' ACTIONS**

### **Syed, Muhammad, M.D., Lic. No. S8127, Las Vegas, NV**

On October 15, 2021, the Board and Muhammad Syed, M.D., entered into a Waiver Order publicly reprimanding Dr. Syed and requiring him to within 60 days pay an administrative penalty of \$2,000. The Board found that it was alleged Dr. Syed terminated care of a patient without making other arrangements for the continued care of the patient in violation of Nevada law.

## **INADEQUATE MEDICAL RECORDS**

### **Dang, Hung Thien, M.D., Lic. No. K5500, Arlington**

On October 15, 2021, the Board and Hung Thien Dang, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in the topic of treating hypertension, including elderly patients and patients with impaired renal function. The Board found Dr. Dang failed to appropriately document his treatment and rationale for an elderly patient who suffered from existing chronic kidney disease.

### **Nix, Darryl Dean, D.O., Lic. No. F9883, Dallas**

On October 15, 2021, the Board and Darryl Dean Nix, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 12 hours of CME, divided as follows: four hours in recordkeeping, four hours in the diagnosis, treatment and monitoring of ADHD and similar psychiatric disorders and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Nix did not properly document his justification for higher doses of Adderall and Xanax for a patient.

**Stroud, Robert Lee, M.D., Lic. No. E2888, Austin**

On October 15, 2021, the Board and Robert Lee Stroud, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates and not reregister without prior Board approval; shall not possess, administer, or prescribe controlled substances in Texas; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Stroud failed to maintain adequate medical records for patients related to the medications prescribed.

**Velimirovic, Bratislav, M.D., Lic. No. P4000, El Paso**

On October 15, 2021, the Board and Bratislav Velimirovic, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in risk management. The Board found Dr. Velimirovic violated the applicable standard of care in his treatment of four patients by insufficiently documenting the rationale for procedures in the patients' medical records. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**CEASE & DESISTS**

**Cook, Elizabeth, D.C., Spring**

On October 15, 2021, the Board and Elizabeth Cook, D.C., entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. Cook is prohibited from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Cook, who is a licensed chiropractor, is listed as a registered agent and Medical Director for a limited liability company, a wellness clinic, which advertises services that include treatments for hormone imbalance, thyroid disorders, weight loss, and autoimmune disease. There is no contract or other agreement that defines Ms. Cook's scope of practice as it relates to the wellness clinic she is associated with.

**Soto, Bryanna, No License, El Paso**

On October 15, 2021, the Board and Bryanna Soto entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. Soto is prohibited from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Soto, who is a licensed cosmetologist-aesthetician, performed micro-needling on a patient on two separate occasions to treat acne scars using a 0.25 mm setting on the micro-needling pen.

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*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

November 9, 2021

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Raymondville MRT**

On November 5, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist certificate of Eduardo Elizondo, MRT (Lic. No. GMR00012761), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about September 4, 2021, a police report was filed against Mr. Elizondo alleging an offense of arson, and on or about October 8, 2021, he was arrested and charged with driving while intoxicated 3<sup>rd</sup> or more with an open container, a third-degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Elizondo, unless the hearing is specifically waived by Mr. Elizondo.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

November 9, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Burleson NCT**

On November 5, 2021, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas non-certified radiologic technician registry certificate of Stephanie Laird, NCT (Lic. No. NCR00156138), after determining her continuation in the practice as a radiologic technician poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about July 15, 2021, Ms. Laird was indicted by the 441<sup>st</sup> District of Midland County for indecency with a child. Ms. Laird was released on bail but arrested in August for Driving While Intoxicated and Unlawful Carrying of a Weapon in Midland, Texas.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Ms. Laird, unless the hearing is specifically waived by Ms. Laird.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

November 30, 2021

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Respiratory Care suspends Bigfoot RCP**

On November 29, 2021, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Robert Gordon Chevalier, RCP (Permit No. RCP00068167), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Chevalier is awaiting trial for a charge of continuous sex abuse of a child in Bexar County.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Chevalier, unless the hearing is specifically waived by Mr. Chevalier.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 17, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Respiratory Care suspends Lubbock RCP**

On December 16, 2021, a disciplinary panel of the Texas Board of Respiratory Care temporarily suspended, without notice, the Texas respiratory care practitioner permit of Robert Lee Lopez, Jr., RCP (Permit No. RCP00077859), after determining his continuation in the practice of respiratory care poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Lopez was arrested and charged with possession of a controlled substance and transported to the Lubbock County Jail following an incident involving the theft of fentanyl.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Lopez, unless the hearing is specifically waived by Mr. Lopez.

The temporary suspension remains in place until the Board takes further action.

**###**

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 22, 2021

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 35 physicians at December meeting**

At its December 10, 2021 meeting, the Texas Medical Board disciplined 35 licensed physicians.

The disciplinary actions included: one order related to quality of care violations, seven orders related to unprofessional conduct, ten voluntary surrenders/revocations, four suspensions, one revocation, three restrictions, one order related to nontherapeutic prescribing, one order related to violation of board rules, five orders related to other states' actions, and two orders related to inadequate medical records. The Board also ratified nine cease and desist orders.

The Board issued 127 physician licenses at the December meeting, bringing the total number of physician licenses issued in Fiscal Year 2022 to 1,489.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Fitzgibbons, Stella J., M.D., Lic. No. F9423, Houston**

On December 10, 2021, the Board and Stella J. Fitzgibbons, M.D., entered into an Agreed Order requiring her to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in post-operative complications. The Board found Dr. Fitzgibbons discharged a patient without obtaining additional laboratory results to indicate the patient was stable.

#### **UNPROFESSIONAL CONDUCT**

##### **Chen, Lily, M.D., Lic. No. J5283, Houston**

On December 10, 2021, the Board and Lily Chen, M.D., entered into a Waiver Order requiring her to comply with all terms of the Order of Conviction entered in January 2021. The Board found that it was alleged Dr. Chen entered a guilty plea and on January 26, 2021, was convicted and sentenced to two years' probation with community supervision.

##### **Elder-Quintana, William, M.D., Lic. No. M1084, El Paso**

On December 10, 2021, the Board and William Elder-Quintana, M.D., entered into a Waiver Order requiring him to comply with all terms of the Order of Conviction entered in July 2021. The Board found that it was alleged on July 8, 2021, Dr. Elder-Quintana pled guilty to a criminal violation of the Health Insurance Portability and Accountability Act.

##### **Glass, Jeffrey Lewis, M.D., Lic. No. H9953, San Antonio**

On December 10, 2021, the Board and Jeffrey Lewis Glass, M.D., entered into an Agreed Order staying his suspension and placing him on probation under the following terms: shall not provide medical treatment, in person or by telemedicine, to any male patients; have a chaperone present anytime he performs a physical examination on any patient; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Glass engaged in sexually inappropriate behavior by inappropriately exposing himself to a male patient.

##### **Lopez, Jesus Antonio, M.D., L1649, San Antonio**

On December 10, 2021, the Board and Jesus Antonio Lopez, M.D., entered into an Agreed Order publicly reprimanding Dr. Lopez and requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 32 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in risk management, eight hours in ethics and eight hours in billing and coding; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Lopez billed for nerve conduction studies on 10 patients without adequate documentation to justify the studies, was terminated from a Medicaid insurer and subject to investigation for high levels of billing, and billed a patient as though they had been seen by Dr. Lopez when instead they were seen by a student nurse practitioner.

**Peikari, Darius, M.D., Lic. No. K8964, Plano**

On December 10, 2021, the Board and Darius Peikari, M.D., entered into an Agreed Order requiring him to within 90 days complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and have a chaperone present anytime he performs a physical examination on a female patient, including telemedicine. The Board found Dr. Peikari began a sexual relationship with a female patient. Dr. Peikari terminated the doctor-patient relationships of the female patient and her husband approximately a year later after the spouse, who was also a patient, discovered evidence of the sexual relationship.

**Simmons, Walter Neil, M.D., Lic. No. L6181, Gilbert, AZ**

On December 10, 2021, the Board and Walter Neil Simmons, M.D., entered into an Agreed Order publicly reprimanding Dr. Simmons and suspending his license; however, the suspension is stayed and he is placed on probation under the following terms: shall comply with all terms of the Judgement in a Criminal Case entered on or around July 14, 2021 in U.S. District Court Northern District of Texas – Dallas Division. The Board found Dr. Simmons entered into a plea agreement on three misdemeanor offenses.

**Suresh, Vikrum, M.D., Lic. No. J6753, Westlake**

On December 10, 2021, the Board and Vikrum Suresh, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in boundaries. The Board found Dr. Suresh admitted to writing incorrect vital signs in a patient's records because he had gotten behind in recordkeeping, and admitted to flirting with two female coworkers, acknowledging his conduct could be construed as a boundary violation where the conduct was unwelcomed. As a result of the boundary violations, Dr. Suresh was no longer allowed to work at the facility and required to attend a boundaries course.

**VOLUNTARY SURRENDER/REVOCAION**

**Baig, Mirza Nusrutullah, M.D., Lic. No. N8485, Spring**

On December 10, 2021, the Board and Mirza Nusrutullah Baig, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Baig agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Baig was under investigation for allegations that he failed to meet the standard of surgical care for one patient.

**Baker, David R., M.D., Lic. No. D3142, Denison**

On December 10, 2021, the Board and David R. Baker, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Baker agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Baker was under investigation for providing care and treatment to a family member for a period of time exceeding 72-hours.

**Daggubati, Subbarao, M.D., Lic. No. G2678, Abilene**

On December 10, 2021, the Board and Subbarao Daggubati, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Daggubati agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Daggubati self-reported to the Board that he has a medical/physical condition that precludes him from practicing medicine at this time.



**Escalante, Dante, M.D., Lic. No. J3789, San Antonio**

On December 10, 2021, the Board and Dante Escalante, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Escalante agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found due to ongoing health issues, Dr. Escalante has failed to comply with the terms of the 2019 Order and has indicated his desire to retire.

**Jones, Herbert William, M.D., Lic. No. M8745, Minneapolis, MN**

On December 10, 2021, the Board and Herbert William Jones, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Jones agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that Dr. Jones has indicated his desire to surrender his license rather than continuing to serve under his June 2020 Order.

**Launius, John A., M.D., Lic. No. H2149, Lewisville**

On December 10, 2021, the Board and John A. Launius, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Launius agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Launius was under investigation for complications arising from his prescribing of Adderall to a patient and prescribing ADHD medication to 10 patients without appropriate clinical indications.

**Malcolm, Andrew George, M.D., Lic. No. E2279, San Diego, CA**

On December 10, 2021, the Board and Andrew George Malcolm, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Malcolm agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Malcolm had indicated his desire to surrender his license after pleading guilty to three felony charges of obtaining prescriptions for controlled substances by fraud/deceit.

**Manax, Teresa Victoria, M.D., Lic. No. F7521, Irving**

On December 10, 2021, the Board and Teresa Victoria Manax, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Manax agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Manax was under investigation for alleged violations of the standard of care and treatment of a home-based patient.

**Rao, Seshagiri, M.D., Lic. No. G0803, Plano**

On December 10, 2021, the Board and Seshagiri Rao, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Rao agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Rao was under investigation by the Board for alleged violations related to the nontherapeutic prescribing of antibiotics and violations of the standard of care and treatment of a patient.

**Stoufflet, Paul Eric, M.D., Lic. No. H8440, Austin**

On December 10, 2021, the Board and Paul Eric Stoufflet, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Stoufflet agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Stoufflet was under investigation for violating his 2019 Order and indicated his desire to surrender his medical license due to his intention to close his medical practice based on insolvency.

**SUSPENSION**

**Guido, Hugo Ernesto, M.D., Lic. No. M8689, Corpus Christi**

On December 10, 2021, the Board and Hugo Ernesto Guido, M.D., entered into an Agreed Order suspending Dr. Guido's Texas medical license until he requests in writing and personally appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include, at a minimum, the completion of an independent medical evaluation as described in the order. Furthermore, Dr. Guido shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than four times per week; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical

assistant. The Board found Dr. Guido was previously temporarily suspended for his continued non-compliance with the Texas Physician Health Program.

**Hamilton, Yolanda Lorraine, M.D., Lic. No. K9295, Houston**

On December 10, 2021, the Board and Yolanda Lorraine Hamilton, M.D., entered into an Agreed Order suspending Dr. Hamilton's Texas medical license until she requests in writing and appears before the Board to provide clear evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include, at a minimum, the complete and final resolution of any and all criminal charges and investigations pending before any court or law enforcement agency, or any charges that may be brought as a result of any pending investigations. Dr. Hamilton shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Hamilton was found guilty of four felony counts of conspiracy to commit health care fraud.

**Pharo, Arlette Naylor, D.O., Lic. No. H6509, Friendswood**

On December 10, 2021, the Board and Arlette Naylor Pharo, D.O., entered into an Agreed Order of Voluntary Suspension in which Dr. Pharo agreed to the suspension of her Texas medical license. Dr. Pharo's license is suspended for three months and until such time as she requests in writing and appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Furthermore, Dr. Pharo shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; within 30 days obtain an independent medical evaluation from a pre-approved board certified psychiatrist and follow all recommendations made for care and treatment; participate in the activities of Alcoholics Anonymous no less than three times per week; comply with all terms of any Order for Pretrial Supervision or Bond Conditions; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Pharo, who was previously temporarily suspended, is dependent on and has abused alcohol which affects her ability to safely practice medicine and has entered in-patient treatment for alcohol abuse. The order supersedes the Order of Temporary Suspension.

**Qureshi, Parvez Anjum, M.D., Lic. No. K5384, Conroe**

On December 10, 2021, the Board and Parvez Anjum Qureshi, M.D., entered into an Agreed Order of Voluntary Suspension suspending his Texas medical license until such time as he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include, at a minimum, complete and final resolution of any and all criminal charges that are currently pending or any charges that may be brought. The Board found that on October 18, 2021, Dr. Qureshi was convicted by a federal court for charges that he unlawfully prescribed 1.3 million doses of opioids over a two-year time period in Spring Branch. In view of the concurrent criminal conviction, Dr. Qureshi agreed to the voluntary suspension of his license to practice medicine. The order shall remain in effect until superseded by a subsequent Board order.

**REVOICATION**

**Franks, Darrell Jay, M.D., Lic. No. H6223, Snyder**

On December 10, 2021, the Board entered a Default Order regarding Darrell Jay Franks, M.D., which revoked his Texas medical license. On August 31, 2021, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging standard of care and unprofessional conduct violations. Dr. Franks failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Franks. The Board granted a Determination of Default and Dr. Franks' license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Franks has 25 days from the service of the order to file a motion for rehearing.

**RESTRICTION**

**Ali, Sadiq, M.D., Lic. No. Q7128, Beaumont**

On December 10, 2021, the Board and Sadiq Ali, M.D., entered into an Agreed Order lifting the temporary suspension of Dr. Ali's medical license and placing him under the following terms for a period of five years: shall not see, examine, treat, prescribe to, provide consultation for, or otherwise practice medicine on minor patients under 18 years of age,

including telemedicine; have a chaperone present anytime he performs a physical examination on any patient; within 30 days obtain a pre-approved psychologist and follow all recommendations for care and treatment; continue to participate in group psychotherapy and neurotherapy sessions; continue to participate in the activities and programs of Sex and Love Addicts Anonymous; and shall be prohibited from delegating to any midlevel the ability to see, examine, treat, prescribe to, provide consultation for, or otherwise practice medicine on minor patients under 18 years of age, including telemedicine. The Board found Dr. Ali was previously temporarily suspended due to an arrest for soliciting a prostitute who was a minor. Dr. Ali remains unindicted and the criminal charges remain pending. Dr. Ali underwent psychiatric evaluations and therapy as required by the March 2021 Order. The Intensive Diagnostic Evaluation determined Dr. Ali was competent to practice medicine. The order supersedes all prior orders.

**Chowdhury, Julia, M.D., Lic. No. P5164, Plano**

On December 10, 2021, the Board and Julia Chowdhury, M.D., entered into an Agreed Order under the following terms: shall not see, examine, treat, prescribe to, provide consultation for, or otherwise practice medicine for patients in the labor and delivery phase of pregnancy. Dr. Chowdhury may treat obstetrics/gynecology patients prior to and after the labor and delivery phase of pregnancy; and within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program. The Board found Dr. Chowdhury failed to meet the standard of care managing the labor and delivery of a patient. Dr. Chowdhury's delayed recognition and management of a severely compromised infant during the second stage of labor contributed to the death of the infant.

**Henderson, Mark S., M.D., Lic. No. J4200, Spring**

On December 10, 2021, the Board and Mark S. Henderson, M.D., entered into an Agreed Order restricting his Texas medical license under the following terms: shall not practice clinical medicine as defined in the Order; publicly referred to the Texas Physician Health Program; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Henderson was terminated from employment for prescribing medication at doses that should never be prescribed to patients in a manner that compromised their health and safety.

**NONTHERAPEUTIC PRESCRIBING**

**Newsome, Reginald James, M.D., Lic. No. M8869, Houston**

On December 10, 2021, the Board and Reginald James Newsome, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in ethics and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Newsome nontherapeutically prescribed controlled substances to five chronic pain patients and violated the standard of care and Board rules related to the treatment of chronic pain. The order resolves a formal complaint at the State Office of Administrative Hearings.

**VIOLATION OF BOARD RULES**

**Lozano, Ivette C., M.D., Lic. No. J4310, Dallas**

On December 10, 2021, the Board and Ivette C. Lozano, M.D., entered into a Mediated Agreed Order requiring Dr. Lozano to within 30 days submit informed consent forms to the Board for review, and upon review and approval, shall be required to present the form to each and every patient receiving medical care or being evaluated at her practice; and within one year complete at least eight hours of CME, divided as follows: four hours in medical records and four hours in informed consent. The Board found Dr. Lozano failed to meet Board Rule 200 requirements for two patients she treated for COVID-19 with complementary and alternative medicine. The order resolves a formal complaint at the State Office of Administrative Hearings.

## **OTHER STATES' ACTIONS**

### **Hyson, Morton, M.D., Lic. No. G4477, Las Vegas, NV**

On December 10, 2021, the Board and Morton Hyson, M.D., entered into a Waiver Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found that it was alleged Dr. Hyson was reprimanded for failing to disclose information to the Idaho State Board of Medicine.

### **Jalalzai, Waheed, M.D., Lic. No. P4581, Omaha, NE**

On December 10, 2021, the Board and Waheed Jalalzai, M.D., entered into a Waiver Order publicly reprimanding Dr. Jalalzai. The Board found that it was alleged Dr. Jalalzai entered into a Settlement Agreement in Wisconsin for failing to provide acceptable standard of care.

### **Lewis, Bill, M.D., Lic. No. K6096, Chandler, AZ**

On December 10, 2021, the Board and Bill Lewis, M.D., entered into a Waiver Order prohibiting Dr. Lewis from practicing medicine in Texas until he requests in writing and appears before the board to provide evidence that he is physically, mentally, and otherwise competent to safely practice. Dr. Lewis shall not diagnose, treat, or examine any patient in Texas, nor shall he use his Texas medical license to practice medicine, including telemedicine; and he shall comply with all terms of the Arizona Waiver Order. The Board found that it was alleged Dr. Lewis voluntarily surrendered his license to the Arizona Medical Board due to a health condition that may impact his ability to practice medicine and a retirement from medical practice.

### **Paisley, Kevin Charles, D.O., Lic. No. P6491, Anchorage, AK**

On December 10, 2021, the Board and Kevin Charles Paisley, D.O., entered into a Waiver Order prohibiting Dr. Paisley from practicing in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Dr. Paisley shall not diagnose, treat or examine any patient in Texas, nor shall he use his Texas license to practice medicine, including telemedicine. Dr. Paisley shall comply with all terms of the Alaska Waiver Order. The Board found that it was alleged Dr. Paisley voluntarily surrendered his Alaska medical license while under investigation.

### **Strefling, Marlen, M.D., Lic. No. J5491, Brownwood**

On December 10, 2021, the Board and Marlen Strefling, M.D., entered into a Waiver Order requiring him to within one year complete at least four hours of CME in ethics/risk management; and within 60 days pay an administrative penalty of \$890. The Board found that it was alleged Dr. Strefling failed to comply with continuing education requirements for license renewal.

## **INADEQUATE MEDICAL RECORDS**

### **Cordes, Brett McCormack, M.D., Lic. No. N1594, Lafayette, LA**

On December 10, 2021, the Board and Brett McCormack Cordes, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in medical recordkeeping; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Cordes' documentation was deficient. The order does not supersede the previous March 2020 and December 2020 Orders.

### **Stavis, Monte I., M.D., Lic. No. F8684, Houston**

On December 10, 2021, the Board and Monte I. Stavis, M.D., entered into a Mediated Agreed Order requiring him to within one year complete at least six hours of CME in medical recordkeeping. The Board found Dr. Stavis did not record multiple portions of an examination which would potentially have supported the recommendation for surgery. Dr. Stavis' documentation for the patient was inadequate to support his recommendation for what he did or found. The order resolves a formal complaint at the State Office of Administrative Hearings.

## **CEASE & DESISTS**

**Allen, Labron, No License, Missouri City**

On December 10, 2021, the Board and Labron Allen entered into an Agreed Cease and Desist Order prohibiting Mr. Allen from practicing medicine without a license, to wit, offering consultations as a “doctor” which purport to reverse health concerns or be a cure. The Board found Mr. Allen advertised on a website that he was a doctor licensed by the Pastoral Medical Association and advertised various medical services on his clinic’s website and Facebook page.

**Breton, Sebastian Eduardo, No License, San Jose, CA**

On December 10, 2021, the Board and Sebastian Eduardo Breton entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found that the Grand Prairie Police Department received a tip that Mr. Breton, known as “Dr. Sebastian,” was performing cosmetic surgical procedures at his residence in Grand Prairie, Texas. Mr. Breton, who claims to be a licensed physician in Mexico, admitted to following up on two patients in Texas who were recovering from cosmetic procedures, though he denies performing any procedures on the patients in Texas.

**Du, Caiqin/AKA Qin Qin Du, No License, Houston**

On December 10, 2021, the Board and Caiqin Du entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Du and her husband performed laser tattoo removal on a patient at their beauty studio. Ms. Du failed to produce documentation showing proper medical supervision to perform such procedures.

**Duchon, Joel, D.C., Webster**

On December 10, 2021, the Board and Joel Duchon, D.C., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Duchon, who is a licensed Texas chiropractor, advertised stem cell therapy to treat a multitude of medical conditions like ADHD, neuropathy, COPD, and autism. There is no medical doctor listed on his website, nor does he have a contract or agreement with any medical doctor.

**Johnson, Tom, No License, Webster**

On December 10, 2021, the Board and Tom Johnson entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Johnson, who is a pastor at a church, has falsely held himself out as or otherwise impersonated a physician since at least 2013.

**Lin, Xuebin/AKA Victor Lin, No License, Houston**

On December 10, 2021, the Board and Xuebin Lin entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Lin, and his wife, performed laser tattoo removal on a patient at their beauty studio. Mr. Lin failed to produce documentation showing proper medical supervision to perform such procedures.

**Ochoa, Denise, No License, Brownsville**

On December 10, 2021, the Board and Denise Ochoa entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine without a license, to wit, holding herself out as a “doctor.” The Board found Ms. Ochoa, who is licensed as a physician in Mexico but not Texas, operated a clinic in Brownsville which advertised body sculpting, butt lifts, and non-surgical face and neck lifts as some of her services.

**Schweiss, Amy, No License, Houston**

On December 10, 2021, the Board and Amy Schweiss entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Schweiss owns Amy’s Skin Care and Med Spa where she advertised services in derma-blade, micro-needling, nonsurgical facelift using ultrasound therapy, intense pulsed light photo facials, body contouring, laser vein removal and skin tag removal. Ms. Schweiss signed a Consulting Physician Agreement for laser hair removal, though this covered only some services she advertised. There were no qualified licensees associated with the spa allowing it to perform derma-blade, skin tag removal and micro-needling.

**Suarez-Velazquez, Yuneydi, No License, Houston**

On December 10, 2021, the Board and Yuneidi Suarez-Velazquez entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Suarez-Velazquez owns, directs, and serves as the registered agent of New Born Skin Medical Aesthetics, Inc., and allegedly injected what she represented as Restylane under a patient's eyes causing swelling and discoloration, outside of the scope of her agreement with a physician since they involve the injection of medication or substances for cosmetic purposes.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 6, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Corpus Christi physician**

On December 29, 2021, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of James Arthur Grieme, M.D. (Lic. No. Q6020), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Grieme was suspended by his employer for inability to practice medicine safely due to alcohol or substance abuse.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Grieme, unless the hearing is specifically waived by Dr. Grieme.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

January 25, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Plano physician**

On January 20, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Robert James Harden, M.D. (Lic. No. G0424), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Harden engaged in a nonconsensual sex act with an elder adult and was arrested on or about November 11, 2021 by the Plano Police Department for Aggravated Sexual Assault.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Harden, unless the hearing is specifically waived by Dr. Harden.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 17, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Houston physician**

On February 15, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Reginald James Newsome, M.D. (Lic. No. M8869), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Newsome nontherapeutically prescribed controlled substances to patients, refuses to cooperate with Board staff and is in violation of his prior orders.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Newsome, unless the hearing is specifically waived by Dr. Newsome.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 18, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 31 physicians at March meeting

At its March 4, 2022 meeting, the Texas Medical Board disciplined 31 licensed physicians.

The disciplinary actions included: two orders related to quality of care violations, eight orders related to unprofessional conduct, four voluntary surrenders/revocations, one order related to improper prescribing, two orders related to peer review actions, eleven orders related to other states' actions, one order related to TXPHP violations, and two orders related to inadequate medical records. The Board also ratified eight cease and desist orders.

The Board issued 221 physician licenses at the March meeting, bringing the total number of physician licenses issued in Fiscal Year 2022 to 2,636.

### DISCIPLINARY ACTIONS

#### QUALITY OF CARE

##### **Legall, Michelle Evette, M.D., Lic. No. M6723, Humble**

On March 4, 2022, the Board and Michelle Evette Legall, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Legall and requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in diagnosis and treatment of thyroid disorders. The Board found Dr. Legall's medical records for a patient lacked appropriate documentation for medical visits and she did not document medical reasoning for her diagnosis or use of hormone replacement on the patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Small, Henry Norman, M.D., Lic. No. H3942, Houston**

On March 4, 2022, the Board and Henry Norman Small, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management with an emphasis in surgical decision making, four hours in informed consent and four hours in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Small did not properly assess a patient and document adequate medical rationale for a surgery, was issued a warning by the Food and Drug Administration for marketing of umbilical cord blood-developed cellular product not supported by evidence, and failed to document informed consent for procedures performed on a patient.

#### UNPROFESSIONAL CONDUCT

##### **Aggarwal, Pankaj, M.D., Lic. No. BP20074041, San Antonio**

On March 4, 2022, the Board and Pankaj Aggarwal, M.D., entered into an Agreed Order requiring him to complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: eight hours in ethics and four hours in risk management. The Board found Dr. Aggarwal was dismissed from his residency program due to his initial dishonesty when confronted about examining a patient without properly forming a physician patient relationship.

**Cantu, Robert Edward, M.D., Lic. No. H4211, Austin**

On March 4, 2022, the Board and Robert Edward Cantu, M.D., entered into an Agreed Order on Formal Filing prohibiting Dr. Cantu from seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine on female patients, including telemedicine with exception to cases where there is a Judicial Order for providing forensic psychiatric services and established patients who are medically and clinically compromised to undergo transfer without decompensation as they are in frail health. For these established patients, Dr. Cantu must ensure the patient receives a copy of this order, signs an approved waiver explaining the order and receipt of the order, and the patient or guardian consents to continued treatment. Further, Dr. Cantu is publicly reprimanded and required to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management. The Board found that on or about December of 2021, Dr. Cantu was indicted on a charge of Assault relating to a patient and is awaiting his first court appearance. The Board does not waive its right to take further disciplinary action in any related criminal matter. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Chaudry, Kanwal, M.D., Lic. No. P1530, Fort Leavenworth, KS**

On March 4, 2022, the Board and Kanwal Chaudry, M.D., entered into a Waiver Order requiring her to comply with all terms of the probation agreement entered on or around October 31, 2019. The Board found that it was alleged Dr. Chaudry pled guilty to two counts of Battery, Class B Misdemeanors and was placed on probation.

**Cibley, Laurence, M.D., Lic. No. K1398, Dallas**

On March 4, 2022, the Board and Laurence Cibley, M.D., entered into a Waiver Order prohibiting him from treating female patients in Texas until he requests in writing and appears before the Board to provide evidence that he is safe to practice, including, at a minimum, completion of a Federation of State Medical Boards approved boundaries course and an independent medical evaluation. The Board found that it was alleged the Department of Veterans Affairs referred Dr. Cibley for failing to meet acceptable standards of clinical practice for female veteran patients.

**Heinrich, John B., M.D., Lic. No. M4142, Dallas**

On March 4, 2022, the Board and John B. Heinrich, M.D., entered into an Agreed Order restricting his practice to require a chaperone when seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine, including telemedicine, on any patient pending the outcome of an independent medical evaluation. Within 30 days he must move forward to obtain an independent medical evaluation by a preapproved board certified psychiatrist and follow any and all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in ethics; and he shall not be permitted to supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Heinrich engaged in unprofessional misconduct by inappropriately touching a female patient during the course of his medical care.

**Rojas, Hugo Alonzo, M.D., Lic. No. J0650, San Antonio**

On March 4, 2022, the Board and Hugo Alonzo Rojas, M.D., entered into an Agreed Order requiring him to comply with all terms of the three-year Memorandum of Agreement entered on or around March 1, 2021 with the U.S. Department of Justice, Drug Enforcement Administration – Houston Division; and within one year complete at least 12 hours of CME in supervision and delegation. The Board found Dr. Rojas was placed under a DEA Memorandum of Agreement, and admitted to pre-signing prescription pads for Schedule II controlled substances for his midlevel providers while he was on vacation.

**Sabella, Vincenzo, M.D., Lic. No. H9005, San Antonio**

On March 4, 2022, the Board and Vincenzo Sabella, M.D., entered into an Agreed Order publicly reprimanding Dr. Sabella and requiring him to within one year complete the Remedial Coaching Program at the University of Texas at Dallas School of Management; within one year and three attempts pass the Medical Jurisprudence Exam; complete the Clinician-Patient Communication course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete eight hours of CME in ethics. The Board found Dr.

Sabella made inappropriate remarks to a patient during a post-operative visit. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Wu, Guoxin, M.D., Lic. No. N4852, Beaumont**

On March 4, 2022, the Board and Guoxin Wu, M.D., entered into an Agreed Order lifting his prior order restriction, and placing him under the following terms: within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least six hours of CME in communications. The Board found Dr. Wu resigned his privileges prior to a hospital completing an investigation into nurse complaints concerning inappropriate behavior with a patient. Dr. Wu has gained insight and has a plan going forward to avoid incidents of perceived inappropriate behavior and works at other hospitals without any similar complaints. The order supersedes all prior board orders.

**VOLUNTARY SURRENDER/REVOCAION**

**Incalcaterra, James, Jr., M.D., Lic. No. E5795, Houston**

On March 4, 2022, the Board and James Incalcaterra, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Incalcaterra agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Incalcaterra was under investigation for allegations related to his treatment of a patient for chronic pain.

**Shaw, James Millard, M.D., Lic. No. E1128, Kingwood**

On March 4, 2022, the Board and James Millard Shaw, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Shaw agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Shaw nontherapeutically prescribed controlled substances, including opioids or soma combinations in the absence of a valid medical purpose for at least 15 patients.

**Spears, Robert Paul, M.D., Lic. No. J8136, San Antonio**

On March 4, 2022, the Board and Robert Paul Spears, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Spears agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Spears was under investigation regarding allegations that he has an impairment that precludes him from practicing. Dr. Spears reported to the Board that he has retired from practice.

**Sundrani, Shanker S., M.D., Lic. No. L2019, El Paso**

On March 4, 2022, the Board and Shanker S. Sundrani, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sundrani agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Sundrani has a medical condition that prevents him from practicing at this time.

**IMPROPER PRESCRIBING**

**Johnson, David Gary, M.D., Lic. No. F5243, San Antonio**

On March 4, 2022, the Board and David Gary Johnson, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management, with a focus on maintaining professional boundaries. The Board found Dr. Johnson admitted to prescribing to one patient without conducting proper evaluations or maintaining adequate medical records.

**PEER REVIEW ACTION**

**Madhav, Venkatesh Vasantha, M.D., Lic. No. L2436, Plano**

On March 4, 2022, the Board and Venkatesh Vasantha Madhav, M.D., entered into an Agreed Order publicly reprimanding Dr. Madhav and requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and

three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Madhav resigned his hospital privileges after being placed on suspension following inappropriate communications with a patient and staff members.

**Pedroza, Richard Andres, M.D., Lic. No. Q9001, Cypress**

On March 4, 2022, the Board and Richard Andres Pedroza, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in recognizing drug seeking behavior, four hours in ethics and four hours in risk management. The Board found Dr. Pedroza committed unprofessional conduct and was subject to disciplinary action by peers following an inappropriate personal relationship with a patient and inappropriately prescribing controlled substances to the patient without keeping adequate medical records.

**OTHER STATES' ACTIONS**

**Berry, Grant Wilson, M.D., Lic. No. R5511, Riverton, WY**

On March 4, 2022, the Board and Grant Wilson Berry, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program. The Board found Dr. Berry was disciplined by the Wyoming Board of Medicine based on his failure to safely practice due to alcohol use.

**Best, Steven R., M.D., Lic. No. R7706, Deerfield, IL**

On March 4, 2022, the Board and Steven R. Best, M.D., entered into a Waiver Order requiring him to comply with the terms of the Consent Order with the Illinois Department of Financial and Professional Regulation (IDFPR). The Board found that it was alleged Dr. Best was disciplined by the IDFPR for violating his fiduciary duty to members of a retirement plan he was responsible to administer and/or maintain.

**Durrett, Lenard, M.D., Lic. No. G5008, Frisco**

On March 4, 2022, the Board and Lenard Durrett, M.D., entered into a Waiver Order prohibiting him from practicing in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice. The Board found that it was alleged Dr. Durrett entered into an Agreed Order of Retirement in another state in lieu of disciplinary action or further investigative proceedings involving the inability to safely engage in the practice of medicine due to an impairment.

**Henderson, Chance, M.D., Lic. No. N8660, Colorado Springs, CO**

On March 4, 2022, the Board and Chance Henderson, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Henderson entered into an Order with the Colorado Medical Board in lieu of disciplinary action or further investigative proceedings based on a failure to timely respond to Board inquiries.

**Hough, Bruce, M.D., Lic. No. R7763, Richmond, VA**

On March 4, 2022, the Board and Bruce Hough, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Hough entered into a Consent Order with the Virginia Board of Medicine based on his failure to notify a patient of a blood clot following an echocardiogram.

**Humayun, Adil, M.D., Lic. No. BP10076163, Marshfield, WI**

On March 4, 2022, the Board and Adil Humayun, M.D., entered into a Waiver Order requiring him to within one year complete at least four hours of CME in risk management; and within 90 days pay an administrative penalty of \$462. The Board found that it was alleged Dr. Humayun entered into a Final Decision and Order with the Wisconsin Medical Examining Board for failing to practice in a manner consistent with the general health and public welfare.

**Kirmani, Batool, M.D., Lic. No. Q3216, Bryan**

On March 4, 2022, the Board and Batool Kirmani, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Kirmani entered into an agreed order in another state for allegations involving negligent recordkeeping.

**Lesser, Robert, M.D., Lic. No. N1732, River Ridge, LA**

On March 4, 2022, the Board and Robert Lesser, M.D., entered into a Waiver Order requiring him to within 90 days pay an administrative penalty of \$5,000; and comply with all terms of the Consent Order for Reprimand with the Louisiana State Board of Medical Examiners. The Board found that it was alleged Dr. Lesser was disciplined by the Louisiana State Board of Medical Examiners for prescribing controlled substances without appropriate medical justification and failing to comply with rules on treatment of chronic pain.

**Marsteller, Scott, M.D., Lic. No. S5222, Richmond, IN**

On March 4, 2022, the Board and Scott Marsteller, M.D., entered into a Waiver Order requiring him to within 90 days pay an administrative penalty of \$1,000; and comply with all terms of the Settlement Agreement with the Medical Licensing Board of Indiana. The Board found that it was alleged Dr. Marsteller was disciplined by the Licensing Board of Indiana based on improper prescribing of medications for a patient he did not physically examine.

**Nakanishi, Kei, M.D., Lic. No. L5480, St. Louis, MO**

On March 4, 2022, the Board and Kei Nakanishi, M.D., entered into a Waiver Order requiring her to comply with all terms of the State of Florida Board of Medicine Final Order entered in October 2021; and within 90 days pay an administrative penalty of \$5,000. The Board found that it was alleged Dr. Nakanishi entered into a Final Order with another state based on a failure to conform to the acceptable standard of care when treating a patient and that the conduct led to the death of the patient.

**Regan, John, M.D., Lic. No. H0001, Beverly Hills, CA**

On March 4, 2022, the Board and John Regan, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Regan was publicly reprimanded in another state for failing to review a post-operative CT scan, revealing a misplacement of pedicle screws.

**TXPHP VIOLATION**

**Hein, Robert Mathew, M.D., Lic. No. M6182, Argyle**

On March 4, 2022, the Board and Robert Mathew Hein, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program (TXPHP). The Board found Dr. Hein was referred to the Board by TXPHP after testing positive for marijuana. Dr. Hein completed an inpatient treatment in January 2021. The order does not supersede prior orders, including the June 2021 Order.

**INADEQUATE MEDICAL RECORDS**

**Afridi, Sah Nawaz, M.D., Lic. No. K7961, Victoria**

On March 4, 2022, the Board and Sha Nawa Afridi, M.D., entered into a Mediated Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in prescribing controlled substances and four hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Afridi issued orders for narcotic medications without documenting adequate need, work-up, and did not document communications with patients about complaints of noncompliance with dosing regimens. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Loredo, Pedro Juan, III, M.D., Lic. No. N0228, Grapevine**

On March 4, 2022, the Board and Pedro Juan Loredo, III, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Loredo's medical records lacked sufficient detail to determine a surgical procedure was indicated and operative reports lacked detail to support the billing that was submitted.

**CEASE & DESISTS**

**Eleftherion, Nelly Beatriz, No License, Houston**

On March 4, 2022, the Board and Nelly Beatriz Eleftherion entered into an Agreed Cease and Desist Order prohibiting Ms. Eleftherion from practicing medicine without a license issued by the Texas Medical Board. The Board found Ms. Eleftherion, who is a licensed cosmetologist-esthetician, performed cosmetic buttocks injections at the home of a patient which resulted in complications.

**Kolker, Christopher, M.D., No TX License, Norwich, CT**

On March 4, 2022, the Board and Christopher Kolker, M.D., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Dr. Kolker, who is licensed in Connecticut, but not Texas, was the subject of an investigation by a pharmacy benefits manager which determined Dr. Kolker was prescribing to Texas patients without a valid patient-prescriber relationship.

**Lucido, Lacey, No License, Friendswood**

On March 4, 2022, the Board and Lacey Lucido entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Lucido was performing nonsurgical cosmetic procedures under the supervision of a physician without the qualifications or training to perform the procedures.

**Murray, Brian L. "Bear", No License, Baytown**

On March 4, 2022, the Board and Brian L. "Bear" Murray entered into an Agreed Cease and Desist Order prohibiting him from engaging in the practice of medicine both in and from the state of Texas. Mr. Murray is prohibited from acting as, or holding himself out to be, a licensed physician in the state of Texas and shall not refer to himself as "doctor," or "Dr.," unless he designates the authority under which the title issued or the college or honorary degree that gives rise to the use of the title. The Board found Mr. Murray, who is a licensed professional counselor, held himself out as a doctor in his dealings with the public and patients, promotional materials and web presence, including correspondence referring to himself as "Dr. B. L. Bear Murray," and "Dr. Bear Murray."

**Patel, Vishal, No License, Houston**

On March 4, 2022, the Board and Vishal Patel entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Patel followed up with a patient via email about a sleep test to "discuss treatment plans and goals," and signed the email identifying himself as "Dr. Vishal Patel."

**Pugh, Leslie Shea, No License, Friendswood**

On March 4, 2022, the Board and Leslie Shea Pugh entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Pugh, who is a licensed esthetician, saw several patients for multiple nonsurgical cosmetic procedures. In many cases, the provider and medical director signatures are illegible and written consent forms were missing from patient records and some do not adequately document protocols that were implemented for the procedures.

**Tocco, Dena, No License, Friendswood**

On March 4, 2022, the Board and Dena Tocco entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Tocco, who is a licensed aesthetician, saw several patients multiple times for nonsurgical cosmetic procedures, though the medical records for the patients do not provide adequate documentation relating to the procedures performed and the signatures are in many cases illegible.

**Villarreal, Horacia Rene, Jr., No License, Corpus Christi**

On March 4, 2022, the Board and Horacia Rene Villarreal, Jr., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine without a license, to wit, identifying himself as a doctor or representing to customers that he can offer medical advice. The Board found Mr. Villarreal and his spouse operated a DNA and drug testing entity providing testing. Some customers believed Mr. Villarreal was a physician.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile.*

*Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*



## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 22, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends San Antonio physician**

On March 18, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Paul M. Silva, M.D. (Lic. No. N4749), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Silva, whose license is in delinquent status and is unable to be renewed due to a default judgement against him for failure to pay child support, has continued to prescribe controlled substances to patients and has failed to cooperate and respond to requests for information from Board staff.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Silva, unless the hearing is specifically waived by Dr. Silva.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 29, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Dallas NCT**

On March 25, 2022, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas non-certified radiologic technician registry certificate of Jordy Jose Estrada, NCT (Lic. No. NCR00164638), after determining his continuation in the practice as a radiologic technician poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about January 23, 2022, Mr. Estrada was arrested by the Dallas County Police Department for the offense of murder, a first-degree felony, and possession of a controlled substance, a third-degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Estrada, unless the hearing is specifically waived by Mr. Estrada.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

March 31, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Nacogdoches physician**

On March 30, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Karl Frederick Kauffman, M.D. (Lic. No. Q6435), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on or about March 21, 2022, Dr. Kauffman was arrested for the offense of continuous sexual abuse of a young child, a first-degree felony.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Kauffman, unless the hearing is specifically waived by Dr. Kauffman.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

April 8, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Sugar Land physician**

On April 7, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Gregory Andrzej Krynski, M.D., (Lic. No. J2454) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Krynski nontherapeutically prescribed controlled substances to 15 patients at an unregistered pain management clinic.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 25, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Houston physician**

On April 22, 2022, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Winifred King, M.D. (Lic. No. M5295), after determining her continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. King is prohibited from possessing, prescribing or distributing Schedule II controlled substances, and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

The Board panel found that Dr. King nontherapeutically prescribed controlled substances to 20 chronic pain patients and violated the applicable standard of care and Board rules relating to the treatment of chronic pain.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 24, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Houston physician**

On May 16, 2022, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Mervyn Joel Klein, M.D., (Lic. No. D4513) after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Klein is prohibited from prescribing, administering, possessing, or dispensing controlled substances in Texas other than a prescription written to him by a licensed provider for personal use. Within seven days, Dr. Klein shall surrender his Drug Enforcement Administration (DEA) controlled substances registration certificates and not reregister or otherwise obtain registrations until he has received written authorization from the Board.

The Board panel found that Dr. Klein nontherapeutically prescribed controlled substances to 15 patients and violated the applicable standard of care and Board rules relating to the treatment of chronic pain.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 24, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Conroe physician**

On May 18, 2022, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Larry Bernard Lipscomb, M.D., (Lic. No. G5303) after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Lipscomb is prohibited from prescribing, administering, possessing, or dispensing controlled substances in Texas other than a prescription written to him by a licensed provider for personal use. Within seven days, Dr. Lipscomb shall surrender his Drug Enforcement Administration (DEA) controlled substances registration certificates and not reregister or otherwise obtain registrations until he has received written authorization from the Board.

The Board panel found that Dr. Lipscomb nontherapeutically prescribed controlled substances to 15 patients and violated the applicable standard of care and Board rules relating to the treatment of chronic pain.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

May 24, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Bryan physician**

On May 20, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Kory Lee Gill, D.O. (Lic. No. M8674), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on May 4, 2022, Dr. Gill was arrested by the Brazos County Sheriff's Office related to two charges of sexual assault involving two patients.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Gill, unless the hearing is specifically waived by Dr. Gill.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 23, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Spring physician**

On June 21, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Zahra Piyar Ali, M.D. (Lic. No. T2810), after determining her continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Ali is unable to safely practice medicine at this time due to her intemperate use of alcohol. Dr. Ali resigned from her position following an incident involving her drinking while on shift at her clinic.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ali, unless the hearing is specifically waived by Dr. Ali.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 30, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 27 physicians at June meeting, adopts rule changes

At its June 10, 2022 meeting, the Texas Medical Board disciplined 27 licensed physicians.

The disciplinary actions included: four orders related to quality of care violations, three orders related to unprofessional conduct, one revocation, six voluntary surrenders/revocations, one order related to the nontherapeutic prescribing, one order related to improper prescribing, one order related to improper supervision/delegation, six orders related to other states' actions, two orders related to impairment and two orders related to inadequate medical records. The Board also ratified seven cease and desist orders.

The Board issued 310 physician licenses at the June meeting, bringing the total number of physician licenses issued in Fiscal Year 2022 to 5,081.

### RULES CHANGES ADOPTED

#### CHAPTER 173. PHYSICIAN PROFILES

The amendments to §173.3, relating to Physician-Initiated Updates specify events that must be reported by a licensed physician to the Board within 30 days after the event. Specifically, the proposed amendments add events required to be contained in the physician's profile in accordance with §154.006 of the Act.

### DISCIPLINARY ACTIONS

#### QUALITY OF CARE

##### **Lawrence, Andrew, M.D., Lic. No. L9309, Harlingen**

On June 10, 2022, the Board and Andrew Lawrence, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in complications of cardiac catheterization and four hours in management of high risk patients. The Board found Dr. Lawrence should have performed further evaluation of a cardiac catheterization patient before discharge based upon the delayed nature of the bleeding, the nature of the procedure, and the patient's comorbidities.

##### **Peel, Garrett Keith, M.D., Lic. No. N3987, Leander**

On June 10, 2022, the Board and Garrett Keith Peel, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days schedule an assessment, including competency to perform surgical procedures with the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have his practice monitored by another physician for 12 consecutive monitoring cycles; and prior to performing any procedures, obtain a pre-approved board certified general surgeon to serve as his proctor and shall be proctored for the next 60 non-emergent procedures. The Board found Dr. Peel violated the standard of care in his treatment of five patients who underwent general surgical procedures that resulted in significant post-operative complications and was subject to peer review related to quality of care issues with multiple patients. The order resolves the formal complaint filed and the State Office of Administrative hearings, resolves all complaints up to the date of entry of the order, and supersedes the December 2019 Order.

##### **Peterson, Daniel L., M.D., Lic. No. J6207, Austin**

On June 10, 2022, the Board and Daniel L. Peterson, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in management of surgery for patients on anti-coagulation medication and four hours in risk management. The Board found Dr. Peterson did not re-evaluate a patient's platelet function prior to performing a second procedure after the patient had suffered postoperative bleeding after the initial procedure.

**Shrago, Evan Louis, M.D., Lic. No. K6928, Dallas**

On June 10, 2022, the Board and Evan Louis Shrago, M.D., entered into an Agreed Order requiring him to within one year to complete at least 32 hours of CME, divided as follows: 12 hours in medical recordkeeping, 12 hours of anesthesia complications and recognizing risk factors and eight hours in post-anesthesia management of complications. The Board found Dr. Shrago failed to meet the standard of care with a patient by failing to timely diagnose complications resulting from aspiration during a surgical procedure.

**UNPROFESSIONAL CONDUCT**

**Holland, Joshua, D.O., Lic. No. P5992, Fort Worth**

On June 10, 2022, the Board and Joshua Holland, D.O., entered into a Mediated Agreed Order publicly reprimanding Dr. Holland and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least four hours of CME in ethics; within one year complete in-person the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE); and within 90 days pay an administrative penalty of \$1,000. The Board found Dr. Holland balance billed a patient for an evaluation of musculoskeletal pain during an emergency room visit which was covered by state-sponsored insurance. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Pastorek, Jordan Michael, M.D., Lic. No. M1286, Frisco**

On June 10, 2022, the Board and Jordan Michael Pastorek, M.D., entered into an Agreed Order publicly reprimanding Dr. Pastorek and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in prescribing controlled substances, four hours in recognizing drug seeking behavior and four hours in risk management. The Board found Dr. Pastorek engaged in unprofessional conduct when he prescribed to a person with substance use issues and with whom he had a close personal relationship, and failed to meet the standard of care with his prescribing and management of the patient's care.

**Rahman, Shahidur, M.D., Lic. No. AM00055, McKinney**

On June 10, 2022, the Board and Shahidur Rahman, M.D., entered into an Agreed Order publicly reprimanding Dr. Rahman and prohibiting him from engaging in the practice of clinical medicine. Dr. Rahman shall limit his practice to administrative medicine and is not allowed modification of this term. Dr. Rahman's license is suspended; however, the suspension is stayed and he is placed on probation under the following terms and conditions of his deferred adjudication community supervision from the date of the signing of this order. Furthermore, Dr. Rahman must pay an administrative penalty of \$5,000 within 60 days, and shall not be permitted to supervise or delegate prescriptive authority to any other person. The Board found Dr. Rahman pleaded guilty to the offense of injury child/elderly/disabled with intent to cause bodily injury, a 3rd degree felony, and received deferred adjudication/community supervision for a period of five years, and failed to report his arrest to the Board.

**REVOCAION**

**Chavason, Arthur Arrit, M.D., Lic. No. M7104, Dallas**

On June 10, 2022, the Board entered a Final Order regarding Arthur Arrit Chavason, M.D., revoking his Texas medical license. The Board found Dr. Chavason committed unprofessional and dishonorable conduct by engaging in a pattern of sexually inappropriate and abusive behavior with multiple patients and other medical personnel. The order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Chavason has 25 days from the service of the order to file a motion for rehearing.

## **VOLUNTARY SURRENDER/REVOCAION**

### **Graham, Jed Alan, M.D., Lic. No. R4844, Pasadena**

On June 10, 2022, the Board and Jed Alan Graham, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Graham agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Graham was under investigation for allegations of failing to meet requirements related to the treatment of chronic pain. Dr. Graham has indicated that he no longer treats patients and intends to retire from practice.

### **Luevano, Alfonso, M.D., Lic. No. L7622, Carrizo Springs**

On June 10, 2022, the Board and Alfonso Luevano, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Luevano agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that it was alleged Dr. Luevano was arrested and pled guilty to one count of Conspiracy to Distribute a Controlled Substance.

### **McGraw, Donald, D.O., Lic. No. K7581, League City**

On June 10, 2022, the Board and Donald McGraw, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. McGraw agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that it was alleged Dr. McGraw was engaged in a telefraud scheme. Dr. McGraw indicated his desire to voluntarily surrender his license due to his deteriorating health, which currently has rendered him physically unable to practice medicine.

### **Ngo, Huan Doan, D.O., Lic. No. K6184, Houston**

On June 10, 2022, the Board and Huan Doan Ngo, D.O., entered into an Agreed Voluntary Surrender Order in which Dr. Ngo agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Ngo indicated his desire to voluntarily surrender his license after pleading guilty to the felony offense of making false statements related to health care matters.

### **Parameswara, Vinay Kumar, M.D., Lic. No. Q1469, Austin**

On June 10, 2022, the Board and Vinay Kumar Parameswara, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Parameswara agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Parameswara indicated his desire to surrender his license due to pending criminal charges related to health care fraud.

### **Perez, Ana Yolanda, M.D., Lic. No. F7044, San Antonio**

On June 10, 2022, the Board and Ana Yolanda Perez, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Perez agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Perez was under investigation for failing to practice medicine in a professional manner, failing to exercise due diligence in her practice and violating Board rules.

## **NONTHERAPEUTIC PRESCRIBING**

### **Krynski, Gregory Andrzej, M.D., Lic. No. J2454, Sugar Land**

On June 10, 2022, the Board and Gregory Andrzej Krynski, M.D., entered into an Agreed Order lifting his suspension and placing him under the following terms: shall not possess, administer, or prescribe controlled substances in Texas; within seven days surrender his DEA controlled substances registration certificates and not reregister without prior Board approval; within 60 days pay an administrative penalty of \$5,000; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 8 hours of CME, divided as follows: four hours in medical recordkeeping and four hours in drug-seeking behaviors; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Krynski violated the standard of care and nontherapeutically prescribed controlled substances to 15 patients, failed to maintain adequate medical records and failed to adhere to the requirements for the treatment of pain.

## **IMPROPER PRESCRIBING**

### **Feste, Joseph Rowland, M.D., Lic. No. C8968, Lakeway**

On June 10, 2022, the Board and Joseph Rowland Feste, M.D., entered into an Agreed Order publicly reprimanding Dr. Feste and requiring him to within one year complete at least 28 hours of CME, divided as follows: eight hours in recordkeeping, 12 hours in supervision or delegation, four hours in ethics and four hours in risk management; shall not treat or otherwise serve as a physician for his immediate family, friends or others with whom he has a close personal relationship with; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Feste prescribed numerous prescriptions, including controlled substances, to family and close associates without appropriate evaluation, indications, or monitoring, failed to maintain adequate medical records and failed to adequately supervise his staff.

## **IMPROPER SUPERVISION OR DELEGATION**

### **Ver Halen, Jon Peter, M.D., Lic. No. N1940, Southlake**

On June 10, 2022, the Board and Jon Peter Ver Halen, M.D., entered into an Agreed Order on Formal Filing suspending his license; however, the suspension is stayed and he is placed on probation under the following terms: shall not engage in the practice of plastic surgery or cosmetic surgery, including the performance of plastic or cosmetic procedures, at any time in any practice setting; have a chaperone present anytime he performs a physical examination on a female patient; shall not reregister to obtain controlled substances registration certificates without prior approval; limit his practice to a group or institutional setting approved in advance; may not register with the Board to provide office-based anesthesia services; shall not treat or otherwise serve as a physician for his immediate family or those with whom he has a close personal relationship; shall not prescribe dispense, administer, or authorize controlled substances or dangerous drugs with addictive potential to his immediate family or those with whom he has a close personal relationship; within one year complete at least 20 hours of CME, divided as follows: 12 hours in supervision and eight hours in medical recordkeeping; shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Ver Halen inappropriately delegated a cosmetic surgical procedure to a physician assistant who was not qualified or properly trained and failed to create and maintain adequate medical records relating to his care and treatment of two patients. The order supersedes any previous orders and resolves a formal complaint filed at the State Office of Administrative Hearings.

## **OTHER STATES' ACTIONS**

### **Griffith, David, M.D., Lic. No. G8152, Cincinnati, OH**

On June 10, 2022, the Board and David Griffith, M.D., entered into a Waiver Order requiring him to comply with all terms of the agreement entered around November 15, 2021 with the New Mexico Health Professional Wellness Program. The Board found Dr. Griffith entered into an Agreed Order for Stipulation on License in another state in lieu of disciplinary action or further investigative proceedings based on a recommendation to enter the New Mexico Health Professional Wellness Program.

### **Hoekenga, David, M.D., Lic. No. H4959, Albuquerque, NM**

On June 10, 2022, the Board and David Hoekenga, M.D., entered into a Waiver Order prohibiting Dr. Hoekenga from practicing in Texas or using his Texas license to practice in any other jurisdiction until he requests in writing for permission to resume such practice and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice. The Board found that it was alleged Dr. Hoekenga entered into an Agreed Order of Voluntary Surrender of License While Under Investigation with the New Mexico Medical Board based on an investigation involving his termination from practice due to his consumption of alcohol during a telemedicine visit, making inappropriate comments to new members of a telemedicine group session, failure to maintain complete and accurate medical records for his patients, and failure to notify the New Mexico Medical Board of his termination of practice.

**Kalamangalam, Giridhar, M.D., Lic. No. N8799, Gainesville, FL**

On June 10, 2022, the Board and Giridhar Kalamangalam, M.D., entered into a Waiver Order requiring him to comply with all terms of the Notice of Intent to Approve Licensure with Conditions entered on or around September 2, 2021. The Board found that it was alleged Dr. Kalamangalam received a conditional license based on his failure to complete the Florida Board of Medicine's training requirements but managed to meet criteria for competency by other means.

**Kavanagh, Patrick, M.D., Lic. No. R9508, Miami Beach, FL**

On June 10, 2022, the Board and Patrick Kavanagh, M.D., entered into a Waiver Order requiring him to within one year complete at least three hours of CME in ethics/risk management; and within 90 days pay an administrative penalty of \$2,500. The Board found that it was alleged Dr. Kavanagh entered into a Final Order with the Florida Board of Medicine, in lieu of disciplinary action or further investigative proceedings, based on violations of the Florida Health Professions and Occupations Code and Medical Practice Acts.

**Mena, Juan, M.D., Lic. No. N0969, Austin**

On June 10, 2022, the Board and Juan Mena, M.D., entered into a Waiver Order publicly reprimanding Dr. Mena and requiring him to comply with all terms of the Agreed Order Imposing Reprimand, Stipulation on License and Payment of Fee with the New Mexico Medical Board entered on or around June 6, 2022. The Board found that it was alleged Dr. Mena entered an Agreed Order from the State of New Mexico based on his failure to notify the New Mexico Medical Board and failing to undergo an assessment with the New Mexico Health Professional Wellness Program.

**Rey, Jonathan, M.D., Lic. No. S4555, Hopkinsville, KY**

On June 10, 2022, the Board and Jonathan Rey, M.D., entered into a Waiver Order publicly reprimanding Dr. Rey and requiring him to within 90 days pay an administrative penalty of \$500. The Board found that it was alleged Dr. Rey entered into a Consent Order with the Maryland Board of Physicians based on failure to timely complete a supplemental application in Maryland while acting as a physician in the Interstate Medical Licensing Compact (IMLC).

**IMPAIRMENT**

**Grieme, James Arthur, M.D., Lic. No. Q6020, Corpus Christi**

On June 10, 2022, the Board and James Arthur Grieme, M.D., entered into an Agreed Order lifting Dr. Grieme's temporary suspension and publicly referring Dr. Grieme to the Texas Physician Health Program (TXPHP). The Board found Dr. Grieme was suspended for positive drug screening by his employer. Dr. Grieme is currently in compliance with a five-year monitoring agreement with TXPHP.

**Howell, Kristina Michele, M.D., Lic. No. J0005, Denton**

On June 10, 2022, the Board and Kristina Michele Howell, M.D., entered into an Agreed Order lifting her suspension and placing her under the following terms: publicly referred to the Texas Physician Health Program; within 30 days obtain a physician work-site monitor; shall not treat or otherwise serve as a physician for her immediate family and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to her immediate family; limit her practice to a group or institutional setting approved in advance; and within one year complete at least 20 hours of CME in anesthesia related topics. The Board found Dr. Howell was previously suspended due to a physical/mental illness which could affect her ability to safely practice. Dr. Howell is currently being treated for her illness.

**INADEQUATE MEDICAL RECORDS**

**Baxter, Donald, M.D., Lic. No. D6574, Houston**

On June 10, 2022, the Board and Donald Baxter, M.D., entered into an Agreed Order requiring him to complete at least 12 hours of CME, divided as follows: eight hours in medical recordkeeping and four hours in risk management. The Board found Dr. Baxter failed to maintain adequate medical records documenting the care and treatment provided to patients.

**Hernandez, Arthur, M.D., Lic. No. G1674, San Antonio**

On June 10, 2022, the Board and Arthur Hernandez, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in prescribing controlled substances. The Board found Dr. Hernandez articulated his process for addressing a patient's noncompliance or signs of possible diversion or abuse; however, he did not document his review and response of the patient's three toxicology results.

**CEASE & DESISTS**

**Austin, Tammye D., No License, Laredo**

On June 10, 2022, the Board and Tammye D. Austin entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Austin acting in her role as manager of Laredo Medical, performed medical tasks and responsibilities without proper delegation and supervision, including but not limited to, prescribing or dispensing medications.

**Boeke, Bradley, DDS, Rowlett**

On June 10, 2022, the Board and Bradley Boeke, DDS, entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine without a license issued by the Texas Medical Board. The Board found Dr. Bradley, DDS, a dentist in the state of Texas, identified himself as a physician; agreeing to be medical director of a med spa without proper supervision protocols and advertising in a manner which could be misleading.

**Garcia, Clarissa "Claire," No License, Dilley**

On June 10, 2022, the Board and Clarissa "Claire" Garcia entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Garcia received a formal written warning from her clinic supervisor stating that Ms. Garcia called in a medication refill for a patient without authorization.

**Hawkins, John Bradely, No License, Shavano Park**

On June 10, 2022, the Board and John Bradley Hawkins entered into an Agreed Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Hawkins and other staff performed cosmetic injections without a consult or prior assessment from the medical director or designated prescribing provider.

**Johnson, Jeana, No License, Rockwall**

On June 10, 2022, the Board and Jeana Johnson entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine without a license. The Board found Ms. Johnson, who owns and operates a med spa where she performs cosmetic injections, entered into an agreement with Bradley Boeke, DDS, a dentist who is not licensed to practice medicine. Ms. Johnson has since remediated the conduct and now has a medical director who is a physician.

**Lambropoulos, Kenya, No License, Fort Worth**

On June 10, 2022, the Board and Kenya Lampropoulos entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Lampropoulos performed nonsurgical cosmetic procedures without a physician, or midlevel practitioner with delegated authority from a physician, first evaluating and diagnosing the patient and who is available during the procedure for emergency consultation in the event of an adverse outcome.

**Ortiz, Arturo, No License, Laredo**

On June 10, 2022, the Board and Arturo Ortiz entered into an Agreed Order prohibiting him from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Mr. Ortiz acting in his role as manager of Laredo Medical, performed medical tasks and responsibilities without proper delegation and supervision, including but not limited to, prescribing or dispensing medications.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*



**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

June 30, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB lifts temporary suspension of Plano physician**

On June 3, 2022, the Board entered an Order Denying Application for Temporary Suspension or Restriction of Robert James Harden, M.D.'s (Lic. No. G0424) Texas medical license.

Based on the evidence, the Board panel did not find Dr. Harden's continued practice of medicine would constitute a continuing threat to the public welfare.

The order lifts the temporary suspension of Dr. Harden's license entered on January 20, 2022.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

July 12, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Dallas physician**

On July 11, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of David Livingstone Henderson, M.D. (Lic. No. N0088), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Henderson is currently impaired and unable to practice medicine in a safe and competent manner. Dr. Henderson was indicted on two separate charges of Aggravated Assault with a Deadly Weapon.

The temporary suspension remains in place until the Board takes further action.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

July 15, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**Texas Board of Medical Radiologic Technology suspends Missouri City MRT**

On July 5, 2022, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, with notice, the Texas medical radiologic technologist certificate of Alyssa Megan Segura, MRT (Lic. No. GMR00104935), after determining her continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Ms. Segura has been non-complaint with her Texas Physician Health Program monitoring and assistance agreement and was emergently referred back to the Board.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

August 19, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Austin physician**

On August 17, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Patrick William Slater, II, M.D. (Lic. No. K5006), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that based on the evidence, Dr. Slater was impaired while at work at St. David's Medical Center and finds an imminent peril to the public health, safety, or welfare.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Slater, unless the hearing is specifically waived by Dr. Slater.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

September 2, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 25 physicians at August meeting**

At its August 19, 2022 meeting, the Texas Medical Board disciplined 25 licensed physicians.

The disciplinary actions included: four orders related to quality of care violations, seven orders related to unprofessional conduct, two revocations, three voluntary surrenders/revocations, one order related to peer review action, three orders related to improper supervision/delegation, one order related to violation of board rules and four orders related to other states' actions. The Board also ratified five cease and desist orders.

The Board issued 256 physician licenses at the August meeting. The Board issued a total of 6,584 physician licenses in FY 2022.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Bishai, Emad Mikhail Tewfik, M.D., Lic. No. N7224, Conroe**

On August 19, 2022, the Board and Emad Mikhail Tewfik Bishai, M.D., entered into an Agreed Order under the following terms for a period of three years: shall not prescribe or administer dangerous drugs or controlled substances for the treatment of pain, either acute or chronic, for a period of longer than 72 hours; within seven days request modification of his DEA controlled substances registration certificate to eliminate Schedule II and shall not reregister or otherwise obtain registrations for Schedule II controlled substances without prior authorization; shall not possess, administer, or prescribe Schedule II controlled substances; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 40 hours of CME, divided as follows: twelve hours in supervision and delegation, twelve hours in pain management, eight hours in medical recordkeeping and eight hours in risk management; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Bishai did not meet the standard of care and maintained inadequate medical records for three patients. Dr. Bishai also pled guilty to a misdemeanor count of violating the Medical Practice Act and was placed on deferred adjudication.

##### **Eads, Gregory, M.D., Lic. No. M4048, The Woodlands**

On August 19, 2022, the Board and Gregory Eads, M.D., entered into an Agreed Order requiring him to within 60 days complete at least 16 hours of CME, divided as follows: eight hours in managing high risk patients and eight hours in risk management. The Board found Dr. Eads failed to appropriately treat one patient and her infant by failing to deliver the patient's pregnancy a week prior to the delivery date after being informed the pregnancy was at full-term.

##### **Kapilivsky, Allan, M.D., Lic. No. J9120, McAllen**

On August 19, 2022, the Board and Allan Kapilivsky, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Kapilivsky and requiring him to within 60 days complete the medical recordkeeping course offered by the California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 10 hours in general mammography, eight hours in risk management, four hours in mammography positioning and two hours in Mammography Quality Standards Act; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Kapilivsky violated the standard of care by providing reports issued after a review of substandard mammography imaging studies for over 30 patients. On July 9, 2021, the Department of State Health Services issued an

order finding numerous violations and assessing a penalty. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Ortiz, Raynaldo R., Jr., M.D., Lic. No. H9000, Richardson**

On August 19, 2022, the Board and Raynaldo R. Ortiz, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in resuscitation and intubation techniques; and within 30 days pay an administrative penalty of \$3,000. The Board found Dr. Ortiz failed to meet the standard of care for a patient during a procedure and was the subject of disciplinary action as a result of the incident.

**UNPROFESSIONAL CONDUCT**

**Fitzharris, Thomas Joseph, M.D., Lic. No. G9273, Dallas**

On August 19, 2022, the Board and Thomas Joseph Fitzharris, M.D., entered into an Agreed Order publicly reprimanding Dr. Fitzharris and requiring him to have a chaperone anytime he performs a physical examination on a female patient; within one year complete the boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in medical recordkeeping. The Board found Dr. Fitzharris engaged in unprofessional conduct when he performed a breast screening exam without documenting in the medical records and kissed the patient.

**Forbes, Tiffanni Dior, M.D., Lic. No. R9613, Fayetteville, GA**

On August 19, 2022, the Board and Tiffanni Dior Forbes, M.D., entered into an Agreed Order publicly reprimanding Dr. Forbes, revoking her license; however, the revocation is stayed and she is placed under the following terms for the term of her court mandated probation: within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in supervision or delegation. The Board found Dr. Forbes entered into a plea agreement in which she pleaded guilty to the charge of one count of conspiracy to engage in interstate travel or transportation in aid of a racketeering enterprise (commercial bribery and kickbacks) and was sentenced to three years of probation.

**Galindo, Eugenio G., M.D., Lic. No. J1667, McAllen**

On August 19, 2022, the Board and Eugenio G. Galindo, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days obtain an independent medical evaluation from a board certified psychiatrist and follow all recommendations for care and treatment; shall be prohibited from caring for or treating any employee, subcontractor, or other subordinate as a physician, whether male or female; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Galindo engaged in unprofessional conduct by behaving in a sexually suggestive manner towards a female patient. Dr. Galindo agreed to participate in a pretrial intervention program in the 139<sup>th</sup> Judicial District Court in Hidalgo County after being indicted for sexual assault and attempted sexual assault. Dr. Galindo did not plead no contest or guilty and was not officially adjudicated by the Court. The misdemeanor charge was quashed by order of the Court on June 8, 2022. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Montoya, Steve Frank, Jr., M.D., Lic. No. E7202, San Angelo**

On August 19, 2022, the Board entered a Final Order regarding Steve Frank Montoya, Jr., M.D., requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in patient/physician communications and eight hours in anger management; and within one year complete the TMB Remedial Coaching Program and the University of Texas at Dallas School of Management. The Board found Dr. Montoya was the subject of peer review based on his unprofessional conduct or professional competence. Dr. Montoya was unprofessional in his treatment of two patients and one patient's wife, including abusive behavior and behaving disruptively in a manner that could impact the quality of care. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Reid, Robert Ryan, M.D., Lic. No. R2209, New Braunfels**

On August 19, 2022, the Board and Robert Ryan Reid, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 10 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in ethics; and within 30 days pay an administrative penalty of \$500. The Board found Dr. Reid was responsible for filing false claims that he conducted thousands of necessary patient visits when, in fact, he had not.

**Tran, Thomas Tung, M.D., Lic. No. J6043, Ennis**

On August 19, 2022, the Board and Thomas Tung Tran, M.D., entered into an Agreed Order publicly reprimanding Dr. Tran and requiring him to have a chaperone present anytime he performs a physical examination, including telemedicine, on a female patient; within seven days have his DEA controlled substances registration modified to eliminate Schedule II and shall not reregister without prior authorization; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in ethics, eight hours in chronic opioid use and drug-seeking behavior and four hours in risk management; within one year complete the professional boundaries course and the professional medical recordkeeping course offered by the California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Tran engaged in inappropriate sexual behavior with one patient and prescribed this patient multiple controlled substances without proper medical indication or monitoring and he prescribed controlled substances to eleven patients without proper medical indications and without proper monitoring.

**Wiser, Francis Thomas, D.O., Lic. No. N6103, Shreveport, LA**

On August 19, 2022, the Board and Francis Thomas Wisner, D.O., entered into a Waiver Order requiring him to comply with all terms of the agreement entered on or around April 29, 2022 with Tarrant County Criminal District Court No. 3. The Board found that it was alleged Dr. Wiser entered into a deferred adjudication for Class A Misdemeanor Assault Causing Bodily Injury to a Family Member.

**REVOCAION**

**Dutta, Suresh Venkayya, M.D., Lic. No. L1024, San Antonio**

On August 19, 2022, the Board entered a Default Order regarding Suresh Venkayya Dutta, M.D., which revoked his Texas medical license. On June 11, 2021, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Dutta failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Dutta. The Board granted a Determination of Default and Dr. Dutta's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Dutta has 25 days from the service of the order to file a motion for rehearing.

**Niedermeyer, Valery Ann, M.D., Lic. No. K3930, Vero Beach, FL**

On August 19, 2022, the Board entered a Default Order regarding Valery Ann Niedermeyer, M.D., which revoked her Texas medical license. On June 10, 2022, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging a violation of the Act and Board rules. Dr. Niedermeyer failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Niedermeyer. The Board granted a Determination of Default and Dr. Niedermeyer's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Niedermeyer has 25 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAION**

**Butler, David Tanksley, M.D., Lic. No. K4866, Austin**

On August 19, 2022, the Board and David Tanksley Butler, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Butler agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Butler indicated his desire to surrender his license in order to resolve complaints related to his arrest on or about April 15, 2022. Dr. Butler had been suspended following his arrest and being charged with possession of child

pornography, a 3rd degree felony. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Lin, Jay, M.D., Lic. No. N5809, Houston**

On August 19, 2022, the Board and Jay Lin, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lin agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Lin indicated his desire to surrender his license after pleading guilty to the felony offense of online solicitation of a minor.

**Lipscomb, Larry Bernard, M.D., Lic. No. G5303, Conroe**

On August 19, 2022, the Board and Larry Bernard Lipscomb, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lipscomb agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Lipscomb was under investigation for allegations of nontherapeutic prescribing of controlled substances.

**PEER REVIEW ACTION**

**Andujo, Oscar R., M.D., Lic. No. G0605, Dallas**

On August 19, 2022, the Board and Oscar R. Andujo, M.D., entered into an Agreed Order publicly reprimanding Dr. Andujo and requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Andujo voluntarily resigned his privileges following his suspension related to complaints of boundary violations.

**IMPROPER SUPERVISION OR DELEGATION**

**Agarwal, Ajai, M.D., Lic. No. J9610, El Paso**

On August 19, 2022, the Board and Ajai Agarwal, M.D., entered into an Agreed Order requiring him to within 60 days complete at least 16 hours of CME, divided as follows: 12 hours in supervision and delegation and four hours in risk management. The Board found Dr. Agarwal failed to adequately supervise the activities of those acting under his supervision.

**Hung, Scott Houson, M.D., Lic. No. J6496, Houston**

On August 19, 2022, the Board and Scott Houson Hung, M.D., entered into an Agreed Order publicly reprimanding Dr. Hung and requiring him to within 45 days furnish copies of his delegation orders to the Board; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 28 hours of CME, divided as follows: 12 hours in supervision and delegation, 8 hours in medical ethics and 8 hours in risk management; within 60 days pay an administrative penalty of \$10,000; and shall not supervise and delegate prescriptive authority of a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Hung was the contracted medical director at a spa where an unlicensed person performed non-surgical cosmetic procedures, including injecting patients with silicone to the hips and buttocks, without any physician or midlevel evaluation or supervision.

**Shukan, Michael Robert, M.D., Lic. No. F8674, Livingston**

On August 19, 2022, the Board and Michael Robert Shukan, M.D., entered into an Agreed Order requiring him to within 60 days surrender his DEA controlled substances registration certificate and shall not reregister without prior approval; within 90 days complete all deficient CME required for maintaining his license; within one year complete at least 40 additional hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in supervision or delegation, eight hours in medical ethics, eight hours in risk management and eight hours in prescribing controlled substances; within one year and three attempts pass the Medical Jurisprudence Exam; within 60 days pay an administrative penalty of \$5,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Shukan authorized the prescribing/dispensing of controlled substances and dangerous drugs to multiple patients by health care providers



without delegating prescribing authority to these providers, who were not midlevel practitioners, and without first performing proper medical evaluations on the patients. Dr. Shukan also had not completed the required 48 hours of CME credits during the past two-year license renewal period.

## **VIOLATION OF BOARD RULES**

### **Moran, William, M.D., Lic. No. E4547, Austin**

On August 19, 2022, the Board and William Moran, M.D., entered into a Consent Order publicly reprimanding Dr. Moran and requiring him to within 90 days fully respond to all requests from patients for their records, including by making sure a plan is in place to timely provide records in response to all patient requests; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 8 hours of CME in risk management; and within 60 days pay an administrative penalty of \$2,000. Board staff charged that Dr. Moran failed to notify at least one patient of the termination of his practice without providing the patient reasonable opportunity to obtain their medical records.

## **OTHER STATES' ACTIONS**

### **Ambati, Balamurali K., M.D., Lic. No. R0180, Eugene, OR**

On August 19, 2022, the Board and Balamurali K. Ambati, M.D., entered into an Agreed Order requiring him to comply with the terms imposed by the Stipulation and Order entered by the State of Utah. All restrictions that apply to Dr. Ambati's licenses to practice as a physician and surgeon in the state of Utah, apply in the state of Texas. The Board found Dr. Ambati was disciplined by the State of Utah for failing to obtain adequate informed consent to patients in five surgical procedures and engaged in off-label and/or cutting-edge procedures/surgeries that led to problematic results for patients.

### **Chappell, Edward, M.D., Lic. No. M7906, Santa Clara, CA**

On August 19, 2022, the Board and Edward Chappell, M.D., entered into a Waiver Order requiring him to comply with all terms of the agreement entered on or around March 10, 2022 with the Medical Board of California. The Board found that it was alleged Dr. Chappell entered into an Order with the Medical Board of California, in lieu of disciplinary action or further investigative proceedings, based on standard of care violations, inadequate recordkeeping and failure to obtain informed consent.

### **Matrisciano, James, M.D., Lic. No. H8748, Covington, LA**

On August 19, 2022, the Board and James Matrisciano, M.D., entered into a Waiver Order publicly reprimanding Dr. Matrisciano and requiring him to within one year complete at least four hours of CME in prescribing controlled substances and within 90 days pay an administrative penalty of \$2,500. The Board found that it was alleged Dr. Matrisciano had a disciplinary action entered by the Louisiana State Board of Medical Examiners based on a failure to comply with the state's chronic pain rules, failure in performing the required search of the Prescription Monitoring Program, and the need to correct prescribing practices under Louisiana's statutes and Board Rules.

### **Stears, Robert L., M.D., Lic. No. R4904, Houston**

On August 19, 2022, the Board and Robert L. Stears, M.D., entered into a Waiver Order publicly reprimanding him and requiring him to within one year complete at least six hours of CME in ethics/risk management; and within 90 days pay an administrative penalty of \$789. The Board found that it was alleged Dr. Stears entered into a Final Decision and Order with the Wisconsin Medical Examining Board, a disciplinary action, based on a failure to identify a central line that did not follow the course of any anatomic vein.

## **CEASE & DESISTS**

### **Acosta, Diana Morin, No License, San Antonio**

On August 19, 2022, the Board and Diana Morin Acosta entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Acosta

advertised herself as a physician with an M.D. degree, as an Obstetrician-Gynecologist, and as a Plastic Surgeon on Instagram where she accepted payments for various procedures.

**Chappel, Mary, No License, Dallas**

On August 19, 2022, the Board and Mary Chappel entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Chappel posted advertisements offering lip injections without supervision by a physician or authorized midlevel practitioner.

**Chu, Amber, D.D.S, Houston**

On August 19, 2022, the Board and Amber Chu, D.D.S., entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Chu, who is a licensed dentist, advertised, and she and her staff performed, Hyperbaric Oxygen Therapy without a licensed medical professional or without consulting a prescribing physician for treatment, and beyond the scope of FDA approval.

**Greene, Krista, No License, Belton**

On August 19, 2022, the Board and Krista Greene entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Greene administered B12 injections without a standing medical delegation order in place.

**Steller, Kielani, No License, Spring**

On August 19, 2022, the Board and Keilani Steller entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Steller offered and performed nonsurgical medical cosmetic procedures without delegated authority by a supervising physician or having a physician or midlevel onsite, or with a physician available for emergency consultation.

###

*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

September 9, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

**TMB suspends Richardson physician**

On September 9, 2022, a disciplinary panel of the Texas Medical Board (Board) temporarily suspended, without notice, the Texas medical license of Raynaldo Rivera Ortiz, Jr., M.D. (Lic. No. H9000), after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on September 8, 2022, Board staff received information from federal law enforcement engaged in an ongoing investigation involving Dr. Ortiz, relating to serious cardiac complications and one patient's death connected with Dr. Ortiz' presence at the Baylor Scott & White Surgicare North Dallas facility from May through September 2022.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Ortiz, unless the hearing is specifically waived by Dr. Ortiz.

The temporary suspension remains in place until the Board takes further action. The Board will continue to swiftly take action to protect the people of Texas while simultaneously ensuring due process of Board licensees.

For more details, view the [Order of Temporary Suspension](#).



Sherif Zaafran, M.D., FASA  
President, Texas Medical Board



Stephen 'Brint' Carlton, J.D.  
Executive Director, Texas Medical Board

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

November 4, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 14 physicians at October meeting, adopts rule changes

At its October 14, 2022 meeting, the Texas Medical Board disciplined 14 licensed physicians.

The disciplinary actions included: two orders related to unprofessional conduct, three voluntary surrenders/revocations, one suspension, one order related to nontherapeutic prescribing, one order related to violation of board rules, and six orders related to other states' actions. The Board also ratified four cease and desist orders.

The Board issued 255 physician licenses at the October meeting, bringing the total number of physician licenses issued in Fiscal Year 2023 to 960.

### RULE CHANGES ADOPTED

#### CHAPTER 195. PAIN MANAGEMENT CLINICS

The amendments to §§195.1 - 195.4, concerning [Pain Management Clinics](#), repeal the existing rules and replace with new §§195.1 - 195.5. The amendments clarify which pain management clinics are subject to the application of Chapter 168 of the Texas Occupations Code and outlines eligibility requirements for a clinic to obtain a Gold Designated Practice status, and processes for Board audits, inspections, and investigations conducted to determine compliance with laws and rules related to pain management clinics.

### DISCIPLINARY ACTIONS

#### UNPROFESSIONAL CONDUCT

##### **Ali, Zahra Piyar, M.D., Lic. No. T2810, Spring**

On October 14, 2022, the Board and Zahra Piyar Ali, M.D., entered into an Agreed Order lifting Dr. Ali's temporary suspension and publicly refers her to the Texas Physician Health Program (TXPHP). The Board found Dr. Ali, who was previously temporarily suspended after an incident involving her consuming alcohol while at work, has entered into a TXPHP monitoring agreement and is adhering to the terms of the agreement. The order supersedes any prior Board order.

##### **Snook Murray Alan, M.D., Lic. No. H8419, Georgetown**

On October 14, 2022, the Board and Murray Alan Snook, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 36 hours of CME, divided as follows: eight hours in medical recordkeeping, twelve hours in supervision or delegation, eight hours in medical ethics and eight hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Snook enabled a non-physician, at a clinic in which he was the medical director, to make medical decisions under the guise of his license, namely performing B12 injections on patients with no prior physician-patient relationship or medical evaluation.

#### VOLUNTARY SURRENDER/REVOCAION

##### **Klein, Mervyn Joel, M.D., Lic. No. D4513, Houston**

On October 14, 2022, the Board and Mervyn Joel Klein, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Klein agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Klein's practice was temporarily restricted and he was under investigation for nontherapeutic prescribing of controlled substances. Dr. Klein indicated his desire to retire from practice.

**Osborne, Walter George, M.D., Lic. No. E4581, Arlington**

On October 14, 2022, the Board and Walter George Osborne, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Osborne agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that due to a diagnosis which interferes with Dr. Osborne's ability to practice medicine safely, he has indicated his desire to retire. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Young, Mark, M.D., Lic. No. J0388, Denison**

On October 14, 2022, the Board and Mark Young, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Young agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Young was under investigation for violating the terms of his June 2021 Order. He indicated that he has retired from practicing medicine.

**SUSPENSION**

**Gibson, Gerald Patrick, Jr., M.D., Lic. No. L6050, San Marcos**

On October 14, 2022, the Board and Gerald Patrick Gibson, Jr., M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Gibson agreed to the suspension of his Texas medical license until such time as he requests in writing to have the suspension stayed or lifted and appears before the Board to provide adequate evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Gibson is in violation of his October 2019 Order after testing positive for a controlled substance and alcohol. The order remains in effect until superseded by a subsequent order.

**NONTHERAPEUTIC PRESCRIBING**

**Boatwright, Roger Wayne, M.D., Lic. No. R8708, York, PA**

On October 14, 2022, the Board and Roger Wayne Boatwright, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Boatwright and prohibiting him from prescribing, administering, possessing or dispensing controlled substances in Texas or to Texas patients and shall not reregister or otherwise obtain controlled substances registrations without prior authorization. Dr. Boatwright has chosen not to renew his license and it is therefore delinquent. Any practice of medicine under the authority of his Texas medical license after the date of entry of this order is a violation of the order. Dr. Boatwright agrees to cancel his license after the entry of this order. Further, Dr. Boatwright shall not use his Texas license in any jurisdiction to diagnose, treat or prescribe controlled substances to patients in Texas for pain as defined in the Board rules; within 30 days refer all current pain management patients to specialists and may prescribe dangerous drugs for the treatment of acute pain to a patient in Texas on a one-time basis only for no more than 72 hours with no refills; within one year complete the medical recordkeeping course offered by PACE; within one year and three attempts pass the Medical Jurisprudence Exam; within 60 days pay an administrative penalty of \$2,500; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Boatwright failed to meet the standard of care in his treatment of 15 chronic pain patients and nontherapeutically prescribed to several patients. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**VIOLATION OF BOARD RULES**

**Ramirez, Norman Michael, M.D., Lic. No. G1521, McAllen**

On October 14, 2022, the Board and Norman Michael Ramirez, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight

hours in risk management. The Board found Dr. Ramirez failed to adequately discuss with a patient and her family, and adequately document this discussion, the high risk dissection associated with a TAVR procedure for patients with Turner syndrome.

#### **OTHER STATES' ACTIONS**

##### **Akers-White, La Tania, M.D., Lic. No. S7988, Richmond, VA**

On October 14, 2022, the Board and La Tania Akers-White, M.D., entered into a Waiver Order requiring her to within one year complete at least 10 hours of CME in ethics/risk management; within 90 days pay an administrative penalty of \$5,000; and comply with all terms of the Order entered by the Virginia Board of Medicine on or around September 8, 2021. The Board found Dr. Akers-White was disciplined by the Virginia Board for dispensing controlled substances with an expired license; dispensing controlled substances without documenting medical services; failed to create, maintain, and adequately protect drug logs, medical equipment, and medications as well as dispose of expired medications, medical supplies, and medical equipment; fraudulently obtained Vitamin B12 by writing a false prescription for a patient; and provided false credentials on social media platforms.

##### **Doss, William, III, M.D., Lic. No. J4780, Portsmouth, VA**

On October 14, 2022, the Board and William Doss, III, M.D., entered into a Waiver Order publicly reprimanding Dr. Doss and requiring him to within one year complete at least 15 hours of CME in pain management; and comply with all terms of the agreement entered on or around July 8, 2022, with the Virginia Board of Medicine. The Board found that Dr. Doss had a disciplinary action entered with the Virginia Board based on improper prescribing of controlled substances to patients under Virginia law.

##### **Fatteh, Parvez, M.D., Lic. No. M0069, San Francisco, CA**

On October 14, 2022, the Board and Parvez Fatteh, M.D., entered into a Waiver Order requiring him to comply with all terms of the agreement entered on or around March 26, 2021 with the Medical Board of California. The Board found that Dr. Fatteh was disciplined by the California Board based on a criminal conviction involving Dr. Fatteh receiving a payment to buy accounts receivable which, in effect was a rebate for referring a patient to a pharmacy.

##### **Goffi, Adriano, M.D., Lic. No. Q5412, Tomball**

On October 14, 2022, the Board and Adriano Goffi, M.D., entered into a Waiver Order prohibiting him from supervising or delegating prescriptive authority to a physician assistant or advanced practice nurse or supervising a surgical assistant in Texas; and requiring him to comply with all terms of the agreement entered on or around March 15, 2022 with Utah's Division of Occupational & Professional Licensing of the Department of Commerce. The Board found that Dr. Goffi was disciplined by the Utah licensing department based on a failure to adequately supervise his Advanced Practice Registered Nurses at his clinics in Utah by allowing them to perform medical procedures without the supervision of a physician.

##### **Maiteh, Mamon, M.D., Lic. No. T1145, Irving**

On October 14, 2022, the Board and Mamon Maiteh, M.D., entered into a Waiver Order prohibiting him from diagnosing, treating, or prescribing for patients in Texas or using his Texas license to practice medicine in any jurisdiction until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found that Dr. Maiteh agreed to the permanent revocation of his license with the State Medical Board of Ohio on May 25, 2022, because of an illness.

##### **McMillion, Virgil, D.O., Lic. No. T2680, Denver, CO**

On October 14, 2022, the Board and Virgil McMillion, D.O., entered into a Waiver Order prohibiting him from diagnosing, treating, or prescribing for patients in Texas, or using his Texas license to practice medicine in any other jurisdiction, until he requests in writing to resume practice in Texas and personally appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found that Dr. McMillion voluntarily surrendered his license or his license was suspended in Maryland, Virginia, South Dakota, Idaho, New Hampshire, Kansas, Ohio, Illinois, Tennessee, Kentucky, Vermont and North Carolina based on unprofessional conduct in West Virginia.

## **CEASE & DESISTS**

### **Barboza, Luz Arlena, No License, Richland Hills**

On October 14, 2022, the Board and Luz Arlena Barboza entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in Texas without a license issued by the Texas Medical Board and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Barboza saw a 22-month-old patient and purported to diagnose and treat him for fever, low energy, and loss of appetite by prescribing homeopathic drops for West Nile Fever and Yellow Fever Virus. The patient later died of streptococcus pneumoniae meningitis.

### **Flanary, Carolyn, D.D.S., No License, San Antonio**

On October 14, 2022, the Board and Carolyn Flanary, D.D.S., entered into an Agreed Cease and Desist Order prohibiting Ms. Flanary from practicing medicine in the state of Texas and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Flanary, who is a licensed dentist, advertised, and she and her staff performed, Hyperbaric Oxygen Therapy without a licensed medical professional or without consulting a prescribing physician for treatment, and beyond the scope of FDA approval.

### **Hubbard, Jeffrey B., M.D., No License, Missouri City**

On October 14, 2022, the Board and Jeffrey B. Hubbard, M.D., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Dr. Hubbard advertised a clinic offering medical services, and engaged in the unlicensed practice of medicine by diagnosing and assessing medical conditions of patients, offering to treat such conditions, and by treating patients in Texas without first having applied for and obtaining a Texas medical license.

### **Lauria, Caulen, No License, Austin**

On October 14, 2022, the Board and Caulen Lauria entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas and from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Lauria provided medical care through Hyberbaric Oxygen Therapy without a licensed medical professional or without consulting a prescribing physician for treatment and beyond the scope of FDA approval.

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**Texas Medical Board Press Release**

**FOR IMMEDIATE RELEASE**

November 18, 2022

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

**Texas State Board of Acupuncture Examiners suspends Austin acupuncturist**

On November 15, 2022, a disciplinary panel of the Texas State Board of Acupuncture Examiners temporarily suspended, with notice, the Texas acupuncturist license of Simel Eric Osborne Jenkins-Bey, L.Ac. (Lic. No. AC00873), after determining his continuation in the practice of acupuncture poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that on June 17, 2021, Mr. Jenkins-Bey was arrested by the Austin Police Department for a misdemeanor offense of indecent assault which involved a patient.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 7, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Houston physician**

On December 6, 2022, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Avinash Narine, M.D., (Lic. No. R8063) after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Narine is prohibited from prescribing, administering or dispensing Schedule II controlled substances in Texas other than a prescription written to him by a licensed provider for personal use. Dr. Narine shall not use his Texas license in any jurisdiction to diagnose, treat, or prescribe controlled substances to patients in Texas for chronic or post-surgical, post-procedure, persistent non-chronic pain as defined in Board rules, or engage in the practice of pain management. Dr. Narine may prescribe dangerous drugs and controlled substances for the treatment of acute pain to a patient in Texas on a one-time basis only, for no more than 72 hours, with no refills for any patient.

The Board panel found that Dr. Narine nontherapeutically prescribed controlled substances to 15 patients and violated the applicable standard of care and Board rules relating to the treatment of chronic pain.

The temporary restriction remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

December 21, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### TMB disciplines 22 physicians at December meeting

At its December 9, 2022 meeting, the Texas Medical Board disciplined 22 licensed physicians.

The disciplinary actions included: four orders related to unprofessional conduct, two orders related to quality of care, four voluntary surrenders/revocations, five revocations, one order related to nontherapeutic prescribing, two orders related to violation of board rules, one order related to other states' actions, two orders related to inadequate medical records and one order related to a Texas Physician Health Program violation. The Board also ratified two cease and desist orders.

The Board issued 302 physician licenses at the December meeting, bringing the total number of physician licenses issued in Fiscal Year 2023 to 1,698.

## DISCIPLINARY ACTIONS

### UNPROFESSIONAL CONDUCT

#### **Callejas, Andrei, M.D., Lic. No. BP10075825, Houston**

On December 9, 2022, the Board and Andrei Callejas, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Callejas was arrested for crimes where assault is an essential element, failed to disclose those crimes on his physician-in-training application for licensure to the Board, and failed to disclose those crimes to his residency program.

#### **Carbajal-Gonzalez, Luis, M.D., Lic. No. BP30081839, Lubbock**

On December 9, 2022, the Board and Luis Carbajal-Gonzalez, M.D., entered into a Consent Order requiring him to comply with all terms of the plea agreement entered on or around July 22, 2022 with the Lubbock County Court of Law No. 2. The Board found Dr. Carbajal-Gonzalez pled guilty to a Class A Misdemeanor.

#### **Henry, Grant Hardeman, M.D., Lic. No. M0430, Victoria**

On December 9, 2022, the Board and Grant Hardeman Henry, M.D., entered into an Agreed Order prohibiting Dr. Henry from seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine on female patients, including telemedicine; within 30 days obtain an independent medical evaluation from a board certified psychiatrist and follow all recommendations for care and treatment; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Henry had several sexual encounters with five female patients and admitted to being a danger to patients while under the influence of substances and during lapses of ethical and moral judgement.

#### **Wolbert, Michael, M.D., Lic. No. N5487, Midland**

On December 9, 2022, the Board and Michael Wolbert, M.D., entered into an Agreed Order requiring him to have a chaperone anytime he performs an examination on a female patient, either in person or utilizing telehealth/video-conferencing services; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Wolbert committed unprofessional conduct by exchanging flirtatious texts with an adult female patient.

## QUALITY OF CARE

**Hadzic, Daniel B., M.D., Lic. No. M5204, Levelland**

On December 9, 2022, the Board and Daniel B. Hadzic, M.D., entered into an Agreed Order requiring him to within three months schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; and within one year complete at least 20 hours of CME, divided as follows: 16 hours in emergency medicine and four hours in risk management. The Board found Dr. Hadzic failed to meet the standard of care for one patient by misdiagnosing the patient with sciatica.

**Sadeghi, Payman, M.D., Lic. No. M2065, Houston**

On December 9, 2022, the Board and Payman Sadeghi, M.D., entered into an Agreed Order on Formal Filing under the following terms: shall not perform prolotherapy injections in and around patients' facet joints unless or until he has ordered and reviewed appropriate imaging studies to identify the locations of injection sites and has documented in the medical records; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in alternative/complementary medicine; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Sadeghi failed to order imaging studies prior to injecting substances (e.g., platelet rich plasma, stem cells, and dextrose) into and adjacent to ten patients' spines, failed to properly document the basis for diagnostic tests that he ordered and failed to maintain adequate medical records. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**VOLUNTARY SURRENDER/REVOCAION**

**Del Rosario-Gonzalez, Nancy, M.D., Lic. No. G6799, Dallas**

On December 9, 2022, the Board and Nancy Del Rosario-Gonzalez, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Gonzalez agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Gonzalez was under investigation by the Board for nontherapeutic prescribing and standard of care violations. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Krusz, John Claude, M.D., Lic. No. G7076, Dallas**

On December 9, 2022, the Board and John Claude Krusz, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Krusz agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Krusz was under investigation for allegations of nontherapeutic prescribing and unprofessional conduct. Dr. Krusz desires to relinquish his license due to age, poor health and costs of investigation.

**Mercer, Lloyd Faust, Jr., M.D., Lic. No. G3610, Tyler**

On December 9, 2022, the Board and Lloyd Faust Mercer, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Mercer agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Mercer was under investigation by the Board for nontherapeutic prescribing and standard of care violations as well as unprofessional conduct and allegations related to impairment.

**Pierre, James Darian, M.D., Lic. No. L8474, Houston**

On December 9, 2022, the Board and James Darian Pierre, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender in which Dr. Pierre agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Pierre was found guilty of eight counts related to unlawful distribution of controlled substances.

**REVOCAION**

**Moroschan, Joseph Edward, M.D., Lic. No. N3908, St. Joseph, MI**

On December 9, 2022, the Board entered a Default Order regarding Joseph Edward Moroschan, M.D., which revoked his Texas medical license. On July 18, 2022, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Moroschan failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Moroschan. The Board granted a Determination of Default and Dr. Moroschan's license

was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Moroschan has 25 days from the service of the order to file a motion for rehearing.

**Morrow, Joe Wayne, D.O., Lic. No. H4566, The Woodlands**

On December 9, 2022, the Board entered a Default Order regarding Joe Wayne Morrow, D.O., which revoked his Texas medical license. On August 11, 2022, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Morrow failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Morrow. The Board granted a Determination of Default and Dr. Morrow's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Morrow has 25 days from the service of the order to file a motion for rehearing.

**Regan, Michael Paul, M.D., Lic. No. H7814, Austin**

On December 9, 2022, the Board entered a Default Order regarding Michael Paul Regan, M.D., which revoked his Texas medical license. On August 18, 2022, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Regan failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Regan. The Board granted a Determination of Default and Dr. Regan's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Regan has 25 days from the service of the order to file a motion for rehearing.

**Roberts, Richard Martin, M.D., Lic. No. G2467, Corpus Christi**

On December 9, 2022, the Board entered a Default Order regarding Richard Martin Roberts, M.D., which revoked his Texas medical license. On August 31, 2021, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging failure to meet the standard of care and nontherapeutic prescribing. Dr. Roberts failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Roberts. The Board granted a Determination of Default and Dr. Roberts's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Roberts has 25 days from the service of the order to file a motion for rehearing.

**Thacker, Brett, M.D., Lic. No. G0195, Waxahachie**

On December 9, 2022, the Board entered a Default Order regarding Brett Thacker, M.D., which revoked his Texas medical license. On August 19, 2022, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Thacker failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Thacker. The Board granted a Determination of Default and Dr. Thacker's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Thacker has 25 days from the service of the order to file a motion for rehearing.

**NONTHERAPEUTIC PRESCRIBING**

**Shelton, Kevin James, M.D., Lic. No. N1893, Celina**

On December 9, 2022, the Board and Kevin James Shelton, M.D., entered into a Mediated Agreed Order requiring him to within seven days modify his DEA controlled substances registration certificate to eliminate Schedule IIs and shall not reregister without prior Board approval; within one year complete the prescribing course and medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: eight hours in drug-seeking behavior and four hours in consent; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Shelton violated the standard of care by continuing to prescribe controlled substances to patients with a history of opioid addiction, violated the standard of care in his prescribing to ten additional patients, violated Board rules by advertising hormone replacement therapy to healthy individuals to enhance their appearance as opposed to treating medical conditions and failed to maintain adequate medical records. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **VIOLATION OF BOARD RULES**

### **Gaddis, Todd Donovan, M.D., Lic. No. P3152, McKinney**

On December 9, 2022, the Board and Todd Donovan Gaddis, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in medical recordkeeping and four hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Gaddis self-prescribed blood pressure medications to himself and managed his wife's thyroid condition for many months. Dr. Gaddis did not have corresponding medical records for some of these medications.

### **Lee, Alexander Dong, M.D., Lic. No. J7047, Dallas**

On December 9, 2022, the Board and Alexander Dong Lee, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: 8 hours in risk management, 4 hours in medical recordkeeping and 8 hours in appropriate prescribing of controlled substances. The Board found Dr. Lee allowed a family member to use his DEA and NPI information to call in prescriptions for family members and Dr. Lee did not comply with Board rules regarding prescribing to family members.

## **OTHER STATES' ACTIONS**

### **Pinto, David V., M.D., Lic. No. R3582, New Braunfels**

On December 9, 2022, the Board and David V. Pinto, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Pinto entered into a Consent Order with the State of Illinois Department of Financial and Professional Regulation on February 20, 2022, in lieu of disciplinary action or further investigative proceedings, based on a malpractice settlement due to failure to diagnose and treat one patient for thrombotic thrombocytopenic which led to, or materially contributed to, her death.

## **INADEQUATE MEDICAL RECORDS**

### **Dang, Hung Thien, M.D., Lic. No. K5500, Arlington**

On December 9, 2022, the Board and Hung Thien Dang, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in patient-physician communication and eight hours in risk management. The Board found Dr. Dang failed to keep adequate medical records and appropriately communicate with the patient.

### **Gonzalez, Javier Gerardo, M.D., Lic. No. J4648, San Antonio**

On December 9, 2022, the Board and Javier Gerardo Gonzalez, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Gonzalez's medical record in the treatment of one patient failed to include a thorough evaluation and inquiry about the patient's alcohol use.

## **TXPHP VIOLATION**

### **Synek, Thomas Robert, M.D., Lic. No. N6054, Spring**

On December 9, 2022, the Board and Thomas Robert Synek, M.D., entered into an Agreed Order under the following terms for a period of 15 years: shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; within 30 days obtain a board certified treating psychiatrist and follow all recommendations for care and treatment; within 30 days obtain a board certified treating psychologist and follow all recommendations for care and treatment; participate in the activities of Alcoholics Anonymous no less than two times a week; and participate in Caduceus Meetings no less than one time a week. The Board found Dr. Synek was terminated from the Texas Physician Health Program for positive drug screens.

## **CEASE & DESISTS**

### **Baijal, Daniel John, No License, Boerne**

On December 9, 2022, the Board and Daniel John Baijal entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician, doctor of osteopathy, or osteopath in the state of Texas. The Board found Mr. Baijal advertises on his website claims to treat a range of medical disorders, that he has 20 years' experience as a Doctor of Osteopathy in Australia and claims to meet international requirements for practicing Osteopathic Manipulation Treatment (OMT) and is a member of the Australian Osteopathic Association. Mr. Baijal presented various documents but no documentation from any medical school located in the United States awarding him a Doctor of Osteopathy degree.

### **Lyden, Sandra Diane, M.D., No TX License, Pflugerville**

On December 9, 2022, the Board and Sandra Diane Lyden, M.D., entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in Texas without a license issued by the Texas Medical Board and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Dr. Lyden was practicing medicine in Texas without a Texas medical license by performing autopsies.

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*To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "Current Board Action."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

December 22, 2022

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB suspends Tyler physician**

On December 21, 2022, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Dana Michael Park, M.D., (Lic. No. E2776) after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Dr. Park is currently unable to safely practice medicine because of an illness, excessive use of drugs or other substances, or as a result of an impaired mental or physical condition.

The temporary suspension remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

April 25, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **TMB restricts Beaumont physician**

On April 23, 2019, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Garrett Keith Peel, M.D. (Lic. No. N3987), after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately.

Dr. Peel is prohibited from performing any surgical cases involving the breast, including, but not limited to lumpectomies, mastectomies, reconstruction, augmentation, and implantation.

The Board panel found, based on evidence provided, that Dr. Peel has established a pattern of patient care that deviates significantly from the applicable standard of care in his surgical practices.

The temporary restriction remains in place until the Board takes further action.

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## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

June 28, 2019

Media contact: Jarrett Schneider, 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

### **Texas Board of Medical Radiologic Technology suspends Lake Dallas MRT**

On June 28, 2019, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas medical radiologic technologist license of Zachary Colten Williams, MRT (Lic. No. GMR00102239), after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately.

The Board panel found that Mr. Williams violated the 2018 Order with the Board by testing positive for alcohol and missing screens on multiple occasions and failing to cooperate with the Board staff.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Williams, unless the hearing is specifically waived by Mr. Williams.

The temporary suspension remains in place until the Board takes further action.

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## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

June 29, 2018

Media contact: Jarrett Schneider, 512-305-7018

Customer service: 512-305-7030 or 800-248-4062

### **TMB disciplines 80 physicians at June meeting, adopts rules changes**

At its June 15, 2018 meeting, the Texas Medical Board disciplined 80 licensed physicians and issued one cease and desist order.

The disciplinary actions included: ten orders related to quality of care violations, eight orders related to unprofessional conduct, five revocations, fourteen voluntary surrenders/revocations, two suspensions, three orders related to nontherapeutic prescribing, five orders related to improper prescribing, three orders related to violation of Board rule, three orders related to peer review action, eight orders related to violation of prior Board order, ten orders related to other states' actions, five orders related to inadequate medical records, two orders related to impairment, and two orders related to Texas Physician Health Program violation.

The Board issued 308 physician licenses at the June meeting, bringing the total number of physician licenses issued in FY18 to 3,562.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 170. PAIN MANAGEMENT**

The adoption of new Subchapter B, **§§170.4 - 170.8**, concerning Utilization of Opioid Antagonists. With this new Subchapter B, comes the creation of Subchapter A, Pain Management, which will be the subchapter for existing §§170.1 - 170.3

New **§170.4**, concerning Purpose, describes the legislature's recognition of the importance of preventing opioid overdose death through the use of opioid antagonists. This section further describes the purposes of Subchapter B as establishing guidelines for the prescription of opioid antagonists, identifying individuals at risk of opioids, and clarifying liability issues for physicians who prescribe opioid antagonists with good faith and reasonable care.

New **§170.5**, concerning Definitions, sets the definitions for "Prescriber," "Opioid antagonist," and "Opioid-related drug overdose."

New **§170.6**, concerning Opioid Antagonist Prescription Guidelines, sets out the guidelines describing the individuals to whom opioid antagonists may be prescribed, as well as additional guidelines identifying individuals at risk of an opioid overdose.

New **§170.7**, concerning Liability for Act or Omission with Respect to Prescribing an Opioid Antagonist, makes clear prescribers acting in good faith and in accordance with the standard of care will not be subject to civil or criminal liability, or licensure disciplinary action for prescribing or failing to prescribe an opioid antagonist, or an outcome resulting from the eventual administration of a prescription of an opioid antagonist.

New **§170.8**, concerning Documentation, sets forth the requirement that prescribers prescribing opioid antagonists shall document the prescription in the medical record of the person at risk of an opioid overdose.

#### **CHAPTER 172. TEMPORARY AND LIMITED LICENSE**

The adoption of new **§172.19**, concerning Sports Team Physician Limited License, applies to out-of-state, non-Texas licensed physicians who are designated or employed as a physician for visiting athletes, athletic teams, sporting-event-related individuals participating in sporting events in Texas, and family members of such individuals. The new rule creates an exemption from Texas medical licensure requirements for visiting team physicians who are licensed to practice medicine in the team's home state and who limit care to the team's members, coaches, staff, and family members of such individuals during sporting events held in Texas that last no longer than 21 consecutive days. The new rule also requires a limited license for sporting events that last longer than 21 consecutive days. The rule is adopted in accordance with the Sunset Advisory Commission's management direction (Staff Report, Final Results, August 2017).

#### **CHAPTER 185. PHYSICIAN ASSISTANT**

The amendments to **§185.4**, concerning Procedural Rules for Licensure Applicants, eliminates the requirement for applicants to have good moral character and adds language requiring applicants to submit to a criminal background check. These changes are based on the passage of SB 1625 (85th Regular Session), which amended §204.153 and §204.1525 of the Physician Assistant Licensing Act. The amendment also eliminates obsolete language referring to "surgeon assistants."

The amendment to **§185.6**, concerning Annual Renewal of License, changes registration of physician assistants to biennial instead of annual. The change also adds language to require applicants to submit to a criminal background check and includes new language providing that the Board may refuse to renew a license if the licensee is not in compliance with a Board Order. These changes are based on the passage of SB 1625 (85th Regular Session), which amended §§204.1525, 204.156 and 204.158 of the Physician Assistant Licensing Act.

The amendment to **§185.8**, concerning Inactive License, changes the reference to "annual" registration to "biennial" registration. This change is based on the passage of SB 1625 (85th Regular Session), which amended §204.156 of the Physician Assistant Licensing Act.

The amendment to **§185.14**, concerning Physician Supervision, changes the reference to "annual" registration to "biennial" registration. This change is based on the passage of SB 1625 (85th Regular Session), which amended §204.156 of the Physician Assistant Licensing Act.

The amendment to **§185.17**, concerning Grounds for Denial of Licensure and for Disciplinary Action, adds language that provides the Board may refuse to renew a license if the licensee is not in compliance with a Board Order. This change is based on the passage of SB 1625 (85th Regular Session), which amended §204.158 of the Physician Assistant Licensing Act.

The amendment to **§185.31**, concerning Prescriptive Authority Agreements: Minimum Requirements, deletes language requiring face to face meetings as part of quality assurance and improvement plans. These changes are based on the passage of SB 1625 (85th Regular Session), which amended §157.0512 of the Medical Practice Act.

#### **CHAPTER 187. PROCEDURAL RULES**

The amendment to **§187.78**, concerning Written Response, removes the undefined term "informal meeting" and replaces it with "ISC," which is defined in §187.2 of this chapter (relating to Definitions).

#### **CHAPTER 190. DISCIPLINARY GUIDELINES**

The amendments to **§190.8(6)(B)**, concerning Violation Guidelines, amends the rule to clarify that the Board will consider a misdemeanor to be a misdemeanor of moral turpitude if that type of misdemeanor has been found by a Texas Court to be a misdemeanor of moral turpitude. The rule also eliminates the word "deliberate" from the phrase "deliberate violence."

The amendments to **§190.14**, concerning Disciplinary Sanction Guidelines, revises the chart to ensure that references to violations under Texas Occupation Code §164.053(a)(6) are referenced in the same section with violations under §164.053(a)(5).

## **CHAPTER 198. STANDARDS FOR USE OF INVESTIGATIONAL AGENTS**

The adoption of amendments to §§198.1 - 198.4 and new §198.5 and §198.6, concerning Standards for Use of Investigational Agents, amends Chapter 198 by dividing Chapter 198 into two separate subchapters, and adding Subchapter A, "Standards for Use of Investigational Drugs, Biological Products, or Devices" in an effort to distinguish the applicability of the provisions contained in Subchapter A and those provisions contained in new Subchapter B. Subchapter A contains amendments to §§198.1 - 198.4.

The amendment to §198.1, concerning Purpose, removes the word "agents" and replaces it with the terms "drugs, biological products, or devices" in order to align with statutory language contained in Health and Safety Code Chapter 489. It also includes new language to distinguish the applicability of Subchapter A and to differentiate Subchapter B.

The amendment to §198.2, concerning Definitions, removes the definition of "investigational agent" and defines the terms "drugs, biological products, or devices" and "terminal illness." These changes are consistent with the definitions and terms used in the Texas Health and Safety Code Chapter 489. The changes also include limiting language to clarify that such definitions are not applicable to Subchapter B.

The amendments to §198.3, concerning Practice Guidelines for the Use of Investigational Agents, removes the term "agent" throughout the section and includes the terms "drugs, biological products, or devices" in line with statutory language contained in Health and Safety Code, Chapter 489.

The amendments to §198.4, concerning Use of Investigational Agents for Patients with Terminal Illnesses, changes the title of this section by removing the term "agent" and replacing it with the terms "drugs, biological products, or devices" in order to correspond with statutory terms in Chapter 489 of the Texas Health and Safety Code. The remainder of this section is deleted, as it is contained in Chapter 489 of the Health and Safety Code.

New **Subchapter B, "Investigational Stem Cell Treatments for Patients With Certain Severe Chronic Diseases or Terminal Illnesses"** to distinguish the provisions contained therein with those provisions contained in Subchapter A. Subchapter B, contains new §198.5 and §198.6.

New §198.5, concerning Use of Investigational Stem Cell Treatments for Patients with Certain Severe Chronic Diseases or Terminal Illnesses, implements the requirements of House Bill 810, 85th Leg. R.S. (2017) which establishes the regulation of investigational stem cell treatments in Texas as set forth in Chapter 1003 of the Texas Health and Safety Code.

New §198.6, concerning Process and Procedures for IRBs Engaged in the Use of Investigational Stem Cell Treatments for Patients with Certain Severe Chronic Diseases or Terminal Illnesses, implements the requirements of House Bill 810, 85th Leg. R.S. (2017) which establishes the regulation of investigational stem cell treatments in Texas through statutory changes in Chapter 1003 of the Texas Health and Safety Code.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Alsop, George Yerby, Jr., M.D., Lic. No. N8366, North Richland Hills**

On June 15, 2018, the Board and George Yerby Alsop, Jr., M.D., entered into an Agreed Order requiring him to within 30 days contact the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program to schedule an assessment and complete any recommendations made; have his practice monitored by another physician for 12 consecutive monitoring cycles; within three months complete certification in Advanced Cardiovascular Life Support (ACLS); within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in EKG proficiency and eight hours in cardiac diagnostic testing; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Alsop failed to properly assess and treat a patient for acute coronary syndrome through the improper use of myocardial biomarkers.

#### **Dunn, David Todd, M.D., Lic. No. M0709, Crowley**

On June 15, 2018, the Board and David Todd Dunn, M.D., entered into an Agreed Order requiring him to have his practice monitored for eight consecutive monitoring cycles; and within six months complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Dunn continued to prescribe controlled substances that included opioids and benzodiazepines after the family of one patient reported that the patient had experienced a drug overdose.

**Faiz, Fayaz Ahmed, M.D., Lic. No. F3455, Houston**

On June 15, 2018, the Board and Fayaz Ahmed Faiz, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in managing high risk patients. The Board found Dr. Faiz did not order a sufficient number of electroencephalograms (EEG) to evaluate whether and to what extent a patient's seizures were under control pending transfer to a higher level of care.

**Hirsch, John Brian, M.D., Lic. No. Q4430, Lubbock**

On June 15, 2018, the Board and John Brian Hirsch, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in physician-patient communication; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Hirsch failed to follow up and communicate with a patient experiencing pain after a procedure and failed to provide reasonable notice before terminating the patient.

**Lyn, Ian Thomas, M.D., Lic. No. J8651, El Paso**

On June 15, 2018, the Board and Ian Thomas Lyn, M.D., entered into an Agreed Order requiring him to complete at least 20 hours of CME, divided as follows: eight hours in risk management, eight hours in medical recordkeeping and four hours in patient communication. The Board found Dr. Lyn failed to use proper diligence and failed to safeguard against potential complications in that he did not adequately document his communications with the surgical team and the patient's family regarding the patient's previous surgical complication and/or his medical justification for the use of Protamine during the instant surgery.

**Marks, Latoia M., M.D., Lic. No. P3648, Baytown**

On June 15, 2018, the Board and Latoia M. Marks, M.D., entered into an Agreed Order requiring her to within one year complete at least 16 hours of CME, divided as follows: four hours in risk management, four hours in medical recordkeeping and eight hours in high-risk pregnancies. The Board found Dr. Marks failed to meet the standard of care for one patient and failed to keep adequate medical records. Specifically, Dr. Marks failed to perform and/or document a history and physical other than a pelvic examination when the patient was admitted to the hospital and failed to perform and/or document an estimated fetal weight prior to ordering Pitocin to be administered on the high risk patient.

**Pacheco-Serrant, Helson, M.D., Lic. No. K6208, El Paso**

On June 15, 2018, the Board and Helson Pacheco-Serrant, M.D., entered into an Agreed Order requiring him to within 10 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; and have his practice monitored by another physician for eight consecutive monitoring cycles. The Board found Dr. Pacheco-Serrant violated the standard of care by failing to adequately evaluate a patient, failing to correctly diagnose the patient's condition and performing unnecessary spinal surgical procedures; and failing to maintain adequate medical records.

**Roland, Cynthia R., M.D., Lic. No. P1689, Baytown**

On June 15, 2018, the Board and Cynthia R. Roland, M.D., entered into an Agreed Order requiring her to within one year complete at least 16 hours of CME, divided as follows: four hours in risk management, four hours in medical recordkeeping and eight hours in high-risk pregnancies. The Board found Dr. Roland failed to meet the standard of care for one patient by delaying initial treatment for the patient's gestational diabetes, failing to evaluate the patient's glucosuria encountered during multiple prenatal visits, and by failing to adequately assess and document the patient's fetal growth.

**Shiwach, Rajinder S., M.D., Lic. No. K2288, DeSoto**

On June 15, 2018, the Board and Rajinder S. Shiwach, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within 180 days complete the physician prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in supervision and delegation and eight hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Shiwach and his midlevels routinely failed to adequately document evaluations of out-patients, the medical rationale underlying treatment plans, therapeutic goals, and his monitoring of the patients for the therapeutic effects or risks of the treatments prescribed. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Williams, David Russell, M.D., Lic. No. L0699, Austin**

On June 15, 2018, the Board and David Russell Williams, M.D., entered into a Mediated Agreed Order that requires him to within one year complete at least eight hours of CME in anesthesia management of pediatric patients. The Board found a patient suffered a complication during a dental procedure that was first noticed and reported to Dr. Williams by the treating dentist. Dr. Williams was not sufficiently close to the patient at the moment the complication was first noticed to allow him an opportunity to potentially identify the complication as soon as it occurred. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**UNPROFESSIONAL CONDUCT**

**Cantu, Robert Edward, M.D., Lic. No. H4211, Austin**

On June 15, 2018, the Board and Robert Edward Cantu, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow any and all recommendations for care and treatment; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Cantu reinitiated the physician-patient relationship by visiting a former patient in her home while she was engaged in apparent alcohol relapse behavior. This visit constituted unprofessional conduct, as it is inappropriate to become personally involved with a patient. Dr. Cantu's behavior and actions were not consistent with the appropriate assessment and evaluation of a patient in alcohol relapse.

**Horton, Kenneth Craig, M.D., Lic. No. K7768, Plainview**

On June 15, 2018, the Board and Kenneth Craig Horton, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Horton defaulted on a student loan guaranteed by Texas Guaranteed Student Loan Corporation.

**Klein, Michael Philip, M.D., Lic. No. H7022, Cuero**

On June 15, 2018, the Board and Michael Philip Klein, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: eight hours in risk management, eight hours in ethics and four hours in appropriate prescribing of controlled substances. The Board found Dr. Klein worked in an urgent care clinic for twenty years and, in that capacity, did not control which patients he treated. During that time, Dr. Klein treated three patients with whom he had romantic relationships with outside the office. Dr. Klein prescribed controlled substances to these patients in absence of immediate need.

**Legall, Michelle Evette, M.D., Lic. No. M6723, Humble**

On June 15, 2018, the Board and Michelle Evette Legall, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Legall and requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in ethics; and within 90 days pay an administrative penalty of \$1,500. The Board found Dr. Legall failed to cooperate with Board staff and comply with a Board subpoena or multiple requests for information. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Neeley, Jesse Wade, D.O., Lic. No. N3935, San Antonio**

On June 15, 2018, the Board and Jesse Wade Neeley, D.O., entered into an Agreed Order requiring him to comply with all terms of his deferred adjudication ordered in Bexar County, Texas on August 29, 2017; within one year complete at least 12 hours of CME, divided as follows: four hours in ethics and eight hours in anger management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Neeley did not report his arrest for assault bodily injury-married in his license renewal with the Board. Dr. Neeley's assault charge was reduced from a felony to a misdemeanor after his completion of anger management and fine that was required by the deferred adjudication program.

**Newsome, Reginald, M.D., Lic. No. M8869, Keller**

On June 15, 2018, the Board and Reginald Newsome, M.D., entered into an Agreed Order requiring him to have a chaperone present anytime he performs a physical examination on a female patient; and within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Newsome was arrested for indecent exposure, a misdemeanor offense. Dr. Newsome has not seen a psychiatrist and there has been no criminal conviction in this matter.

**Schneider, Mark William, M.D., Lic. No. F4491, Poolville**

On June 15, 2018, the Board and Mark William Schneider, M.D., entered into an Agreed Order publicly reprimanding Dr. Schneider and requiring him to have a chaperone present anytime he performs a physical examination on a female patient; within one year complete the professional boundaries course offered by Vanderbilt University or the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in ethics; and within 30 days undergo an independent medical evaluation by a Board-approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Schneider engaged in an inappropriate relationship with a patient who he was treating for chronic pain and failed to meet the applicable standard of care in his treatment of the patient by allowing the patient to repeatedly violate the pain management contract.

**Sozer, Sadri Ozan, M.D., Lic. No. J8782, El Paso**

On June 15, 2018, the Board and Sadri Ozan Sozer, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management. The Board found Dr. Sozer lacked diligence in allowing the dissemination of false, misleading, or deceptive advertising on the website of his clinic, through the website of the International Society of Aesthetic Plastic Surgery and through a press release related to Dr. Sozer's unapproved surgical fellowship program.

**REVOCACTION**

**Charles, Ronald Alan, M.D., Lic. No. J0811, Houston**

On June 15, 2018, the Board entered a Default Order regarding Ronald Alan Charles, M.D., which revoked his Texas medical license. On August 17, 2016, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging failure to supervise midlevels and nontherapeutic prescribing. Dr. Charles replaced his counsel of record and filed a motion to continue the SOAH hearing. Dr. Charles was served notice of the re-set hearing at SOAH. Dr. Charles failed to appear at the SOAH hearing and no responsive pleading was filed by Dr. Charles. On February 12, 2018, the court issued Order No. 8, Conditional Order of Default Dismissal and Remand. The Board granted a Determination of Default and Dr. Charles' license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Charles has 25 days from the service of the order to file a motion for rehearing.

**Friday, Albert Delloyd, Jr., M.D., Lic. No. E6029, Trenton**

On June 15, 2018, the Board entered a Default Order regarding Albert Delloyd Friday, Jr., M.D., which revoked his Texas medical license. On January 17, 2018, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Friday was served notice of the Complaint and subsequent hearing at SOAH. Dr. Friday failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Friday. The Board granted a Determination of Default and Dr. Friday's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Friday has 25 days from the service of the order to file a motion for rehearing.

**Kahn, Ronald F., M.D., Lic. No. L5000, Bryan**

On June 15, 2018, the Board entered a Final Order against Ronald F. Kahn, M.D., revoking his Texas medical license. The Board found Dr. Kahn was sentenced to 60 months in federal prison following felony convictions related to health care fraud. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Kahn has 25 days from the service of the order to file a motion for rehearing.

**Kibert, Leonard George, M.D., Lic. No. J2639, Houston**

On June 15, 2018, the Board entered a Final Order against Leonard George Kibert, M.D., revoking his Texas medical license. The Board found Dr. Kibert was sentenced to 63 months in prison following felony convictions related to health care fraud. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Kibert has 25 days from the service of the order to file a motion for rehearing.

**Leonard, Philip J., M.D., Lic. No. E8662, Austin**

On June 15, 2018, the Board entered a Final Order against Philip J. Leonard, M.D., revoking his Texas medical license. The Board found Dr. Leonard nontherapeutically prescribed controlled substances and failed to meet the standard of care for the treatment of chronic pain with respect to one patient and engaged in sexually inappropriate behavior by inappropriately touching the patient during at least one office visit. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Leonard has 25 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAION**

**Clayton, Victoria Louise, M.D., Lic. No. F1454, Tomball**

On June 15, 2018, the Board and Victoria Louise Clayton, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Clayton agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Clayton acknowledged suffering from an illness which currently prohibits her ability to practice medicine with reasonable skill and safety to patients.

**Concors, Eric Mark, D.O., Lic. No. D9766, Paris**

On June 15, 2018, the Board and Eric Mark Concors, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Concors agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Concors was under investigation for allegations that he prescribed psychiatric dangerous drugs and/or controlled substances to a close family member, for several years, beyond immediate need.

**Fischer, Charles Henry, M.D., Lic. No. G6438, Austin**

On June 15, 2018, the Board and Charles Henry Fischer, M.D., entered into an Agreed Order of Voluntary Surrender on Formal Filing in which Dr. Fischer agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Fischer is currently incarcerated at the Holliday Unit with the Texas Department of Criminal Justice following his conviction for criminal charges of sexual assault of a child, second degree felony; and for indecency with a child, third degree felony. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Ingram, Jack Austin, M.D., Permit No. BP10055948, Fort Worth**

On June 15, 2018, the Board and Jack Austin Ingram, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Ingram agreed to voluntarily surrender his Texas Physician in Training Permit in lieu of further disciplinary proceedings. Dr. Ingram was under investigation by the Board for allegations of impairment and unprofessional conduct.

**Johnson, James D., M.D., Lic. No. E1206, Fort Worth**

On June 15, 2018, the Board and James D. Johnson, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Johnson agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr.



Johnson was under investigation for allegations of inappropriate behavior with a patient connected to his medical practice.

**Kuhne, Robert Christopher, M.D., Lic. No. H2519, Frisco**

On June 15, 2018, the Board and Robert Christopher Kuhne, M.D., entered into an Agreed Order of Voluntary Surrender on Formal Filing in which Dr. Kuhne agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Kuhne had been the subject of a Board investigation alleging violations of the standard of care with respect to one patient. Dr. Kuhne retired from the practice of medicine in March 2018 as a result of a medical condition. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Lankford, Daniel Burgess, M.D., Lic. No. N2617, Galveston**

On June 15, 2018, the Board and Daniel Burgess Lankford, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Lankford agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Lankford acknowledged suffering from an illness which currently prohibits his ability to practice medicine with reasonable skill and safety to patients.

**Leach, Charles Raymond, M.D., Lic. No. F4922, Arlington**

On June 15, 2018, the Board and Charles Raymond Leach, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Leach agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Leach was under investigation for failing to maintain a patient's medical records and failing to provide notice of his termination of the patient's care.

**Okose, Peter Chukwuemeka, M.D., Lic. No. J2714, Spring**

On June 15, 2018, the Board and Peter Chukwuemeka Okose, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Okose agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Okose was under investigation by the Board for alleged violations related to his guilty plea to one count of conspiracy to distribute and dispense, outside the course of professional practice and not for a legitimate medical purpose, various amounts of a mixture and substance known as hydrocodone and hydrocodone products, and various other drugs and substances.

**Rogers, Jerry Eugene, M.D., Lic. No. E2334, McKinney**

On June 15, 2018, the Board and Jerry Eugene Rogers, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Rogers agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Rogers was under investigation by the Board for allegations of failure to meet the standard of care in diagnosing prostate cancer for one patient.

**Svensson, Travis Knight, M.D., Lic. No. Q2211, Houston**

On June 15, 2018, the Board and Travis Knight Svensson, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Svensson agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Svensson was under investigation by the Board after his California medical license was revoked and probated for five years based on charges of gross negligence, prescribing without examination or evaluation, failure to maintain adequate medical records, and abetting the unlicensed practice of medicine.

**Teamer, Jelani Arnes, M.D., Lic. No. Q0707, Humble**

On June 15, 2018, the Board and Jelani Arnes Teamer, M.D., entered an Agreed Order of Voluntary Surrender in which Dr. Teamer agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Teamer was under investigation for allegations of nontherapeutic prescribing. Dr. Teamer signed a plea agreement with the U.S. Department of Justice in which he agrees to plead guilty to a charge of obtaining a controlled substance by fraud.

**Webb, Amy Lynn, M.D., Lic. No. L4164, San Antonio**

On June 15, 2018, the Board and Amy Lynn Webb, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Webb agreed to the voluntary revocation of her Texas medical license in lieu of further disciplinary proceedings. Dr. Webb was under investigation for alleged physical impairment.

**Wonnacott, James Brian, M.D., Lic. No. F1313, Houston**

On June 15, 2018, the Board and James Brian Wonnacott, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender in which Dr. Wonnacott agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Wonnacott's license was temporarily suspended on May 11, 2018 after a Board panel found he was operating an unregistered pain management clinic.

**SUSPENSION**

**Hooper, Lisa Diane, M.D., Lic. No. J9511, Plano**

On June 15, 2018, the Board and Lisa Diane Hooper, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Hooper's license is suspended until she requests in writing to have the suspension stayed or lifted and personally appears before the Board to provide clear evidence that she is physically, mentally, and otherwise competent to safely practice medicine which shall include, at a minimum, objective evidence of at least six months of sustained sobriety. Dr. Hooper shall not be permitted to supervise or delegate prescriptive authority to a physician or advanced practice nurse or supervise a surgical assistant. Dr. Hooper's license had been temporarily suspended for impairment related to drug and/or alcohol abuse, which resulted in her being intoxicated while on duty at a hospital. The order shall remain in effect until superseded by an order of the Board.

**Rodriguez, Stephen Sebastian, M.D., Lic. No. K3434, Dallas**

On June 15, 2018, the Board and Stephen Sebastian Rodriguez, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Rodriguez agreed to voluntarily suspend his Texas medical license in lieu of further disciplinary proceedings. Dr. Rodriguez' license was temporarily suspended on March 9, 2018, after a Board panel determined that he suffers from an impairment.

**NONTHERAPEUTIC PRESCRIBING**

**D'Agastino, Carl Joseph, M.D., Lic. No. J7460, Midland**

On June 15, 2018, the Board and Carl Joseph D'Agastino, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at custom program in the topic of pain management offered by the PACE program; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year pay an administrative penalty of \$5,000. The Board found Dr. D'Agastino violated the standard of care with respect to several patients he treated with controlled substances for chronic pain, and failed to adequately document findings of patient monitoring techniques.

**Spurlock, William Marcus, M.D., Lic. No. J7209, Dallas**

On June 15, 2018, the Board and William Marcus Spurlock, M.D., entered into a Mediated Agreed Order requiring him to within 60 days modify his DEA controlled substances registration certificate to eliminate Schedule II and shall be prohibited from specifically prescribing Benzodiazepines and Soma; Dr. Spurlock shall not reregister controlled substances certificates for Schedule II without written authorization from the Board; shall have his practice monitored by another physician for 12 consecutive monitoring cycles; and within one year complete at least 24 hours of CME, divided as follows: eight hours in risk management, eight hours in medical recordkeeping and eight hours in controlled substances. The Board found Dr. Spurlock failed to meet the standard of care and prescribed medications in a nontherapeutic manner for one patient. Dr. Spurlock's medical records were inadequate to support the treatments rendered and medications prescribed to comply with Rule 200 and he also self-prescribed a controlled substance for longer than 72-hours. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Surapaneni, Veena, M.D., Lic. No. K6938, Cedar Park**

On June 15, 2018, the Board and Veena Surapaneni, M.D., entered into an Agreed Order publicly reprimanding Dr. Surapaneni and requiring her to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and complete any recommendations made within a year; within seven days surrender her DEA controlled substances registration certificates with the exception of Schedule 2N controlled substances and shall not reregister without prior Board approval; and shall not petition for authorization to reapply for her controlled substances certificates without completing the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Surapaneni failed to meet the standard of care in her treatment of multiple patients for chronic pain by nontherapeutically prescribing large amounts of narcotics and muscle relaxants for long periods of time without adhering to the Board's guidelines for the treatment of chronic pain.

#### **IMPROPER PRESCRIBING**

##### **Biddix, Jerry Wayne, M.D., Lic. No. E3855, Winters**

On June 15, 2018, the Board and Jerry Wayne Biddix, M.D., entered into an Agreed Order prohibiting Dr. Biddix from prescribing to or otherwise serving as a physician for his immediate family, himself, and close acquaintances to include his medical staff; requiring him to within one year and three attempts pass the Special Purpose Exam (SPEX); have his practice monitored by another physician for 12 consecutive monitoring cycles; and within one year complete at least 14 hours of CME, divided as follows: four hours in risk management, four hours in prescribing controlled substances and six hours in medical recordkeeping. The Board found Dr. Biddix prescribed controlled substances to his office staff over a period of six months which included many instances where Dr. Biddix failed to provide adequate clinical exam documents justifying his prescribing. Dr. Biddix also permitted a member of his office staff to order prescriptions on his behalf using an e-prescribing system but did not take steps to ensure that the employee would be unable to issue prescriptions for controlled substances without his authority or monitor the number of controlled substances issued under his name per month.

##### **Hamlin, Denise Renee, M.D., Lic. No. M6172, San Antonio**

On June 15, 2018, the Board and Denise Renee Hamlin, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 21 hours of CME, divided as follows: six hours in maintaining proper boundaries, six hours in supervising and delegating to midlevel providers, six hours in medical recordkeeping and three hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Hamlin prescribed non-opioid controlled substance medications to herself and her family member in absence of immediate need and without maintaining adequate medical records.

##### **Hysa, Viola Qafalijaj, M.D., Lic. No. P8679, Houston**

On June 15, 2018, the Board and Viola Qafalijaj Hysa, M.D., entered into an Agreed Order requiring her to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in inappropriate prescribing of controlled substances; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Hysa admitted to prescribing controlled substances beyond the 72-hour period of immediate need to close family members.

##### **Johnson, Jeffrey Dale, M.D., Lic. No. J8607, Corpus Christi**

On June 15, 2018, the Board and Jeffrey Dale Johnson, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in appropriate prescribing of controlled substances. The Board found Dr. Johnson inappropriately self-prescribed controlled substances in amounts beyond the allowable 72-hour period of immediate need and failed to maintain medical records for this self-treatment.

##### **Vazquez, Gerardo, M.D., Lic. No. G6036, San Antonio**

On June 15, 2018, the Board and Gerardo Vazquez, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in appropriate prescribing, four hours in risk management and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$2,000. The

Board found Dr. Vazquez prescribed dangerous drugs and controlled substances to someone with whom he had a close personal relationship and failed to keep adequate medical records related to this prescribing.

#### **VIOLATION OF BOARD RULE**

##### **Edwards, Ted Leroy, M.D., Lic. No. C8269, West Lake Hills**

On June 15, 2018, the Board and Ted Leroy Edwards, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days provide a copy of any and all consent forms utilized in his practice to the Board for review and approval; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of in-person CME, divided as follows: 8 hours in risk management and 8 hours in medical recordkeeping. The Board found Dr. Edwards failed to adequately maintain records for the provision of complementary and alternative medicine during the treatment of one patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Gemas, Terry Keith, M.D., Lic. No. L2276, Dallas**

On June 15, 2018, the Board and Terry Keith Gemas, M.D., entered into an Agreed Order requiring him to complete at least 16 hours of CME, divided as follows: eight hours in billing and eight hours in medical ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Gemas ordered unnecessary pre-operative DNA testing for one patient and admitted to pre-signing a lab order form for the test and allowing an employee of the testing company to fill in three diagnoses codes, none of which were correct.

##### **Spangler, Gary Wayne, Jr., M.D., Lic. No. L4728, Texas City**

On June 15, 2018, the Board and Gary Wayne Spangler, Jr., M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Spangler pre-signed triplicate prescriptions for controlled substances for use at sites serving medically underserved populations. Dr. Spangler was unaware of a statutory change in 2013, which now prohibits this practice.

#### **PEER REVIEW ACTION**

##### **Akhtar, Adeeba, M.D., Lic. No. M0999, Houston**

On June 15, 2018, the Board and Adeeba Akhtar, M.D., entered into an Agreed Order on Formal Filing requiring her to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management (Physician Coaching). The Board found Dr. Akhtar was denied reappointment of her clinical privileges by Memorial Hermann Memorial City Medical Center based on a history and uncorrected pattern of disruptive and inappropriate behavior. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **De Sola, Sylvia, M.D., Lic. No. BP10047219, Hewitt**

On June 15, 2018, the Board and Sylvia De Sola, M.D., entered into an Agreed Order publicly reprimanding Dr. De Sola. The Board found that on June 14, 2016, Dr. De Sola was terminated from her residency program for unprofessional conduct due to falsifying a United States Medical Licensing Exam report. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Nasser, George Alan, M.D., Lic. No. J7601, The Woodlands**

On June 15, 2018, the Board and George Alan Nasser, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in anger management, four hours in physician-patient communication and four hours in professional conduct and/or professionalism. The Board found Dr. Nasser was subject of peer review discipline based on a pattern of disruptive and unprofessional behavior.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Anderson, Timothy W., M.D., Lic. No. F5819, Houston**

On June 15, 2018, the Board and Timothy W. Anderson, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation from a Board-approved psychiatrist and follow all recommendations for care and treatment; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Anderson violated his 2017 Agreed Order by failing to give a copy of the order to all health care entities where he was privileged or practicing and provide proof of delivery within 30 days to his compliance officer. Dr. Anderson also failed to cooperate with Board staff.

**Durairaj, Vikram, M.D., Lic. No. Q4391, San Antonio**

On June 15, 2018, the Board and Vikram Durairaj, M.D., entered into a Modification Order modifying his 2016 Order, as modified by the 2017 Order. The modification requires him to tender his work schedule to the Board's Compliance Department three weeks prior to that work schedule beginning. On days he works, Dr. Durairaj shall test via Soberlink one hour before his work shift begins and one hour after his work shift ends. Days on which is he not working he shall be subject to random testing according to standard protocols. The Board found Dr. Durairaj violated terms of his 2016 Order, as modified by the 2017 Order, by failing to comply with the Board's drug testing program as required. All other terms of the 2016 order, as modified, remain in effect.

**Ferguson, Donald W., II, M.D., Lic. No. L6039, Arlington**

On June 15, 2018, the Board and Donald W. Ferguson, II, M.D., entered into an Agreed Order on Formal Filing under the following terms: temporarily restricting his license to the practice of Administrative Medicine for six months; until the restriction is lifted he shall not engage in the clinical practice of medicine or in any capacity that involves direct or indirect patient contact; shall not possess, prescribe or administer controlled substances until appearing before a panel of the Board; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and shall participate in the activities of Alcoholics Anonymous no less than two times per week. The Board found Dr. Ferguson violated his 2015 order by testing positive for alcohol. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Hernandez, Arthur, M.D., Lic. No. G1674, San Antonio**

On June 15, 2018, the Board and Arthur Hernandez, M.D., entered into an Agreed Order publicly reprimanding him and requiring him to within one year complete the Texas-specific CME prescribing course recommended by the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; and within 90 days pay an administrative penalty of \$1,000. The Board found Dr. Hernandez violated his 2016 Order by failing to comply with the KSTAR requirement that he complete a Texas-specific CME course.

**Nelson, Garrett Steven, M.D., Lic. No. M0195, Dallas**

On June 15, 2018, the Board and Garrett Steven Nelson, M.D., entered into an Agreed Order requiring him to within three months complete the eight hours of in-person CME as required by his 2016 Remedial Plan; and within 30 days pay the second-year \$500 fee as required by the 2016 Remedial Plan; and within 30 days pay an administrative penalty of \$1,500. The Board found Dr. Nelson violated his 2016 Remedial Plan when he failed to complete his in-person CME in a timely manner, failed to pay the yearly fee for the second year of his Remedial Plan, and failed to cooperate with Board staff's request for information.

**Ribelles, Elisa, M.D., Lic. No. F7093, Houston**

On June 15, 2018, the Board and Elisa Ribelles, M.D., entered into a Modification Order, modifying her 2012 Order, as previously modified by the 2015 Order. The modification prohibits Dr. Ribelles from possessing, administering, dispensing or prescribing any controlled substance in Texas other than those written to her by a licensed provider for personal use; and she shall not treat or otherwise serve as a physician for her immediate family and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to herself, or her immediate family. The Board found Dr. Ribelles violated her previous order by prescribing medication to family members on seven separate occasions without preapproval of the medical practice setting and prescribed controlled substances to a family member for greater than a 72-hour period. All other terms of the 2012 Order, as modified, shall remain in full effect until superseded by an order of the Board.

**Sokhon, Kozhaya Chehade, M.D., Lic. No. M9668, Houston**

On June 15, 2018, the Board and Kozhaya Chehade Sokhon, M.D., entered into an Agreed Order Modifying Prior Order, modifying his 2014 Order. The modification increases the number of chart monitoring cycles to 12; requires Dr. Sokhon to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 8 hours of CME in medical recordkeeping. The Board found Dr. Sokhon failed to implement all recommendations made by the physician monitor, failed to comply with the monitor's suggestions related to his practice as required by the 2014 Order, and provided incorrect information to the Board regarding disciplinary action by a peer review committee. All other terms of the 2014 Order as modified remain in effect.

**Stenger, Earl Martin, M.D., Lic. No. D7315, San Antonio**

On June 15, 2018, the Board and Earl Martin Stenger, M.D., entered into a Mediated Agreed Order requiring him to limit his medical practice to a group or institutional setting approved in advance by the Board; have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 50 hours of CME in topics related to psychiatry. The Board found Dr. Stenger was in violation of his 2013 and 2015 Orders which included a recommendation by KSTAR to complete a mini-residency in psychiatry as part of a retraining after an evaluation. No such program exists, and an acceptable alternative program has not been located. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**OTHER STATES' ACTIONS**

**Brennan, Rachel Michelle, D.O., Lic. No. P3511, Hermiston, OR**

On June 15, 2018, the Board and Rachel Michelle Brennan, D.O., entered into an Agreed Order requiring her to comply with all terms of her Oregon Medical Board Order (OMB) and prohibiting her from practicing in Texas until requesting permission in writing and personally appearing before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine, which shall include at a minimum full compliance with the OMB order. The Board found Dr. Brennan was disciplined by the OMB in a Stipulated Order entered on October 5, 2017 that alleged unprofessional or dishonorable conduct, and gross or repeated acts of negligence, as a result of failing to complete timely and focused patient chart entries.

**Cardosi, Beth Louise, M.D., Lic. No. K2866, Myrtle Beach, SC**

On June 15, 2018, the Board and Beth Louise Cardosi, M.D., entered into an Agreed Order prohibiting her from practicing in Texas until she requests in writing and appears before the Board to present evidence that she is physically, mentally, and otherwise competent to safely practice medicine, which shall include information regarding the status of her South Carolina license. The Board found Dr. Cardosi's license was temporarily suspended by the South Carolina Medical Board following her arrest and indictment for inappropriately prescribing controlled substances in Horry County, South Carolina.

**Jyothinagaram, Srikanth T., M.D., Lic. No. Q2456, Mesquite**

On June 15, 2018, the Board and Srikanth T. Jyothinagaram, M.D., entered into an Agreed Order requiring him to, within one year, complete at least four hours of CME in risk management and/or ethics. The Board found Dr. Jyothinagaram was disciplined by the Michigan Department of Licensing and Regulatory Affairs Bureau of Professional Licensing for failure to meet CME requirements.

**Kelley, Patrick F., D.O., Lic. No. K5127, Andalusia, AL**

On June 15, 2018, the Board and Patrick F. Kelley, D.O., entered into an Agreed Order publicly reprimanding Dr. Kelley and requiring him to comply with all terms of the Alabama State Board of Medical Examiners (ASBME) Consent Order. The Board found Dr. Kelley was disciplined by the ASBME for failure to complete sufficient CME for licensure on May 24, 2017.

**Kulubya, Edwin S., M.D., Lic. No. L1100, Anaheim, CA**

On June 15, 2018, the Board and Edwin S. Kulubya, M.D., entered into an Agreed Order revoking his Texas medical license; staying the revocation and placing him on probation under the following terms for a period of five years: prohibited from performing intravenous sedation in any setting for any reason; shall complete and comply with all terms of the Order with the Medical Board of California (MBC); upon completion of his assessment by the University of

California San Diego Physician Assessment and Clinical Education (PACE) program required by the MBC Order, provide a copy of the assessment to the Board. The Board found Dr. Kulubya was disciplined by the MBC revoking his license, but staying the revocation and requiring five years of probation. The order arose from Dr. Kulubya's gross negligence in performing an interventional pain procedure.

**Lifland, Paul Dennis, M.D., Lic. No. H7180, Beeville**

On June 15, 2018, the Board and Paul Dennis Lifland, M.D., entered into an Agreed Order publicly reprimanding Dr. Lifland and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in physician-patient communication and eight hours in risk management. The Board found Dr. Lifland was summarily suspended by the Department of Veterans Affairs Central Iowa Health Care System (VA) based on allegations of disruptive behavior. Dr. Lifland resigned his VA privileges before the investigation was completed.

**Mitroo, Varun, M.D., Lic. No. TM00634, Santa Monica, CA**

On June 15, 2018, the Board and Varun Mitroo, M.D., entered into an Agreed Order requiring him to comply with all terms of the Orders entered by the Pennsylvania State Board of Medicine (PSBM) and the Kentucky State Board of Medicine (KBM). The Board found that as a result of disciplinary action taken by the KBM, the PSBM took reciprocal action regarding the reporting of his residency program discipline.

**Serra, Kenneth Lorenzo, M.D., Lic. No. TM00221, Eden Prairie, MN**

On June 15, 2018, the Board and Kenneth Lorenzo Serra, M.D., entered into an Agreed Order requiring him to complete and comply with all terms and conditions as set forth in the 2017 Order entered with the Illinois Department of Financial and Professional Regulation (IDFPR). The Board found that on October 4, 2017, Dr. Serra entered into a Consent Order with the IDFPR arising out of Dr. Serra's alleged failure to diagnose testicular torsion in interpreting a patient's ultrasound.

**Rampona, Douglas Mercer, M.D., Lic. No. D5164, Virginia Beach, VA**

On June 15, 2018, the Board and Douglas Mercer Rampona, M.D., entered into an Agreed Order prohibiting Dr. Rampona from performing any type of surgery in Texas, on any patient, in any setting, for any reason; and requiring that he not apply for privileges to perform surgery at any health care entity in Texas; within seven days surrender his DEA controlled substances registration certificate and shall not reregister without prior Board authorization; shall not possess, administer, or prescribe controlled substances in Texas; shall continue treatment with a psychiatrist; and shall not supervise or delegate prescriptive authority to any physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Rampona voluntarily surrendered his medical license to the Virginia Board of Medicine in a Consent Order entered on June 12, 2017, which arose from an investigation into impairment issues.

**Rex, David Lloyd, M.D., Lic. No. H2961, Eden Prairie, MN**

On June 15, 2018, the Board and David Lloyd Rex, M.D., entered into an Agreed Order requiring him to within one year complete at least six hours of CME in emergent CT interpretation. The Board found that on January 30, 2017, Dr. Rex was disciplined by the Wisconsin Medical Examining Board for his interpretation of a patient's CT scans.

**INADEQUATE MEDICAL RECORDS**

**Horndeski, Gary Michael, M.D., Lic. No. G2390, Sugar Land**

On June 15, 2018, the Board and Gary Michael Horndeski, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME, divided as follows: four hours in patient communication and four hours in risk management. The Board found Dr. Horndeski failed to perform and document an adequate physical exam, history, assessment and plan, and note the rationale behind the ensuing course of action for one patient.

**Randhawa, Manjit Singh, D.O., Lic. No. J4464, Angelton**

On June 15, 2018, the Board and Manjit Singh Randhawa, D.O., entered into a Mediated Agreed Order that requires him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Randhawa failed to adequately document calls between a patient and his office related to the patient's post-operative follow-up care. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Salvato, Patricia, M.D., Lic. No. G0049, Houston**

On June 15, 2018, the Board and Patricia Salvato, M.D. entered into an Agreed Order on Formal Filing requiring her to within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Salvato failed to maintain adequate medical records for one patient during the evaluation and treatment of Lyme disease. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Sanderson, Shawn Christopher, D.O, Lic. No. Q2946, Burlison**

On June 15, 2018, the Board and Shawn Christopher Sanderson, D.O., entered into an Agreed Order requiring him to within one year complete at least 20 hours of CME, divided as follows: eight hours in geriatric emergency medicine, four hours in post-trauma patient care and discharge planning, four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Sanderson failed to document the results of a hip examination, failed to document the patient's ability to ambulate prior to discharge, and failed to timely update his practice address with the Board.

**Sanderson, Terry A., M.D., Lic. No. D1039, Houston**

On June 15, 2018, the Board and Terry A. Sanderson, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in drug seeking behavior, eight hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Sanderson failed to document a rationale for diagnosing the patient with Attention Deficit Disorder (ADD) and prescribing Adderall. Dr. Sanderson also failed to check the Texas Prescription Monitoring Program (PMP) and did not realize the patient was drug seeking and he failed to document a discussion of the safety, abuse and diversion potential of amphetamines while the patient was already taking Norco, Xanax, and Amitriptyline.

## **IMPAIRMENT**

**Pflieger, Kurt Loring, M.D., Lic. No. J5444, Rockwall**

On June 15, 2018, the Board and Kurt Loring Pflieger, M.D., entered into an Agreed Order suspending his license until such time as he completes the following terms: within 30 days obtain an independent medical evaluation from a Board-approved forensic psychiatrist and follow all recommendations made for care and treatment and upon completion, appear before a panel of the Board for the purpose of reporting on and addressing issues related to the evaluation; and shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Pflieger engaged in a pattern of impaired practice. Dr. Pflieger completed an in-patient treatment and is now under the care of a psychiatrist. The Board panel opined that an independent medical examination would provide the Board with more information on Dr. Pflieger's ability to conduct himself professionally and safely practice medicine given his pattern of conduct.

**Thurmond, Frederick Allen, M.D., Lic. No. L1217, Mount Pleasant**

On June 15, 2018, the Board and Frederick Allen Thurmond, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program; requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in risk management, four hours in ethics, four hours in medical recordkeeping, and four hours in drug-seeking patients and prescribing controlled substances. The Board found Dr. Thurmond suffers from an addiction to alcohol and violated the standard of care for one patient by prescribing Xanax without indication and without a proper history, physical and other workup. Dr. Thurmond voluntarily entered Board drug testing and alcohol testing after the investigation was initiated and has maintained sobriety.



## **TXPHP VIOLATION**

### **Pham, Amy Quynh Trang, M.D., Lic. No. P8525, Nacogdoches**

On June 15, 2018, the Board and Amy Quynh Trang Pham, M.D., entered into an Agreed Order on Formal Filing under the following terms: shall not practice medicine in Texas until she requests permission and personally appears before the Board to provide clear evidence that she is physically, mentally, and otherwise competent to safely practice medicine; within 30 days obtain an independent medical evaluation from a Board-approved physician and follow all recommendations for care and treatment; and shall not be permitted to supervise or delegate prescribed authority to physician assistants or advanced practice nurses or supervise surgical assistants. The Board found Dr. Pham was terminated from the Texas Physician Health Program due to noncompliance with her agreement and has not yet provided evidence to the Board that she is safe to resume practicing medicine. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Welch, Lindsey Blair, D.O., Lic. No. BP10056039, San Antonio**

On June 15, 2018, the Board and Lindsey Blair Welch, D.O., entered into an Agreed Order publicly referring her to the Texas Physician Health Program (TXPHP) and requiring her to comply with all terms and conditions of her TXPHP agreement for the duration of the agreement which shall include complying with the work site monitor requirement and quarterly reports to Board Compliance. The Board found Dr. Welch violated her TXPHP agreement when she relapsed and tested positive for alcohol.

## **CEASE AND DESIST**

### **Kemp, Ronald, DC, No License, Irving**

On June 15, 2018, the Board and Ronald Kemp, DC, entered into an Agreed Cease and Desist Order prohibiting Mr. Kemp from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Kemp, a licensed chiropractor, performed an examination of a patient for a condition related to a testicular injury the patient had sustained on the job.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."*

*All releases and bulletins are also available on the TMB website under the "Newsroom" heading.*