

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

February 9, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB suspends license of Donnie Evans, M.D., of Houston

On February 8, 2012, a Disciplinary Panel of the Texas Medical Board temporarily suspended, without notice, the license of Donnie Evans, M.D., of Houston after determining that Dr. Evans presents a continuing threat and real danger to the public.

The panel found that Dr. Evans continued to illegally operate a pain clinic, Holland Clinic, in Jacinto City despite his surrender of the clinic's pain management clinic certificate in August 2011.

In January 2012, investigators with the Texas Medical Board and Federal Drug Enforcement Agency inspected the clinic and found prescription logs that showed Dr. Evans continued to devote 85-90% of his practice to pain management, prescribing opioids and other controlled substances including Oxycontin, Hyrdocodone, Dilaudid and Fentanyl.

Previously, Dr. Evans entered into an Agreed Order in April 2011 based on his non-therapeutic prescribing of narcotics to 15 patients. Subsequently, Dr. Evans voluntarily surrendered pain management certificates for Holland Clinic and CPR Medical Group in lieu of further disciplinary action.

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.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

February 23, 2012

Media contact: Leigh Hopper, 512-305-7018

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

Medical Board Disciplines 58 Physicians at February Meeting

At its February 9-10, 2012 meeting, the Texas Medical Board disciplined 58 physicians and issued two cease and desist orders.

In addition, the Board issued 93 physician licenses at the February board meeting, bringing the total number of physician licenses issued in FY 12 to 1352. Thirty-eight percent of physician licensure applications were completed in 10 days or less.

RULE CHANGES ADOPTED

The following Rule Changes were adopted at the February 9-10, 2012 Board meeting:

CHAPTER 173. PHYSICIAN PROFILES: The amendment to **§173.1**, concerning Profile Contents, clarifies what utilization review services are subject to reporting on a physician's profile and specifically excludes the reporting of utilization review provided in relation to worker's compensation claims. Amendment to **§173.3**, concerning Physician-Initiated Updates, clarifies that a physician shall report to the Board within 30 days after the event of any change of mailing or practice address.

CHAPTER 177. BUSINESS ORGANIZATIONS: The amendment to **§177.16**, relating to Physician Assistants, provides that if a grandfathered entity under this section contracts with a new supervising physician to provide services, then the restrictions on ownership interest under this section shall apply. The amendment to **§177.17**, relating to Exceptions to Corporate Practice of Medicine Doctrine, consistent with SB 894 (82nd Regular Legislative Session), provides that physicians have certain rights when employed by a hospital that provides professional liability coverage.

DISCIPLINARY ACTIONS

REVOCATION

Stogre, Rosemary Ann, M.D., Lic. No. F0771, Houston

On February 10, 2012, the Board entered a Default Order regarding Rosemary

Ann Stogre, M.D., revoking her Texas physician license and resolving Formal Complaint No. 503-12-1512 filed against her by the Board at the State Office of Administrative Hearings. The complaint stated that Dr. Stogre continued to prescribe controlled substances after surrendering her DEA and DPS controlled substance prescribing privileges, and that she prescribed controlled substances to a patient without medical need and that patient died as a result of misuse of controlled substances, some of them prescribed by Dr. Stogre. Because Dr. Stogre did not respond in any form to the Formal Complaint, the allegations are deemed true.

VOLUNTARY SURRENDER

Connolly, Jule Tom, M.D., Lic. No. C6899, Austin

On February 10, 2012, the Board and Jule Tom Connolly, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Connolly agreed to immediately cease practice in Texas and voluntarily surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Connolly non-therapeutically prescribed drugs and engaged in unprofessional conduct likely to injure the public.

Genovese, Robert J., M.D., Lic. No. E5522, Edinburg

On February 10, 2012, the Board and Robert J. Genovese, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Genovese agreed to immediately cease practice in Texas and voluntarily surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Genovese failed to treat a patient according to the generally accepted standard of care.

Heistand, Michael, M.D., Lic. No. D8263, San Antonio

On February 10, 2012, the Board and Michael Heistand, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Heistand agreed to immediately cease practice in Texas and voluntarily surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Heistand failed to use proper diligence in his professional practice.

Reddick, Sybil Rochelle, M.D., Lic. No. J9294, Dallas

On February 10, 2012, the Board and Sybil Rochelle Reddick, M.D., entered into an Agreed Order of Voluntary Surrender requiring Dr. Reddick to immediately cease practice in Texas and permanently surrender her license. The basis for action was the Board's investigation into Dr. Reddick's nontherapeutic prescribing for one patient and Dr. Reddick's desire to surrender her license in lieu of further disciplinary proceedings.

Taliaferro, Sharon Melissa, M.D., Lic. No. G0185,

On February 10, 2012, the Board and Sharon Melissa Taliaferro, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Taliaferro surrendered her Texas medical license in lieu of further disciplinary proceedings. Dr.

Taliaferro, who is also licensed in Arkansas, entered into an order with the Arkansas State Medical Board agreeing to cease and desist from administering dimethyl sulfoxide intravenously to patients and refrain from doing so until such treatment is approved by the Food and Drug Administration.

Tang, Annie Jia, M.D., Permit No. BP20038123, Houston

On February 10, 2012, the Board and Annie Jia Tang, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Tang voluntarily surrendered her physician-in-training permit due to her desire to leave Texas. The Board found that Dr. Tang's residency program chose not to renew her residency contract due to Dr. Tang's medical condition. Dr. Tang's physician found her competent to practice medicine, but Dr. Tang chose not to appeal the residency program's decision. There were no allegations of malpractice or misconduct by Dr. Tang.

QUALITY OF CARE

Bailey, Cecil Cedric, M.D., Lic. No. L0008, Cedar Hill

On February 10, 2012, the Board and Cecil Cedric Bailey, M.D., entered into an Agreed Order requiring Dr. Bailey to complete within one year 22 hours of CME including 10 hours in risk management, eight hours in office management and four hours in medical record-keeping; and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Bailey failed to meet the standard of care for one patient, failed to comply with Board requests for information and nontherapeutically prescribed medication.

Billue, Yvonne Jo, M.D., Lic. No. K5674, Cleburne

On February 10, 2012, the Board and Yvonne Jo Billue, M.D., entered into an Agreed Order requiring Dr. Billue to have a physician monitor her practice for 12 monitoring cycles and complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Billue failed to meet the standard of care when she referred a patient to the emergency department without documenting crucial medical information or documenting the mode of transportation to the hospital. In addition, Dr. Billue failed to document justification for the prescription of controlled substances.

Campbell, Odette Louise, M.D., Lic. No. H9609, Duncanville

On February 10, 2012, the Board and Odette Louise Campbell, M.D., entered into a Mediated Agreed Order resolving a matter at the State Office of Administrative Hearings and prohibiting Dr. Campbell from treating patients for chronic pain and requiring her to have a physician monitor her practice for eight monitoring cycles, within 180 days enroll in and complete the two-day assessment offered by Texas A&M's Knowledge, Skills, Training, Assessment and Research program (KSTAR) and comply with any recommendations for future training, complete within one year an internal medicine board review course of at least 20 CME hours and pay an administrative penalty of \$2,000 within 90 days. The basis for

action was Dr. Campbell's failure to comply with pain management guidelines and failure to meet the standard of care.

Cooke, Gregory C., M.D., Lic. No. K1402, Angleton

On February 10, 2012, the Board and Gregory C. Cooke, M.D., entered into a Mediated Agreed Order requiring Dr. Cooke to have another physician monitor his practice for four cycles, refrain from serving as a physician for his immediate family, complete within two years the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Cooke kept inadequate medical records, self-prescribed controlled substances and prescribed to a family member without generating a medical record. The order resolves Formal Complaint No. 503-11-7461 filed against Dr. Cooke at the State Office of Administrative Hearings.

Feste, Joseph Rowland, M.D., Lic. No. C8968, Austin

On February 10, 2012, the Board and Joseph Rowland Feste, M.D., entered into an Agreed Order restricting Dr. Feste from treating chronic pain or delegating prescriptive authority for the purposes of treating chronic pain. In addition, the Order requires Dr. Feste to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 16 hours of CME including eight hours in risk management and eight hours in the topic of addiction and detecting drug-seeking behavior and pay an administrative penalty of \$7,000 within 180 days. The basis for action was Dr. Feste's violation of Board rules regarding the treatment of pain and failure to practice medicine in an acceptable professional manner. The Board found Dr. Feste, a gynecologist, did not adequately supervise physician assistants who saw patients who paid cash and who generally received the same combination of drugs – SOMA, Xanax and Lortab.

Fowler, James Hugh, M.D., Lic. No. F7755, Eagle Pass

On February 10, 2012, the Board and James Hugh Fowler, M.D., entered into a Mediated Agreed Order requiring Dr. Fowler to have a physician monitor his practice for eight cycles, within 18 months complete a board certification review course in otolaryngology or complete 24 hours of CME in otolaryngology surgery, within 18 months pass within three attempts the Medical Jurisprudence Exam and complete within 18 months 28 hours of CME including 12 hours in risk management, 12 hours in medical record-keeping and four hours in ethics. The basis for action was Dr. Fowler's failure to meet the standard of care in two sinus surgeries, safeguard against potential complications and failure to maintain an adequate medical record. The order resolves a Formal Complaint filed against Dr. Fowler at the State Office of Administrative Hearings.

Gonzalez, John Joseph, M.D., Lic. No. E6378, San Antonio

On February 10, 2012, the Board and John Joseph Gonzalez, M.D., entered into an Agreed Order requiring Dr. Gonzalez to complete within one year 16 hours of

CME including eight hours in medical record-keeping and eight hours in the diagnosis and treatment of pediatric fungal infections, and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Gonzales non-therapeutically prescribed, failed to meet the standard of care or timely respond to communications from a patient.

Guevara, Jorge R., M.D., Lic. No. J9070, Brownsville

On February 10, 2012, the Board and Jorge R. Guevara, M.D., entered into a Mediated Agreed Order requiring Dr. Guevara to complete within one year 16 hours of CME including eight hours in risk management, four hours in diagnostic imaging and four hours in evaluation and treatment of anemia and other blood disorders. The Board found Dr. Guevara failed to maintain adequate medical records. The order resolves a Formal Complaint filed against Dr. Guevara at the State Office of Administrative Hearings.

Hanson, Robert E., Jr., M.D., Lic. No. E1329, Beaumont

On February 10, 2012, the Board and Robert E. Hanson Jr., M.D., entered into an Agreed Order requiring Dr. Hanson to complete within one year eight hours of CME in risk management and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Hanson failed to use proper diligence in his professional practice.

Lackey, James Manning, M.D., Lic. No. L5014, San Antonio

On February 10, 2012, the Board and James Manning Lackey, M.D., entered into an Agreed Order requiring Dr. Lackey to have a physician monitor his practice for six monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in the topic of pain management and drug-seeking behavior, complete within one year 50 hours of community service for a MHMRA facility and pay an administrative penalty of \$5,000 within six months. The Board found Dr. Lackey failed to meet the standard of care, prescribed in a manner inconsistent with public health and welfare and violated Board Rules which require maintenance of adequate medical records and set forth guidelines regarding the treatment of pain.

Le, David Thanh, M.D., Lic. No. K3605, Tomball

On February 10, 2012, the Board and David Thanh Le, M.D., entered into an Agreed Order requiring Dr. Le to have a physician monitor his practice for eight monitoring cycles, complete within one year 16 hours of CME including eight hours in risk management and eight hours in addiction/drug dependency issues and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Le failed to meet the standard of care for one patient and prescribed cough medicine containing hydrocodone to a known abuser of narcotic drugs.

Lipsen, Bryan Charles, M.D., Lic. No. J8034, Houston

On February 10, 2012, the Board and Bryan Charles Lipsen, M.D., entered into an

Agreed Order requiring Dr. Lipsen to limit his hospital practice to general internal medicine and nephrology and limit his practice in the intensive care unit as a consulting nephrologist only, have his practice monitored by a physician for eight monitoring cycles, complete within one year a board certification review course in the subject of critical care and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Lipsen was the subject of three health care liability claims within a five-year period, each concerning Dr. Lipsen's care provided to a different patient. In addition, the Board found Dr. Lipsen failed to meet the standard of care and failed to safeguard against potential complications.

Marmell, Howard M., M.D., Lic. No. E4892, Houston

On February 10, 2012, the Board and Howard M. Marmell, M.D., entered into an Agreed Order prohibiting Dr. Marmell from treating chronic pain, and requiring him to have his practice monitored by a physician for eight monitoring cycles, request modification of his DEA and DPS controlled substances registration to eliminate Schedule II and complete within one year eight hours of CME in medical record-keeping. The Board found Dr. Marmell failed to meet the standard of care with regard to his treatment to six chronic pain patients and that he did not maintain adequate medical records for all patients.

Marrow, Charles Taylor, III, M.D., Lic. No. E4006, Texarkana

On February 10, 2012, the Board and Charles Taylor Marrow, III, M.D., entered into an Agreed Order requiring Dr. Marrow to undergo an independent medical evaluation by a psychiatrist, have his practice monitored by a physician for eight monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam and complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in supervising mid-level practitioners. The Board found Dr. Marrow failed to meet the standard of care, violated guidelines for standing delegation orders, improper billing, failure to adequately supervise and aiding or abetting unlicensed practice of medicine.

Marsden, John M., M.D., Lic. No. G3585, Argyle

On February 10, 2012, the Board and John M. Marsden, M.D., entered into a Mediated Agreed Order resolving Formal Complaint No. 503-12-1511 against Dr. Marsden filed by the Board at the State Office of Administrative Hearings. The Order requires Dr. Marsden to complete within one year 16 hours of CME including eight hours in risk management and eight hours in managing post-operative respiratory complications. The Board found Dr. Marsden failed to meet the standard of care for a patient with post-surgical complications.

Mayorga, Gilbert, Jr., M.D., Lic. No. H3117, Houston

On February 10, 2012, the Board and Gilbert Mayorga Jr., M.D., entered into an Agreed Order requiring Dr. Mayorga to complete within one year 24 hours of CME including eight hours in medical record-keeping and 16 hours in pain management and pay an administrative penalty of \$2,000 within 60 days. The

Board found Dr. Mayorga nontherapeutically prescribed controlled substances to four patients and failed to maintain adequate medical records.

Molina, Pablo, M.D., Lic. No. G2610, Pawhuska OK

On February 10, 2012, the Board and Pablo Molina, M.D., entered into an Agreed Order requiring Dr. Molina to complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in management of diabetes and eight hours in hematology for primary care physicians; and pass within one year and within three attempts the Medical Jurisprudence Exam. The Board found Dr. Molina kept inadequate medical records and nontherapeutically prescribed medication to one patient.

Osagie, Owen Osamogie, M.D., Lic. No. K0971, Rosenberg

On February 10, 2012, the Board and Owen Osamogie Osagie, M.D., entered into an Agreed Order requiring Dr. Osagie to complete within one year 24 hours of CME including eight hours in medical record-keeping and 16 hours in diagnosing and treating ADHD in children and pay an administrative penalty of \$5,000 within 60 days. The basis for action was Dr. Osagie's failure to meet the standard of care in his prescribing to one 4-year-old foster care patient.

Pathikonda, Suresh N., M.D., Lic. No. J8083, Victoria

On February 10, 2012, the Board and Suresh N. Pathikonda, M.D., entered into a Mediated Agreed Order requiring Dr. Pathikonda to have a physician monitor his practice for eight monitoring cycles and complete within one year 12 hours of CME including eight hours in the topic of child abuse and four hours in risk management. The Board found Dr. Pathikonda improperly prescribed to an infant patient and failed to report suspicion of child abuse for a patient for whom Dr. Pathikonda should have been aware that there were indications of abuse. The order resolves a Formal Complaint filed against Dr. Pathikonda at the State Office of Administrative Hearings.

Perez, Michael Joseph, D.O., Lic. No. H8949, Sandy Springs GA

On February 10, 2012, the Board and Michael Joseph Perez, D.O., entered into a Mediated Agreed Order requiring Dr. Perez to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 24 hours of CME including four hours in treatment of chronic pain, four hours in addiction medicine, eight hours in risk management and eight hours in medical record-keeping and pay an administrative penalty of \$1,000 within 90 days. The Board found Dr. Perez violated the Board's guidelines for the treatment of pain, failed to meet the standard of care and nontherapeutically prescribed.

Phillips, Gregory K., M.D., Lic. No. H6511, Roanoke

On February 10, 2012, the Board and Gregory K. Phillips, M.D., entered into an Agreed Modification Order, modifying his April 2011 Mediated Agreed Order and requiring Dr. Phillips to surrender his DPS and DEA controlled substance certificates. In addition, Dr. Phillips may not practice with individuals with

disciplinary histories substantially similar to his, and must notify the Board of any future practice setting and obtain the Board's approval for any future position. The basis for action was the Board's finding, in addition to the findings stated in the April 2011 Order, that Dr. Phillips nontherapeutically prescribed and failed to maintain adequate medical records or document his rationale for the prescribed medications.

Ramsey, Edward Earl, Jr., M.D., Lic. No. J6679, Houston

On February 10, 2012, the Board and Edward Earl Ramsey Jr., M.D., entered into an Agreed Order publicly reprimanding Dr. Ramsey and prohibiting Dr. Ramsey from treating chronic or acute pain and limiting his medical practice to a group or institutional setting approved in advance. In addition, Dr. Ramsey must surrender his DEA and DPS controlled substance certificates, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 32 hours of CME including eight hours in risk management, eight hours in drug-seeking behavior, eight hours in medical record-keeping and eight hours in ethics, and pay an administrative penalty of \$10,000 within 180 days. The Board found Dr. Ramsey violated the standard of care when he nontherapeutically prescribed the same or similar combination of narcotics, benzodiazepines and/or Soma to 15 patients and acted as medical director at an unregistered pain clinic that functioned as a pill mill.

Ribelles, Elisa, M.D., Lic. No. F7093, Houston

On February 10, 2012, the Board and Elisa Ribelles, M.D., entered into an Agreed Order requiring Dr. Ribelles to undergo an independent psychiatric examination, comply with any recommended care and treatment, limit her practice to a group or institutional setting, refrain from treating chronic pain patients, complete within one year 24 hours of CME including eight hours in supervising mid-level practitioners, eight hours in risk management and eight hours in identifying drug-seeking behavior. The basis for action was Dr. Ribelles' failure to meet the standard of care, nontherapeutic prescribing, failure to adequately supervise mid-level providers treating chronic pain patients and failure to maintain adequate medical records.

Rivera-Alsina, Manuel E., M.D., Lic. No. F8304, Dallas

On February 10, 2012, the Board and Manuel E. Rivera-Alsina, M.D., entered into an Agreed Order requiring Dr. Rivera-Alsina to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in the topic of performing and interpreting ultrasounds in high-risk pregnancies and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Rivera-Alsina failed to meet the standard of care and provided false information to the Board.

Shwartz, Kalman Jay, M.D., Lic. No. E6916, Corsicana

On February 10, 2012, the Board and Kalman Jay Shwartz, M.D., entered into an Agreed Order requiring Dr. Shwartz to complete within one year 16 hours of

CME including eight hours in pain management and eight hours in medical record-keeping, and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Shwartz prescribed medications nontherapeutically, failed to follow Board guidelines for the treatment of pain and failed to keep adequate medical records.

UNPROFESSIONAL CONDUCT

Earp, Gary Wayne, M.D., Lic. No. E1566, Fort Worth

On February 10, 2012, the Board and Gary Wayne Earp, M.D., entered into an Agreed Order publicly reprimanding Dr. Earp and requiring Dr. Earp to maintain a logbook of all prescriptions written for controlled substances or dangerous drugs with addictive potential, and prohibiting him from treating immediate family. In addition, Dr. Earp must receive care and treatment from a psychiatrist as well as a specialist in chronic pain management. The Board found Dr. Earp inappropriately prescribed to himself, failed to follow pain treatment guidelines and engaged in unprofessional conduct.

Joo, Sang Bai, M.D., Lic. No. E9252, Houston

On February 10, 2012, the Board and Sang Bai Joo, M.D., entered into an Agreed Order requiring Dr. Joo to develop a pain management contract within 30 days that requires patients to submit to random alcohol and drug screens, and pay an administrative penalty of \$5,000 within 180 days. The Board found Dr. Joo failed to comply with his two-year February 2010 Mediated Agreed Order that required Dr. Joo to follow recommendations for practice improvement made by a chart monitor.

Libell, Sarah Kessler, M.D., Lic. No. K7697, San Angelo

On February 10, 2012, the Board and Sarah Kessler Libell, M.D., entered into an Agreed Order publically reprimanding Dr. Libell; referring her to the Texas Physician Health Program, and requiring her to have her practice monitored by another physician for 12 monitoring cycles; complete within one year the professional boundaries course offered by University of California San Diego Physician Assessment and Clinical Education, the Sante Center for Healing, or Baylor College of Medicine; complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in ethics; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Libell engaged in unprofessional conduct by engaging in an inappropriate financial or personal relationship with a patient, failed to maintain adequate medical records and failed to meet the standard of care.

Phillips, Michael Stephen, M.D., Lic. No. E4598, Fort Worth

On February 10, 2012, the Board and Michael Stephen Phillips, M.D., entered into an Agreed Order prohibiting him from treating pregnant patients and requiring him to pay an administrative penalty of \$1,000 within 60 days and

provide a copy of this order to all treatment facilities where he has privileges. The action was based on Dr. Phillips' violation of a 2003 Board Order.

Roach, Dee Alan, M.D., Lic. No. G5542, Colorado City

On February 10, 2012, the Board and Dee Alan Roach, M.D., entered into an Agreed Order requiring Dr. Roach to complete within one year eight hours of CME in ethics, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year the professional boundaries course offered by University of California San Diego Physician Assessment and Clinical Education or the Sante Center for Healing. The Board found Dr. Roach engaged in unprofessional conduct when he had an inappropriate relationship with a patient.

Robinson, Eldon Stevens, M.D., Lic. No. J9545, Lubbock

On February 10, 2012, the Board and Eldon Stevens Robinson, M.D., entered into an Agreed Order publicly reprimanding Dr. Robinson and requiring Dr. Robinson to pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Robinson engaged in unprofessional conduct when he violated a Board Order.

Stokes, George Nicholas, M.D., Lic. No. F4569, Cleveland

On February 10, 2012, the Board and George Nicholas Stokes, M.D., entered into an Agreed Order publicly reprimanding Dr. Stokes and requiring him to pass within one year and within three attempts the Medical Jurisprudence Exam and pay an administrative penalty of \$5,000 within 120 days. The Board found Dr. Stokes associated in the practice of medicine with a physician whose license was revoked due to a federal criminal conviction.

IMPAIRMENT

Abrams, David Paul, D.O., Lic. No. K7960, Houston

On February 10, 2012, the Board and David Paul Abrams, D.O., entered into a Mediated Agreed Order resolving a Formal Complaint file by the Board against Dr. Abrams at the State Office of Administrative Hearings, and requiring Dr. Abrams to have a physician monitor his practice for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in the topic of maintaining professional boundaries, undergo an independent psychiatric evaluation and follow all recommendations for continued care and treatment, and maintain a logbook of all prescriptions Dr. Abrams writes for Schedule II-V controlled substances. The Board found Dr. Abrams failed to meet the standard of care, prescribed dangerous drugs or controlled substances without establishing a proper professional relationship with the patient, became personally involved with a patient in an inappropriate manner and self-prescribed various dangerous drugs and controlled substances without maintaining an adequate medical record for himself.

Boylston, William Harrison, M.D., Lic. No. D6231, Houston

On February 10, 2012, the Board and William Harrison Boylston, M.D., entered into a Voluntary Surrender Order in which Dr. Boylston voluntarily and permanently surrendered his Texas medical license due to physical health problems.

Garza, Rebecca Uribe, M.D., Lic. No. G2750, Laredo

On February 10, 2012, the Board and Rebecca Uribe Garza, M.D., entered into an Agreed Order requiring Dr. Garza to complete within one year a 90-day mini-residency through Texas A&M's KSTAR program, appear before the Board upon completion of the KSTAR program and address any subsequent recommendations. Until such appearance, Respondent shall either: 1) limit her practice to a group or institutional setting and have physician chart monitor; or 2) have a practice supervisor available by telephone for consultation purposes. Respondent was also required to complete, within one year, 30 hours of CME in general pediatrics. The Board found Dr. Garza is unable to practice medicine with reasonable skill and safety to patients because of illness or as a result of a mental or physical condition.

Griffith, Russell, M.D., Lic. No. D3245, Dallas

On February 10, 2012, the Board and Russell Griffith, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Griffith voluntarily and permanently surrendered his Texas medical license due to physical health problems.

Mills, Virginia M., M.D., Lic. No. J2210, Houston

On February 10, 2012, the Board and Virginia M. Mills, M.D., entered into a five-year Agreed Order terminating her suspension and reinstating her license and requiring Dr. Mills to limit her practice to a group or institutional setting, for the first 90 days work under the supervision of another physician, have her practice monitored by another physician for eight monitoring cycles, and complete each year 32 hours of CME including 24 hours in family medicine and eight hours in pharmacology. The Board found Dr. Mills has achieved optimal neuropsychological rehabilitation following a 1997 car accident, and that she showed good memory and cognitive abilities.

Smith, Darryl Richard, M.D., Lic. No. H2789, Harker Heights

On February 10, 2012, the Board and Darryl Richard Smith, M.D., entered into an Agreed Order requiring Dr. Smith to undergo within 60 days a FOCAL assessment to determine his ability to safely practice medicine. The basis for action was Dr. Smith's failure to cooperate with the Physician's Health Program to which he was referred after his arrest and conviction of driving while intoxicated in 2009.

CEASE AND DESIST

O'Brien, Christopher J., No License, Houston

On February 10, 2012, the Board and Christopher J. O'Brien entered into an Agreed Cease and Desist Order prohibiting Mr. O'Brien from acting as or holding himself out to be a physician, engaging in any practice of medicine or any express or implied actions in the guise of a physician. The Board found Mr. O'Brien, who is not licensed as a physician in Texas, saw, treated and prescribed controlled substances to patients at North Houston Wellness and Weightless Clinic in Houston. Mr. Christopher does not admit to or deny the findings, but agreed to the order to avoid the expense and inconvenience of litigation.

Taing, Lina, No License, Houston

On February 10, 2012, the Board and Lina Taing entered into an Agreed Cease and Desist Order prohibiting Ms. Taing from engaging in unlicensed practice of medicine and from holding herself out as a physician licensed to practice medicine in Texas. The Board found Ms. Taing, who was employed at a health care center in Houston as an administrator between 2004 and 2010, used the title "doctor" and "M.D." while representing the health care center at conferences and in correspondence. Ms. Taing denies that she held herself out as a physician, but agreed to the order to avoid the expense and inconvenience of litigation.

INADEQUATE MEDICAL RECORDS**Jackson, Robert Wayne, M.D., Lic. No. E4426, Houston**

On February 10, 2012, the Board and Robert Wayne Jackson, M.D., entered into a Mediated Agreed Order resolving a matter before the State Office of Administrative Hearings and requiring Dr. Jackson to complete within one year eight hours of CME in medical record-keeping. The Board found Dr. Jackson failed to maintain adequate medical records for one patient.

Quadri, Syed M., M.D., Lic. No. M4456, Flower Mound

On February 10, 2012, the Board and Syed M. Quadri, M.D., entered into a Mediated Agreed Order resolving a matter before the State Office of Administrative Hearings and requiring Dr. Quadri to complete within one year eight hours of CME in risk management/medical record-keeping. The Board found Dr. Quadri's medical record for a 5-year-old child contained errors and that Dr. Quadri relied on an electronic medical record system designed primarily for adult patients.

CRIMINAL BEHAVIOR/CONVICTION**Murray, Conrad, M.D., Lic. No. M0502, Houston**

On February 10, 2012, the Board and Conrad Murray, M.D., entered into an Agreed Order suspending the license of Dr. Murray based on his initial conviction of a felony in the State of California.

PEER REVIEW ACTION

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

On February 10, 2012, the Board and Stanley Wayne Whisenant, M.D., entered into an Agreed Order requiring Dr. Whisenant to complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in risk management and eight hours in ethics, and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Whisenant was subject to disciplinary action by his peers at three different health care facilities.

OTHER STATES' ACTION

Gay, James Douglas, M.D., Lic. No. H5555, Arvada CO

On February 10, 2012, the Board and James Douglas Gay, M.D., entered into a five-year Agreed Order requiring Dr. Gay to comply with any terms and conditions imposed in an order issued by the Colorado Board of Medical Examiners, annually submit a report from the Colorado Board regarding the status of his treatment for substance abuse and provide written notice of any intent to return to Texas 60 days prior to his intended date of return. The Board found Dr. Gay was placed on probation for five years by the Colorado Board due to habitual intemperance or excessive use of controlled substances and such physical or mental disability to render him unable to practice with reasonable skill and safety.

Newton, Lemuel, M.D., Lic. No. M3044, Mineral Wells

On February 10, 2012, the Board and Lemuel Newton, M.D., entered into an Agreed Order publicly reprimanding Dr. Newton and requiring Dr. Newton to pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Newton engaged in dishonorable conduct and was subject to disciplinary action by the Louisiana State Board of Medical Examiners.

RULES VIOLATION

Bohan, Timothy Patrick, M.D., Lic. No. H3784, Houston

On February 10, 2012, the Board entered an Order Imposing Administrative Penalty regarding Timothy Patrick Bohan, M.D., requiring Dr. Bohan to pay a penalty of \$1,000 within 60 days for failure to timely release medical and billing records for a patient after receiving several valid written requests for records.

Brooks, George Alfred, M.D., Lic. No. G4862, Humble

On February 10, 2012, the Board and George Alfred Brooks, M.D., entered into an Agreed Order requiring Dr. Brooks to have his practice monitored by another physician for eight monitoring cycles, complete within one year four hours of CME in anger management and eight hours of CME in medical record-keeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Brooks failed to cooperate with Board staff and did not maintain adequate medical records.

Gehrke, Michael Justin, M.D., Lic. No. L3972, Aspen CO

On February 10, 2012, the Board and Michael Justin Gehrke, M.D., entered into a Mediated Agreed Order resolving a matter before the State Office of Administrative Hearings and requiring Dr. Gehrke to pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Gehrke did not timely update his address with the Board as required.

Leconey, Thomas Ratcliffe, M.D., Lic. No. H0552, Fort Worth

On February 10, 2012, the Board and Thomas Ratcliffe Leconey, M.D., entered into an Agreed Order requiring Dr. Leconey to pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Leconey failed to comply with a Board request for information about an arrest.

Lester, R. Anton, III, D.O., Lic. No. F3204, Tyler

On February 10, 2012, the Board and R. Anton Lester III, D.O., entered into an Agreed Order requiring Dr. Lester to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 10 hours of CME in risk management and pay an administrative penalty of \$2,000 within 60 days. The basis for action was the Board's finding that Dr. Lester operated an unlicensed pharmacy, prescribed dangerous drugs or controlled substances without first establishing a proper professional relationship with the patient, failure to adequately supervise physician extenders and distributing drugs to a patient for a fee.

Molson, Alan Howard, M.D., Lic. No. G6349, Fort Worth

On February 10, 2012, the Board and Alan Howard Molson, M.D., entered into an Agreed Order requiring Dr. Molson to complete within one year eight hours of CME in risk management and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Molson violated a Board rule related to delegation of prescriptive authority.

Theesfeld, Daniel Robert, M.D., Lic. No. J3712, Fort Worth

On February 10, 2012, the Board and Daniel Robert Theesfeld, M.D., entered into an Agreed Order requiring Dr. Theesfeld to have a physician monitor his practice for eight monitoring cycles, complete within one year eight hours of CME in medical record-keeping and 12 hours in ethics, and eight hours of CME per year for three years in pain management, and pass within one year and within three attempts the Medical Jurisprudence Exam and pay an administrative penalty of \$10,000 within 24 months. The Board found Dr. Theesfeld failed to maintain adequate medical records.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

February 24, 2012

Media contact: Leigh Hopper, 512-305-7018

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

Drug shortage information

Recently, a Texas physician related a situation in which doctors had to resort to the use of expired emergency resuscitation drugs. Would the Texas Medical Board consider the use of expired drugs a violation of the standard of care?

The short answer is, if TMB investigates a complaint involving expired drugs, it will consider the drug shortage as well as storage conditions in making a determination.

Texas physicians across all specialties are coping with widespread drug shortages. A shortage of an important leukemia drug is making headlines now. Manufacturing delays, scarcity of raw materials, increased demand contribute to the problem. According to the National Cancer Institute, the trend is expected to worsen.

Most of what is known about drug expiration dates comes from a study conducted by the Food and Drug Administration at the request of the military. With a large and expensive stockpile of drugs, the military faced tossing out and replacing its drugs every few years. What they found from the study is many of the drugs, both prescription and over-the-counter, were good to use years after the expiration date. But the key was proper storage.

The U.S. Food and Drug Administration maintains an extensive website devoted to the issue. For more information, visit <http://www.fda.gov/Drugs/DrugSafety/DrugShortages/default.htm>. The American Society of Health-System Pharmacists also has a useful list: <http://www.ashp.org/DrugShortages/Current/>

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

March 14, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB suspends license of Akili Graham, M.D., of Pearland, TX

On March 13, 2012, a Disciplinary Panel of the Texas Medical Board temporarily suspended, without notice, the license of Akili Graham, M.D., of Pearland, License No. K-7161, after determining that Dr. Graham presents a continuing threat and real danger to his patients and to the public.

The panel found that Dr. Graham failed to appear at an Informal Settlement Conference (ISC) scheduled for March 13, 2012, to address allegations of nontherapeutic prescribing practices and "pill mill" activities, and that his various actions constitute an imminent peril to the public health, safety, or welfare.

In the course of the past several months, investigators with the federal Drug Enforcement Agency (DEA) and the Board determined that patients at Dr. Graham's various pain management clinics were being treated and prescribed medications, including controlled substances such as Lorcet and SOMA, by unlicensed clinic employees, without appropriate supervision or consultation by Dr. Graham, and without appropriate patient evaluation and treatment plans.

In addition, previous action was taken against Dr. Graham on May 16, 2011, when the Board temporarily suspended certificates for four pain management clinics held by Dr. Graham in the Houston area, after finding that the clinics were not operating lawfully because they were not owned by a physician and their continued operation constituted a continuing threat to the public health and welfare.

The suspension remains in effect until further action by the Board. A temporary suspension hearing, with notice, will be held as soon as practicable with 10 days' notice to Dr. Graham, unless the hearing is specifically waived by Dr. Graham.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

April 25, 2012

Media contact: Leigh Hopper, 512-305-7018

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

Medical Board Disciplines 32 Physicians at April Meeting

At its April 12-13, 2012 meeting, the Texas Medical Board disciplined 32 physicians and issued two cease and desist orders. The actions included two revocations, 10 violations based on quality of care, four based on other states' actions, two based on unprofessional conduct and two cease and desist orders.

The Board issued 121 physician licenses at the April board meeting, bringing the total number of physician licenses issued in FY 12 to 2,126. Forty-four percent of physician licensure applications were completed in 10 days or less.

RULE CHANGES ADOPTED

The following Rule Changes were adopted at the April 12-13, 2012 Board meeting:

Chapter 166, Physician Registration: Amendment to **§166.2**, concerning Continuing Medical Education provides that physicians that treat tick-borne diseases should complete relevant CME as required by Senate Bill 1360. The Board also contemporaneously proposes the rule review for Chapter 166.

Chapter 171, Postgraduate Training Permits: Amendment to **§171.3** provides that physician-in-training permit holders may complete additional working experience within the facility where they are training under limited conditions.

Chapter 175, Fees and Penalties: Amendment to **§175.5**, concerning Payment of Fees or Penalties, clarifies that additional fees for hard-copy registrations are only for renewal purposes and not initial applications for licensure.

Chapter 178, Complaints: Amendment to **§178.3**, concerning Complaint Procedure Notification, amends language regarding required notice posting by autopsy facilities to refer to "persons" rather than "physicians" and adds two new figures to subsection (d).

Chapter 185, Physician Assistants: Amendment to **§185.4**, concerning Procedural Rules for Licensure Applicants, provides grounds for the extension of

licensure applications that have been on file with the Board for over one year and allows for an alternative licensure process for military spouses.

Chapter 187, Procedural Rules: Amendment to §187.13, concerning Informal Board Proceedings Relating to Licensure Eligibility, amends the appeal process for licensure applicants who are denied licensure or approved for licensure under an agreed order or remedial plan. The amendment provides that all appeals must be referred to SOAH and eliminates the ability of applicants to request rehearings before the Licensure Committee. In addition, an applicant may not withdraw an application for licensure once the matter has been referred to SOAH.

Chapter 190, Disciplinary Guidelines: Amendment to §190.15, concerning Aggravating and Mitigating Factors, provides that mitigating factors in a matter before the Board where a licensee is in violation of the Medical Practice Act does not require that the Board dismiss the case. In cases relating to violations of treatment of tick-borne diseases, a mitigating factor to be considered by the Board is if the licensee completed CME on the topic within two years prior to the opening of the Board investigation.

Chapter 192, Office-Based Anesthesia Services: Amendment to §192.1, concerning Definitions, changes the term "Basic Cardiac Life Support" to "Basic Life Support (BLS)", consistent with the definitions promulgated by the American Heart Association. The amendment also clarifies what constitutes a Level II service. Amendment to **§192.2**, concerning Provision of Anesthesia Services in Outpatient Settings, makes grammatical changes regarding the requirement that personnel who provide office-based anesthesia services be certified by the American Heart Association in BLS or ACLS, as noted. Also, the amendment deletes subsection (k) as it is unnecessary due to changes previously made in subsection (c) which provide more specifically for required certifications of qualified personnel participating in the provision of office-based anesthesia services. The Board also contemporaneously proposes the rule review for Chapter 192.

Chapter 195, Pain Management Clinics: Amendments to §195.2, concerning Certification of Pain Management Clinics, remove the rehearing process for those applicants who are denied pain management clinic certification by the Board; require that applicants for a pain management clinic certification be able to demonstrate that they are engaged in the active practice of medicine as defined by Board rule **§163.11**; and state that ownership of a pain management clinic is the practice of medicine.

Chapter 198, Use of Investigational Agents: New §198.1 sets out the purpose of the chapter to give physicians a reasonable and responsible degree of latitude in the use of investigational agents. **New §198.2** establishes the definition for "investigational agent." **New §198.3** establishes practice guidelines for the use of investigational agents. The guidelines include having protocols approved by the

FDA or an IRB, meeting certain ethical standards, and obtaining informed consent from patients.

DISCIPLINARY ACTIONS

Revocation

Salinas, Jose Eduardo, M.D., Lic. No. H5148, San Antonio

On April 13, 2012, the Board entered a default order revoking the Texas medical license of Jose Eduardo Salinas, M.D. The basis for action was Salinas' failure to respond in any way to the Board's formal complaint, filed at the State Office of Administrative Hearings, that Dr. Salinas engaged in unprofessional conduct, terminated patient care without providing reasonable notice to the patient and failed to release medical records. This order resolves formal complaint No. 503-11-9478.

Shiller, Alan Dale, M.D., Lic. No. H8398, Palestine

On April 13, 2012, the Board and Alan Dale Shiller entered into an Agreed Order of Revocation, in which Dr. Shiller must cease and desist from practicing medicine.

The basis for action was Dr. Shiller's violation of his August 2010 Agreed Order of Suspension.

Quality of Care

Basatneh, Lufti S., M.D., Lic. No. K3984, Mesquite

On April 13, 2012, the Board and Lufti S. Basatneh, M.D., entered into an Agreed Order requiring Dr. Basatneh to complete within one year eight hours of CME in the topic of epidural hematoma, eight hours of CME in complications of lumbar puncture and eight hours of CME in the topic of spinal cord injury; and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Basatneh failed to ensure that an MRI was performed in a timely manner, leading to a delay in a surgery referral, resulting in a worsening prognosis for a patient.

Bourdon, Lynn Louis, Jr., M.D., Lic. No. C8905, Longview

On April 13, 2012, the Board and Lynn Louis Bourdon, Jr., M.D., entered into a Mediated Agreed Order requiring Dr. Bourdon to refrain from treating patients for chronic pain, limit his authority to prescribe controlled substances to Schedule III, IV and V, have a physician monitor his practice for eight monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam and complete within one year 10 hours of CME in medical recordkeeping. The Board found Dr. Bourdon violated rules regarding the treatment of chronic pain. The Order resolves the formal complaint No. 503-12-0629 against Dr. Bourdon filed at the State Office of Administrative Hearings.

Cruz, Suzanna Ontiveros, M.D., Lic. No. J8502, Houston

On April 13, 2012, the Board and Suzanna Ontiveros Cruz, M.D., entered into an Agreed Order requiring Dr. Cruz to complete within one year 46 hours of CME including eight hours in risk management, eight hours in medical recordkeeping and 30 hours in pain management including identifying drug-seeking behavior and submit within 60 days written protocols for standing delegation orders for her pain management clinic. The Board found Dr. Cruz engaged in a pattern of nontherapeutic prescribing of controlled substances to two patients who resided in Louisiana.

Hoover, Samuel Clark, M.D., Lic. No. E8569, Euless

On April 13, 2012, the Board and Samuel Clark Hoover, M.D., entered into an Agreed Order requiring Dr. Hoover to have a physician monitor his practice for eight monitoring cycles, limit his medical practice to a group or institutional setting, within one year pass the Texas Medical Jurisprudence Exam within three attempts, complete within one year eight hours of CME in treatment of chronic pain and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Hoover nontherapeutically prescribed to one patient, resulting in the patient's overdose and hospitalization. The Board also found that the Respondent failed to maintain adequate medical records.

Hunt, John Dominic, M.D., Lic. No. G4476, San Angelo

On April 13, 2012, the Board and John Dominic Hunt, M.D., entered into an Agreed Order publicly reprimanding Dr. Hunt and prohibiting Dr. Hunt from treating any chronic pain patients using opioids, benzodiazepines, barbiturates or carisoprodol. In addition, Dr. Hunt must have his practice monitored by another physician for 12 monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in medical recordkeeping and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Hunt engaged in unprofessional conduct, failed to comply with guidelines for pain medicine, non-therapeutically prescribed and post-dated a prescription form for a controlled substance

Mardock, Julian King, M.D., Lic. No. E6492, McKinney

On April 13, 2012, the Board and Julian King Mardock, M.D., entered into an Agreed Order publicly reprimanding Dr. Mardock and prohibiting Dr. Mardock from practicing medicine until he requests to do so in writing and personally appears before the Board and provides clear and convincing evidence that he is physically, mentally and otherwise competent to safely practice medicine. The Board found that Dr. Mardock, who has not practiced since 2008, failed to meet the standard of care in his treatment of one patient, was subject to discipline by his peers and engaged in unprofessional conduct.

Roman, Ernest T., M.D., Lic. No. H6938, Spring

On April 13, 2012, the Board and Ernest T. Roman, M.D., entered into an Agreed Order requiring Dr. Roman to have a physician monitor his practice for eight

monitoring cycles, complete within one year eight hours of CME in medical recordkeeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Roman did not follow guidelines for the treatment of pain and failed to use diligence in his medical practice.

Schmidt, John Allen, M.D., Lic. No. F1975, Port Arthur

On April 13, 2012, the Board and John Allen Schmidt, M.D., entered into an Agreed Order requiring Dr. Schmidt to complete within one year 16 hours of CME including eight hours in risk management and eight hours in bariatric surgery and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Schmidt failed to use diligence and safeguard against potential complications in his treatment of a gastric bypass surgery patient.

Trevino, James Gregory, M.D., Lic. No. J7292, San Antonio

On April 13, 2012, the Board and James Gregory Trevino, M.D., entered into an Agreed Order requiring Dr. Trevino to complete within one year 16 hours of CME in the treatment of chronic pain and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Trevino failed to meet the standard of care when he nontherapeutically prescribed excessive amounts of narcotics to five patients without justification for such treatment.

Yusuf, Qaiser Jamal, M.D., Lic. No. J1818, Baytown

On April 13, 2012, the Board and Qaiser Jamal Yusuf, M.D., entered into an Agreed Order publicly reprimanding Dr. Yusuf and requiring Dr. Yusuf to have his practice monitored by another physician for 12 monitoring cycles and complete within one year the Board certification review course in the subject of pain. The Board found Dr. Yusuf failed to meet the standard of care for his treatment of 10 chronic pain patients when he nontherapeutically prescribed the same or similar combination of controlled substances to nine patients, failed to maintain adequate medical records for all 10 patients, conducted unnecessary tests and submitted improper billing.

Violation of Prior Board Order

Jones, James Stephen, M.D., Lic. No. M1806, Muenster

On April 13, 2012, the Board and James Stephen Jones, M.D., entered into an Agreed Order modifying Dr. Jones 2006 Agreed Order as modified in 2011, extending the 2006 Order by one year and requiring Dr. Jones to complete eight hours of CME in ethics within one year and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Jones falsified his Alcoholics Anonymous logs in an attempt to protect the anonymity of his sponsor, with whom he was actually attending the meetings, but who had refused to sign the logs in an effort to protect his own privacy.

Samuel, Donald, M.D., Lic. No. H5964, Jasper

On April 13, 2012, the Board and Donald Samuel, M.D., entered into an Agreed

Order requiring Dr. Samuel to pay an administrative penalty of \$500 within 60 days. The Board found Dr. Samuel failed to comply with all terms of a Board order when he did not obtain CME hours required for 2011.

Unprofessional Conduct

Dewitt, Owen Curl, M.D., Lic. No. G3287, Fort Worth

On April 13, 2012, the Board and Owen Curl Dewitt, M.D., entered into an Agreed Order publicly reprimanding Dr. Dewitt and requiring Dr. Dewitt to properly notify patients of the closure of his medical practice within 60 days, pass the Medical Jurisprudence Exam within one year and within three attempts and complete within one year 16 hours of CME including eight hours in ethics and eight hours in risk management. The Board found Dr. Dewitt was subject to disciplinary action by his peers, terminated his care of a patient without providing reasonable notice to the patient and behaved in a disruptive manner.

Garcia, Anthony Fabro, M.D., Lic. No. N9858, Temple

On April 13, 2012, the Board and Anthony Fabro Garcia, M.D., entered into an Agreed Order requiring Dr. Garcia to undergo a psychiatric evaluation, return to the Board following receipt of his evaluation, and follow all recommendations for continuing care and treatment. The basis for the Board's action was Dr. Garcia's disruptive behavior and discipline by Dr. Garcia's peers.

Failure to Properly Supervise

Reddy, Vaishnavi, M.D., Lic. No. K6912, Rosenberg

On April 13, 2012, the Board and Vaishnavi Reddy, M.D., entered into an Agreed Order requiring Dr. Reddy to complete within one year four hours of CME in the topic of supervision of mid-levels including physician assistants, submit within 60 days copies of all written standing delegation orders and protocols used by Dr. Vaishnavi in her clinic and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Vaishnavi failed to adequately supervise and train her physician assistant who failed to provide emergency intervention to a patient who presented complaining of severe chest pain and died of a heart attack less than two hours after his discharge.

Inadequate Medical Records

Caruth, Jeffrey Chandler, M.D., Lic. No. H6102, Plano

On April 13, 2012, the Board and Jeffrey Chandler Caruth, M.D., entered into a Mediated Agreed Order requiring Dr. Caruth to complete within one year eight hours of CME including four hours in risk management and four hours in medical recordkeeping and pay a \$1,500 refund to a patient within one year. The Board found Dr. Caruth failed to maintain adequate medical records for a patient on whom he performed abdominal liposuction and who may have been a better

candidate for an excisional procedure. The Order resolves a formal complaint against Dr. Caruth filed at the State Office of Administrative Hearings.

Soto-Cora, Ediberto, M.D., Lic. No. J0679, El Paso

On April 13, 2012, the Board and Ediberto Soto-Cora, M.D., entered into an Agreed Order requiring Dr. Soto-Cora to complete within one year 16 hours of CME including eight hours in medical recordkeeping and eight hours in ethics and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Soto-Cora failed to maintain an adequate medical record for a patient.

Stevens, James Edward, D.O., Lic. No. E8937, Westlake

On April 13, 2012, the Board and James Edward Stevens, D.O., entered into an Agreed Order requiring Dr. Stevens to complete within one year 24 hours of CME including four hours of immunology, four hours in fibromyalgia, eight hours in risk management and eight hours in physician-patient communications, and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Stevens failed to maintain adequate medical records regarding one patient.

Wills, Robert P., M.D., Lic. No. H8514, Austin

On April 13, 2012, the Board and Robert P. Wills, M.D., entered into a Mediated Agreed Order requiring Dr. Wills to complete within one year 16 hours of CME including eight hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Wills did not adequately maintain medical records regarding his care for a single patient who experienced a known complication. The Order resolves a formal complaint against Dr. Wills filed at the State Office of Administrative Hearings.

Peer Review Actions

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

On April 13, 2012, the Board and David Ian Howie, M.D., entered into an Agreed Order requiring Dr. Howie to undergo an independent psychiatric evaluation, with a written report to be completed within six months. The Board found Dr. Howie was subject to discipline by his peers at Cleveland Regional Medical Center, engaged in disruptive behavior and provided false information to the Board.

Impairment

Fowler, Stephen Rice, M.D., Lic. No. H9514, Ennis

On April 13, 2012, the Board and Stephen Rice Fowler, M.D., entered into an Agreed Order suspending Dr. Fowler's license until Dr. Fowler requests in writing to have the suspension lifted and provides clear and convincing evidence that he is competent to safely practice medicine, which must include evidence that Dr. Fowler has maintained sobriety for at least six months. The basis for action was Dr. Fowler's inability to practice medicine with reasonable skill and safety to patients because of drunkenness.

Hamid, Stacy Elise, M.D., Lic. No. N5095, Frisco

On April 13, 2012, the Board and Stacy Elise Hamid, M.D., entered into an Agreed Order reinstating her medical license, which was suspended in 2010, and subjecting her to the following terms and conditions for 10 years: Dr. Hamid must abstain from prohibited substances, undergo a psychiatric evaluation and follow all recommendations for continued care and treatment and continue seeing her psychologist once a month. In addition, Dr. Hamid shall not practice anesthesiology or practice in an emergency room or be on-call for any institution at night. Dr. Hamid must limit her practice to 30 hours per week, limit her medical practice to a group or institutional setting approved in advance, continue to participate in Alcoholics Anonymous and refrain from treating her immediate family. The basis for the Board's action was Dr. Hamid's prior disciplinary history and her compliance with all terms and conditions of her 2011 Order.

Nandety, Rao K., M.D., Lic. No. F2819, West Houston

On April 13, 2012, the Board and Rao K. Nandety, M.D., entered into an Agreed Order requiring Dr. Nandety to cease clinical practice of medicine in Texas, refrain from delegating to physician extenders and permanently restrict his practice to administrative medicine. The Board found Dr. Nandety served as medical director for several unregistered pain clinics operating in the Harris County area; unbeknownst to Dr. Nandety, the clinics were being operated in violation of state law. Dr. Nandety immediately resigned from the clinics and indicated to the Board that he has retired from the clinical practice of medicine due to physical health problems.

Reddy, Tanuja, M.D., Lic. No. N3266, Southlake

On April 13, 2012, the Board and Tanuja Reddy, M.D., entered into an Agreed Order requiring Dr. Reddy to undergo an evaluation by a psychiatrist, follow all recommendations for continued care and treatment, and petition the Board for another informal settlement conference following receipt of the neuropsychological evaluation. The basis for the Board's action is Dr. Reddy's inability to practice medicine with reasonable skill and safety to patients due to a mental or physical condition.

Other States' Action

Beaty, Sean Daly, M.D., Telemedicine Lic. No. TM00376, Las Vegas NV

On April 13, 2012, the Board and Sean Daly Beaty, M.D., entered into an Agreed Order requiring Dr. Beaty to pay an administrative penalty of \$500 within 60 days. The Board found Dr. Beaty was issued a Public Letter of Reprimand by the Medical Board of California.

Eby, Charles Sidney, Jr., M.D., Lic. No. D2417, Fort Myers FL

On April 13, 2012, the Board and Charles Sidney Eby Jr., M.D., entered into an Agreed Order requiring Dr. Eby to pay an administrative penalty of \$500 within

60 days. The Board found Dr. Eby was reprimanded by the Florida Department of Health and required to pay a \$5,000 administrative fine.

Freeman-Ladd, Mayra Louise, M.D., Lic. No. N5057, Abilene

On April 13, 2012, the Board and Mayra Louise Freeman-Ladd, M.D., entered into an Agreed Order requiring Dr. Freeman-Ladd to comply with all terms and conditions of her 2011 Order issued by the Florida State Medical Board related to violations of the standard of care in the treatment of one patient.

Marshall, Larry J., M.D., Lic. No. J9751, Lakeside CA

On April 13, 2012, the Board and Larry J. Marshall, M.D., entered into an Agreed Order requiring Dr. Marshall to pay an administrative penalty of \$1,000 within 60 days. The basis for action was Dr. Marshall's formal discipline by the Medical Board of California following charges of negligence, standard of care violations and medical recordkeeping violations.

Voluntary Surrender

Surya, Gundlapalli, M.D., Lic. No. H3757, San Antonio

On April 13, 2012, the Board and Gundlapalli Surya, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Surya voluntarily surrendered his Texas Medical license due to medical limitations. The order requires Dr. Surya to immediately cease practicing medicine.

McCord, Michael David, M.D., Lic. No. J4914, Beaumont

On April 13, 2012, the Board and Michael David McCord, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. McCord voluntarily and permanently surrendered his medical license because of a medical condition.

Cease and Desist

Cantu, Cristina, No License, Laredo

On April 13, 2012, the Board and Cristina Cantu entered into an Agreed Cease and Desist Order prohibiting Ms. Cantu from acting as or holding herself out to be a licensed physician in Texas. The Board found Ms. Cantu, through her website, used the designation of doctor without adequately disclosing the basis upon which she used the designation.

Roca, Ricardo F., No License, Brownsville

On April 13, 2012, the Board and Ricardo F. Roca entered into an Agreed Cease and Desist Order requiring Mr. Roca to cease acting as or holding himself out to be a licensed physician in Texas, referring to himself as "Dr." or "doctor" without clarifying verbally or in writing that he is not a medical doctor and is not licensed to practice medicine in Texas. The Board found that 14 patients Mr. Roca assisted at the University of Texas at Brownsville student health care clinic complained

that Mr. Roca examined, diagnosed, treated or advised treatment. Mr. Roca denied the allegations.

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Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

May 7, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB sanctions Irving liposuction doctor and Houston pain management doctor

An Irving doctor who performed a nine-hour, in-office liposuction procedure on a patient who suffered severe complications has been barred from performing any cosmetic, plastic or reconstructive procedures.

The Texas Medical Board's temporary restriction of Hector Oscar Molina, M.D., went into effect April 13, 2012, and remains in effect indefinitely, until it is superseded by a subsequent order of the Board.

A disciplinary panel of the Board found that Dr. Molina performed liposuction on a patient he had previously determined an unsuitable candidate for the procedure. In addition, the Board found Dr. Molina's entire knowledge of the procedure consisted of reading a book provided by the manufacturer of the liposuction equipment, completing an online program over two weeks, passing an online exam and completing one procedure under the direct supervision of another surgeon.

This agreed order of temporary restriction, signed by Dr. Molina and approved by the Board, will be resolved through further agreement between the Board and Dr. Molina at an informal settlement conference or through a contested case hearing at the State Office of Administrative Hearings.

Houston physician Donnie Evans, M.D., was temporarily restricted from prescribing Schedule II controlled substances on May 7, 2012, following a Temporary Suspension or Restriction hearing. In addition, Dr. Evans' prescription of Schedule III-IV controlled substances is restricted to acute care/crisis patients.

The Board found that Dr. Evans illegally operated two pain clinics, CPR Medical Group Clinic in Houston and Holland Medical Group Clinic in Jacinto City. Texas Pain Clinic laws require that pain clinic owners not have been subject to disciplinary action for conduct related to prescribing or supplying a controlled substance.

On April 8, 2011, Dr. Evans was sanctioned by the Board for his non-therapeutic prescriptions of narcotic medications to 15 patients. The following August, Dr.

Evans surrendered his Texas Pain Management Clinic certificates for the clinics. In January 2012, board staff in conjunction with the Drug Enforcement Agency conducted an inspection of Holland Clinic and found that most of Dr. Evans' patients were pain management patients.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

May 18, 2012

Media contact: Leigh Hopper, 512-305-7018

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

Medical Board suspends Laredo doctor

On May 18, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the medical license of Esteban Alejo, M.D., of Laredo.

The panel found Dr. Alejo to be a continuing threat and real danger to his patients due to violations of certain terms of his five-year, 2008 rehabilitation order including failure to timely submit to a drug test and furnishing false reports to the Board.

The suspension remains in effect until the board takes further action. Dr. Alejo has a right to another hearing, with notice, as soon as is practicable.

On April 11, 2012, a Board compliance officer visited Dr. Alejo's office, and informed the doctor that the quarterly report for March 2012 from Dr. Alejo's treating psychiatrist had not been provided, as required under the terms and conditions of the 2008 Order. Dr. Alejo's psychiatrist later told the compliance officer that he had not seen Dr. Alejo since January 2012.

Dr. Alejo also failed to meet other board requirements such as provide hair samples and documentation of CME.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

June 8, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB suspends Robert Joseph Kolimas, M.D., of Houston

On June 8, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the license of Robert Joseph Kolimas, M.D., license number G2550, after determining that Dr. Kolimas' continuation in the practice of medicine presents a continuing threat to the public welfare.

Dr. Kolimas was arrested on May 30, 2012, and charged with five counts of possession of child pornography in Harris County. The court found that probable cause of further detention existed and set bail at \$20,000 for each count. Dr. Kolimas posted bond and was released from custody June 2, 2012.

The temporary suspension remains in effect until the board takes further action.

Dr. Kolimas is entitled to a temporary suspension hearing with notice as soon as is practicable.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

June 15, 2012

Media contact: Leigh Hopper, 512-305-7018

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

Medical Board Issues 40 Disciplinary Orders at June Meeting

At its June 7-8, 2012 meeting, the Texas Medical Board disciplined 37 licensed physicians and issued three cease and desist orders. The disciplinary actions included 16 orders based on quality of care violations, seven voluntary surrenders and four based on non-therapeutic prescribing.

The Board issued 106 physician licenses at the June board meeting, bringing the total number of physician licenses issued in FY 12 to 2,806. Forty-five percent of physician licensure applications were completed in 10 days or less.

RULE CHANGES ADOPTED

The following Rule Changes were adopted at the June 7-8, 2012 Board meeting:

Chapter 163, LICENSURE: The amendment to **§163.2**, relating to Full Texas Medical License, sets out medical graduation requirements for 5th pathway applicants to be consistent with rules relating to other types of applicants for full licensure. The amendment to **§163.4**, relating to Procedural Rules for Licensure Applicants, provides that if an applicant for licensure has violated §170.002 or Chapter 171, Texas Health and Safety Code, the applicant will be considered ineligible for licensure. The amendment to **§163.5**, relating to Licensure Documentation, amends the clinical clerkship affidavit regarding US clinical clerkships so that language is consistent with the Board's processes; and provides a remedy for licensure to applicants who are otherwise ineligible for licensure due to a deficient medical clerkship obtained while in medical school.

Chapter 166, PHYSICIAN REGISTRATION: The amendment to **§166.1** provides that a physician will not be eligible for a registration permit if the physician has violated §170.002 or Chapter 171, Texas Health and Safety Code, consistent with HB 15 that was passed during the 82nd Legislative Session. The amendment to **§166.3** provides that in order for a physician to return to active status from retired status, the physician may have to prove competency or otherwise remediate any deficiencies in ways consistent with §163.11 of the Board's rules related to the active practice of medicine.

Chapter 172, TEMPORARY AND LIMITED LICENSES: The amendment to §172.8, relating to Faculty Temporary License, provides that applicants for Faculty Temporary Licenses (FTLs) shall be determined ineligible for FTLs based on the same reasons for ineligibility for full licensure. The amendment to §172.15, relating to Public Health License, provides that any clinical medicine performed under public health license may not count toward active practice requirements for full licensure. The amendment to §172.16, relating to Provisional Licenses for Medically Underserved Areas, provides that in addition to other reasons already provided by rule, a provisional license will be terminated upon determination of statutory ineligibility by the Executive Director.

Chapter 177, BUSINESS ORGANIZATIONS: Amendments to §177.5, concerning Special Requirements for 162.001(b) Health Organizations, provides changes consistent with SB 1661 passed during the 82nd Regular Session. Changes include requiring non-profit health organizations to adopt and enforce policies to ensure that physicians employed by the organization exercise independent medical judgment when providing care to patients.

Chapter 190, DISCIPLINARY GUIDELINES: Amendments to §190.8, concerning Violation Guidelines, adds that the Board will take disciplinary action if the physician is in violation of §170.002 or Chapter 171, Texas Health and Safety Code.

DISCIPLINARY ACTIONS

Quality of Care

Clark, Donald Will, M.D., Lic. No. C8225, Athens

On June 8, 2012, the Board and Donald Will Clark, M.D., entered into an Agreed Order requiring Dr. Clark to undergo an independent medical evaluation by a board-certified psychiatrist and follow all recommendations for care and treatment, limit his practice to a setting approved in advance by the Executive Director of the Board, refrain from reregistering or otherwise obtaining DEA/DPS controlled substance registration certificates, complete within one year eight hours of CME in ethics and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Clark failed to meet the standard of care when he prescribed medications to 14 people outside an office setting without maintaining adequate medical records for the patients and became financially or personally involved with a patient in an inappropriate manner.

Dumas, Natascha Tove, M.D., Lic. No. L4351, Houston

On June 8, 2012, the Board and Natascha Tove Dumas, M.D., entered into an Agreed Order publicly reprimanding Dr. Dumas and prohibiting Dr. Dumas from holding DPS/DEA controlled substances registrations, treating any chronic pain patients or supervising or delegating prescriptive authority to physician extenders. In addition, the order requires Dr. Dumas to pass within one year and within three attempts the Medical Jurisprudence Exam. The Board found Dr. Dumas violated

the standard of care in her treatment of 21 patients, used pre-signed prescriptions for disbursement by unlicensed staff members and entered into an unlawful business arrangement, obtaining a pain management certificate for a clinic she did not own.

Fennig, Roberta L., D.O., Lic. No. J2873, El Paso

On June 8, 2012, the Board and Roberta L. Fennig, D.O., entered into a five-year Agreed Order publicly reprimanding Dr. Fennig and prohibiting Dr. Fennig from treating any chronic pain patients or serving as a physician for her immediate family. In addition, Dr. Fennig must have another physician monitor her practice for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year 16 hours of CME in psychopharmacology and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Fennig failed to meet the standard of care, inappropriately prescribed to a family member and repeatedly prescribed opiates to one patient with a known history of substance abuse.

Hartman, Samuel Christian, M.D., Lic. No. K0487, Corpus Christi

On June 8, 2012, the Board and Samuel Christian Hartman, M.D., entered into an Agreed Order requiring Dr. Hartman to complete within one year eight hours of CME in medical record-keeping and four hours in chronic obstructive pulmonary disease. The Board found Dr. Hartman failed to meet the standard of care when he did not order a chest x-ray for a patient with a cough persisting over six months and four office visits, and failed to maintain adequate medical records.

Holliday, James Glen, D.O., Lic. No. D2791, Frisco

On June 8, 2012, the Board and James Glen Holliday, D.O., entered into a Mediated Agreed Order requiring Dr. Holliday to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in pharmacology and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Holliday failed to meet the standard of care when he prescribed Prozac and Phentermine to a patient for weight loss, when there was no indication for either drug. The order resolves a formal complaint against Dr. Holliday filed at the State Office of Administrative Hearings.

Johnson, Jeffrey Dale, D.O., Lic. No. J8607, Corpus Christi

On June 8, 2012, the Board and Jeffrey Dale Johnson, D.O., entered into an Agreed Order publicly reprimanding Dr. Johnson and requiring him to complete within one year four hours of CME in prescribing controlled substances, four hours in medical record-keeping and four hours in risk management. The Board found Dr. Johnson failed to meet the standard of care in his treatment of one patient, and non-therapeutically prescribed, after which prescription the patient died from a prescription drug overdose.

Johnson, Tone, Jr., M.D., Lic. No. G6946, Corpus Christi

On June 8, 2012, the Board and Tone Johnson Jr., M.D., entered into a Mediated Agreed Order requiring Dr. Johnson to have his practice monitored by another physician for 12 monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 28 hours of CME including four hours in the topic of billing, eight hours in risk management, eight hours in office management and eight hours in supervising mid-level providers, and within four months complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Johnson violated the standard of care and failed to maintain adequate documentation for two patients, improperly billed for medical services and failed to adequately supervise delegates. The order resolves a formal complaint against Dr. Johnson filed at the State Office of Administrative Hearings.

Kern, James Hoyt, M.D., Lic. No. G7833, Houston

On June 8, 2012, the Board and James Hoyt Kern, M.D., entered into an Agreed Order requiring Dr. Kern to pass within one year and within three attempts the Medical Jurisprudence Exam; complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in risk management, four hours in local anesthetic pharmacology and toxicity, four hours in ethics and four hours in physician/patient communication; register his practice as an office-based anesthesia practice within 30 days; to become and have his staff certified in Basic Life Support; provide verification to the Board that he has modified his advertising to remove misleading statements; and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Kern failed to exercise diligence in his practice, failed to obtain adequate informed consent, used misleading advertising and did not register his office-based anesthesia practice.

Kesavan, Ramesh Babu, M.D., Lic. No. M6223, Kingwood

On June 8, 2012, the Board and Ramesh Babu Kesavan, M.D., entered into an Agreed Order requiring Dr. Kesavan to complete within one year 10 hours of CME in risk management. The action was based on Dr. Kesavan's failure to meet the standard of care and safeguard against potential complications when he did not personally review a patient's routine CT scan.

Lankes, Richard Allen, M.D., Lic. No. E6464, Carrizo Springs

On June 8, 2012, the Board and Richard Allen Lankes, M.D., entered into an Agreed Order requiring Dr. Lankes to complete 24 hours of CME including eight hours in the topic of preventative screenings, eight hours in medical record-keeping and eight hours in risk management. The Board found Dr. Lankes did not meet the standard of care when he failed to timely diagnose patient's cancer, and did not maintain adequate medical records.

Nash, Edward Alan, M.D., Lic. No. M3662, Houston

On June 8, 2012, the Board and Edward Alan Nash, M.D., entered into an Agreed

Order requiring Dr. Nash to complete within one year 16 hours of CME, in person, including eight hours in medical record-keeping and eight hours in risk management. The Board found Dr. Nash failed to meet the standard of care or maintain adequate medical records.

Parra, Rafael, M.D., Lic. No. E4040, San Antonio

On June 8, 2012, the Board and Rafael Parra, M.D., entered into an Agreed Order requiring Dr. Parra to complete within one year 12 hours of CME including four hours in medical record-keeping and eight hours in the topic of nerve conduction velocity and electromyography, and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Parra failed to meet the standard of care and maintain adequate medical records.

Ramirez, John P., M.D., Lic. No. H0743, Houston

On June 8, 2012, the Board and John P. Ramirez, M.D., entered into an Agreed Order prohibiting Dr. Ramirez from treating any chronic pain patients. Dr. Ramirez may treat acute pain, prescribing only on a one-time basis for immediate need. In addition, Dr. Ramirez must have another physician monitor his practice for 12 monitoring cycles, complete within one year eight hours of CME in medical record-keeping and pay an administrative penalty of \$5,000 within one year. This Order supersedes Dr. Ramirez's 2011 Order. The Board found Dr. Ramirez failed to meet the standard of care in his treatment of 15 patients, prescribed in a non-therapeutic manner and prescribed to a known abuser of narcotic drugs.

Roquet, Warren Paul, M.D., Lic. No. G0026, Bryan

On June 8, 2012, the Board and Warren Paul Roquet, M.D., entered into an Agreed Order requiring Dr. Roquet to refrain from serving as a physician for his immediate family, have another physician monitor his practice for eight monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in chronic pain treatment and eight hours in ethics. The Board found Dr. Roquet failed to meet the standard of care in his treatment of one patient's abdominal pain, did not maintain adequate medical records and non-therapeutically prescribed.

Webb, John Q., Jr., M.D., Lic. No. E3137, Beaumont

On June 8, 2012, the Board and John Q. Webb Jr., M.D., entered into an Agreed Order requiring Dr. Webb to have his practice monitored by another physician for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in risk management and four hours in identifying drug-seeking behavior and pay an administrative penalty of \$2,000 within 60 days. In addition, Dr. Webb

may not reregister or otherwise obtain DEA or DPS controlled substance registrations until he has written authorization from the Board. The Board found Dr. Webb breached the standard of care by non-therapeutically prescribing controlled substances to 25 patients, and that he did not maintain adequate medical records.

Weldon, Bill E., D.O., Lic. No. F4669, Fort Worth

On June 8, 2012, the Board and Bill E. Weldon, D.O., entered into a Mediated Agreed Order requiring Dr. Weldon to close his medical practice and cease all evaluation, diagnosis and treatment of patients, including all prescribing. For 45 days after the entry of this order, Dr. Weldon may see current patients for the purpose of referring them to other providers. In addition, Dr. Weldon may not engage in any practice of medicine that involves direct or indirect contact with patients after the closing of his medical practice. Dr. Weldon shall limit his medical practice to acting as a medical review officer, reviewing test results and medical records only. Dr. Weldon is not permitted to supervise or delegate prescriptive authority to physician extenders. The Board's basis for action was Dr. Weldon's failure to comply with his 2010 Order as well as failure to meet the standard of care in his treatment of a patient, non-therapeutic prescribing and prescribing to a person the physician should have known was an abuser of narcotic drugs. The order resolves a formal complaint filed August 2011 at the State Office of Administrative Hearings.

Non-Therapeutic Prescribing

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

On June 8, 2012, the Board and Ikenna Adugba, M.D., entered into an Agreed Order requiring Dr. Adugba to complete within one year 12 hours of CME including eight hours in chronic pain management and four hours in ethics, submit within 60 days in writing a set of protocols as well as a pain contract that complies with Board Rule 170 related to the treatment of pain. The Board found Dr. Adugba failed to adequately supervise his delegates, maintain adequate medical records or use proper diligence in his practice.

Gullapalli, Uma Rani, M.D., Lic. No. J1256, Victoria

On June 8, 2012, the Board and Uma Rani Gullapalli, M.D., entered into an Agreed Order publicly reprimanding Dr. Gullapalli due to her non-therapeutic prescribing of controlled substances to 15 patients.

O'Hearn, Charles John, M.D., Lic. No. H5676, Southlake

On June 8, 2012, the Board and Charles John O'Hearn, M.D., entered into a Mediated Agreed Order requiring Dr. O'Hearn to refrain from serving as a physician for himself, maintain a logbook of all prescriptions for dangerous drugs and controlled substances with addictive potential written by Dr. O'Hearn, undergo an evaluation by a psychiatrist and begin recommended care and treatment. The basis for action was Dr. O'Hearn's inappropriate prescription of dangerous drugs or controlled substances to himself without creating and

maintaining a record, and in the absence of documented immediate need. The order resolves a formal complaint against Dr. O'Hearn filed at the State Office of Administrative Hearings.

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

On June 8, 2012, the Board and Steven Michael Sacks, M.D., entered into a Mediated Agreed Order requiring Dr. Sacks to have his practice monitored by a physician for eight monitoring cycles, complete within one year 32 hours of CME including eight hours in chronic pain management, eight hours in medical record-keeping, eight hours in recognizing signs of drug diversion/abuse and eight hours in risk management. In addition, Dr. Sacks must pass within one year and within three attempts the Medical Jurisprudence Exam and pay an administrative penalty of \$3,000 within 180 days. The Board found Dr. Sacks violated rules regarding maintenance of adequate medical records and regarding the treatment of chronic pain, non-therapeutically prescribed drugs and prescribed to a known abuser of narcotic drugs.

Inadequate Supervision

Dailey, Warren Bertrand, M.D., Lic. No. F8454, Liberty

On June 8, 2012, the Board and Warren Bertrand Dailey, M.D., entered into a Mediated Agreed Order, publicly reprimanding Dr. Dailey and requiring Dr. Dailey to provide within 30 days written protocols that outline standards of practice to be followed by all staff working under his supervision, maintain at all practice sites a logbook of all prescriptions written by midlevel practitioners, maintain at all practice sites a logbook of all charts reviewed by Dr. Dailey for patients treated by mid-level practitioners working under his supervision and complete within one year eight hours of CME in the topic of supervising midlevel practitioners. The basis for action was Dr. Dailey's failure to properly supervise staff working at a weight loss management clinic. The order resolves a formal complaint against Dr. Dailey filed at the State Office of Administrative Hearings.

Unprofessional Conduct

Hamer, Louis Marc, M.D., Lic. No. J3113, Pasadena

On June 8, 2012, the Board and Louis Marc Hamer, M.D., entered into an Agreed Order requiring Dr. Hamer to complete within one year an approved anger-management course, complete within one year four hours of CME in the topic of physician-patient boundaries and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Hamer engaged in behavior that was disruptive to hospital staff.

Voluntary Suspension

Pullen, Thomas F., Jr., M.D., Lic. No. E2801, Taylor

On June 8, 2012, the Board and Thomas F. Pullen, Jr., M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Pullen's medical license was suspended until such time as he appears before the Board and provides clear and convincing evidence that he is physically, mentally and otherwise competent to

safely practice medicine. The Board found Dr. Pullen violated the standard of care when he prescribed substantial amounts of controlled substances to three minor patients in amounts and dosages that are non-therapeutic for children, and that he engaged in an inappropriate personal relationship with an adult patient, the mother of the children.

Ritter, Jack Lendon, M.D., Lic. No. E4637, The Woodlands

On June 8, 2012, the Board and Jack Lendon Ritter, M.D., entered into an Agreed Order of Suspension in which Dr. Ritter's medical license was suspended until such time as he appears before the Board and provides clear and convincing evidence that he is physically, mentally and otherwise competent to safely practice medicine. The Board found Dr. Ritter, who self-reported alcohol abuse to the Texas Physician Health Program, violated his five-year monitoring agreement with PHP.

Smith, Donald W., M.D., Lic. No. D6870, Spring

On June 8, 2012, the Board and Donald W. Smith, M.D., entered into an Agreed Order of Suspension in which Dr. Smith's medical license was suspended until such time as he appears before the Board and provides clear and convincing evidence that he is physically, mentally and otherwise competent to safely practice medicine. In addition, prior to resuming active practice of medicine, Dr. Smith must complete the KSTAR clinical competency assessment program offered by Texas A&M University, and comply with the provisions of his 2003 Order, as modified. The Board found Dr. Smith violated his 2003 Order, as modified, when he failed to implement recommendations of the chart monitor, specifically, by reducing his number of pain patients and/or convert patients to non-addictive alternatives and obtaining and documenting more complete histories and explanations for treatments that correlate to diagnoses.

Williams, Brianne, M.D., Lic. No. M8428, Plainview

On June 8, 2012, the Board and Brianne Williams, M.D., entered into an Agreed Order of Suspension in which Dr. Williams medical license was suspended until such time as she appears before the Board and provides clear and convincing evidence that she is physically, mentally and otherwise competent to safely practice medicine. The Board found Dr. Williams, who self-reported substance abuse to the Texas Physician Health Program, violated her 2011 monitoring agreement with PHP.

Voluntary Surrender

Bullington, Karen Patricia, M.D., Lic. No. H9455, Marietta, GA

On June 8, 2012, the Board and Karen Patricia Bullington, M.D., entered into an Agreed Voluntary Surrender Order. The Georgia Medical Board entered an order due to Dr. Bullington's failure to meet the standard of care for one patient. Dr. Bullington indicated to the Board that she agreed to permanently surrender her Texas medical license in lieu of further disciplinary proceedings.

Chaudhry, Mohammad Akram, M.D., Lic. No. E2171, Fort Worth

On June 8, 2012, the Board and Mohammad Akram Chaudhry, M.D., entered into an Agreed Order of Voluntary Surrender. Due to a health condition, Dr. Chaudhry indicated to the board that he agrees to permanently surrender his Texas medical license and cease practicing medicine.

Pearce, Jay, D.O., Lic. No. H4608, Fulton

On June 8, 2012, the Board and Jay Pearce, D.O., entered into an Agreed Order of Voluntary Surrender. Dr. Pearce retired from medical practice in June 2011 due to illness.

Philbrick, Darey, M.D., Lic. No. J6662, Brownwood

On June 8, 2012, the Board and Darey Philbrick, M.D., entered into an Agreed Order of Voluntary Surrender. The Board had concerns about Dr. Philbrick's prescribing practices and medical record-keeping. Dr. Philbrick surrendered his Texas Medical license in lieu of disciplinary action.

Roy, Jacques A., M.D., Lic. No. G6995, DeSoto

On June 8, 2012, the Board and Jacques A. Roy, M.D., entered into an Agreed Order of Voluntary Surrender. In February 2012, Dr. Roy was arrested by the FBI for allegations of Medicare fraud, and indicated to the Board that he wished to surrender his Texas medical license in lieu of further disciplinary proceedings regarding allegations he failed to meet the standard of care for two patients and violation of state and federal law.

Turner, Stephen Lynn, M.D., Lic. No. G5711, Plainview

On June 8, 2012, the Board and Stephen Lynn Turner entered into a Voluntary Surrender Order in which the Board accepted Dr. Turner's permanent surrender of his Texas medical license. The Board opened an investigation on Dr. Turner based on unprofessional comments he made. Dr. Turner has self-reported an injury which affects his ability to practice medicine.

Wilder, Lowell E., M.D., Lic. No. C0655, Falfurrias

On June 8, 2012, the Board and Lowell E. Wilder, M.D., entered into an Agreed Voluntary Surrender Order. Dr. Wilder, who is 93, indicated to the Board he wished to permanently surrender his Texas medical license due to significant physical health problems.

Other States Actions

Geier, Mark, M.D., Lic. No. TM00268, Rockville MD

On June 8, 2012, the Board and Mark Geier, M.D., entered into an Agreed Order of Suspension. In April 2011, the Maryland State Board of Physicians suspended Dr. Geier's Maryland medical license based on his treatment of autistic children with the drug Lupron. Under the terms of the Agreed Order of Suspension, if Dr. Geier's Maryland medical license is revoked, his Texas license will be automatically revoked.

Whitfield, Dennis Wayne, M.D., Lic. No. D9722, Saint Helena CA

On June 8, 2012, the Board and Dennis Wayne Whitfield, M.D., entered into an Agreed Order publicly reprimanding Dr. Whitfield. The Board found Dr. Whitfield was subjected to disciplinary action by the state of California, where he is also licensed, due to a failure to treat a patient according to the generally accepted standard of care.

Violation of a Prior Order

Wong, Ronald Din, M.D., Lic. No. J5950, San Antonio

On June 8, 2012, the Board and Ronald Din Wong, M.D., entered into an Agreed Order requiring Dr. Wong to complete within 90 days the CME required in his 2009 Order for which he is deficient and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Wong did not timely obtain CME required in his 2009 Order and failed to timely pay a \$1,000 administrative penalty required in his 2011 Order.

Inadequate Medical Records

Pittard, Carlton Duwain, M.D., Lic. No. C6476, Grapevine

On June 8, 2012, the Board and Carlton Duwain Pittard, M.D., entered into an Agreed Order requiring Dr. Pittard to have a physician monitor his practice for 12 monitoring cycles, complete within one year 20 hours of CME including 10 hours in medical recordkeeping and 10 hours in risk management. The action was based on Dr. Pittard's failure to maintain adequate medical records for one patient.

Cease and Desist

Mitchell, Roby, Lic. No. H4560 (Cancelled), Amarillo

On May 25, 2012, the Board entered a Cease and Desist Order regarding Roby Mitchell, prohibiting him from acting as, or holding himself out to be, a physician and ordering him to cease and desist from engaging in any practice of medicine. Mr. Mitchell's Texas medical license was revoked in August 2005 for failing to obey a previous Board order. In April 2011, Mr. Mitchell evaluated and treated a patient for metastatic melanoma, after holding himself out as a cancer doctor. Mr. Mitchell prescribed a course of what he described as "Colostrum Bovine Treatment." This treatment involved drawing blood from the patient, and injecting that blood into the udder of a pregnant cow. The patient was then to drink milk from the cow. The patient paid \$2,500 to Mr. Mitchell and \$2,500 to the farmer with the cow. The patient died in hospice before he had the opportunity to drink any of the milk he paid for. The farmer wired back to the patient's family \$2,500; Mr. Mitchell refused to provide a refund.

Rowjee, Roshin A., No License, Lufkin

On May 25, 2012, the Board entered a Cease and Desist Order regarding Roshin A. Rowjee, prohibiting Mr. Rowjee from engaging in the unlicensed practice of medicine in Texas. The action was based on Mr. Rowjee's dispensing medical advice and diagnosis and soliciting payment for these services from patients through the Internet.

Thompson, Stephen Kelly, Lic. No. G2582 (Cancelled), Dallas

On May 25, 2012, the Board entered a Cease and Desist Order regarding Stephen Kelly Thompson, prohibiting Mr. Thompson from engaging in the practice of medicine or referring to himself as "Dr. Stephen Kelly Thompson" without clearly designating that he is not a medical doctor and that he is not licensed to practice medicine in the state of Texas. The Board found Mr. Thompson has been engaging in the unlicensed practice of medicine in Texas, referred to himself as "Dr. Stephen Thompson" in the context of a job interview and that he examined and diagnosed a patient with severe bursitis, administered pain medication and provided a prescription.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

August 3, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB suspends Texas License of California Physician, Texas Physician Assistant Board suspends Harrison County Physician Assistant

On August 3, 2012, a Disciplinary Panel of the Texas Medical Board temporarily suspended, without notice, the Texas Medical License of Stephen Melcher, M.D., of Sacramento, CA, after determining that Dr. Melcher poses a continuing threat to the public welfare.

It is alleged that on October 11, 2011, Dr. Melcher molested an 11-year-old boy during a dinner party at his residence and an arrest warrant was issued for Dr. Melcher, charging him with that offense. On May 25, 2012, Dr. Melcher entered a plea of no contest to the charge of felony sexual act with a minor and was sentenced to one year in jail with a five-year probationary term.

Melcher's California Medical License was suspended in June. Melcher is board-certified in psychiatry.

The suspension remains in effect until the board takes further action. Dr. Melcher has a right to another hearing, with notice, as soon as is practicable.

On August 2, 2012, a Disciplinary Panel of the Texas Physician Assistant Board temporarily suspended, without notice, the Physician Assistant License of Christopher M. Magill, P.A., after determining that Mr. Magill's continuation in practice constitutes a continuing threat to the public welfare.

On July 12, 2012, Mr. Magill was arrested by the Harrison County Sheriff's Office for charges of indecent exposure and assault with physical contact. It is alleged that Mr. Magill engaged in sexual contact with a patient at the Affordable Health Care Clinic in Waskom, Texas.

The suspension remains in effect until the board takes further action. Mr. Magill has a right to another hearing, with notice, as soon as is practicable.

To view the legal documents behind these summaries, visit the Texas Medical Board website and click on "[Look Up a Doctor.](#)"

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

September 7, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB disciplines 55 physicians at August meeting

At its August 29-31, 2012 meeting, the Texas Medical Board disciplined 55 licensed physicians and issued one cease and desist order. The disciplinary actions included 22 orders based on quality of care violations, one revocation, seven voluntary surrenders/suspensions, eight orders based on unprofessional conduct, five orders based on impairment, five orders based on other states' action or peer review, four based on inadequate medical records, one based on a criminal conviction, one based on inadequate supervision and one rules violation.

The Board issued 130 physician licenses at the August board meeting, bringing the total number of physician licenses issued in FY 12 to 3,630. Forty-three percent of physician licensure applications were completed in 10 days or less.

RULE CHANGES ADOPTED

The following Rule Changes were adopted at the August 29-31, 2012 Board meeting:

Chapter 163, LICENSURE: Amendments to **§163.2**, concerning Full Texas Medical License, establishes employment requirements for licensure applicants who are not U.S. citizens or permanent residents, in accordance with Senate Bill 189 that was adopted during the 82nd Legislative Session. Amendment to **§163.5**, concerning Licensure Documentation, establishes the documentation that the Board will accept from applicants to establish U.S. or permanent residency.

Chapter 177, BUSINESS ORGANIZATIONS: Amendment to **§177.17**, concerning the Exceptions to Corporate Practice of Medicine Doctrine, provides an exception to doctrine for rural health clinics that meet the requirements of 42 CFR 491.8.

Chapter 187, PROCEDURAL RULES: Amendment to **§187.18** concerning Informal Show Compliance Proceeding and Settlement Conference Based on Personal Appearance, deletes language relating to deadline requirements for submission of rebuttal materials that is in conflict with other provisions of the rule and the Medical Practice Act, and **§187.83** concerning Proceedings for Cease and

Desist Orders, deletes language requiring a panel member to sign cease and desist order, as rule already provides for executive director to sign order.

Chapter 189, COMPLIANCE PROGRAM: The amendments to §§189.1 - 189.3, 189.5, 189.6, 189.8 and 189.11 add language related to remedial plans to be consistent with provisions under Chapter 187, additionally the amendment to §189.7 adds language related to remedial plans to be consistent with provisions under Chapter 187, including that probationers may not request modification or termination of remedial plans unless specifically allowed under the terms of the probationer's remedial plan.

The amendment to §189.9 adds language related to remedial plans to be consistent with provisions under Chapter 187, including that automatic suspensions are permitted for violating terms of a remedial plan to include failure to pass SPEX or JP examinations.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Abrams, David Paul, D.O., Lic. No. K7960, San Antonio

On August 31, 2012, the Board and David Paul Abrams, D.O., entered into an Agreed Order requiring Dr. Abrams to refrain from treating any chronic pain patients. The Board found Dr. Abrams violated the standard of care in his treatment of nine pain management patients, prescribed controlled substances without a valid medical purpose and failed to maintain adequate medical records for these patients.

Benson, Royal Henry, III, M.D., Lic. No. H0175, Bryan

On August 31, 2012, the Board and Royal Henry Benson, III, M.D., entered into an Agreed Order requiring Dr. Benson to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 10 hours of CME including five hours in medical record-keeping and five hours in risk management and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Benson failed to meet the standard of care, engaged in unprofessional conduct and did not maintain adequate medical records.

Brooks, Clarence Jackson, M.D., Lic. No. E6734, Fort Worth

On August 31, 2012, the Board and Clarence Jackson Brooks, M.D., entered into an Agreed Order requiring Dr. Brooks to have another physician monitor his practice for eight monitoring cycles, complete within one year 16 hours of CME including eight hours in treating chronic pain and eight hours in medical record-keeping, within 30 days authorize Dr. Brooks' treating oncologist to provide quarterly reports addressing ability to safely practice medicine, and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Brooks failed to treat a patient according to the generally accepted standard of care, failed to maintain adequate medical records and failed to cooperate with Board staff.

Chen, Defeng, M.D., Lic. No. L7613, Corpus Christi

On August 31, 2012, the Board and Defeng Chen, M.D., entered into an Agreed Order publicly reprimanding Dr. Chen and requiring Dr. Chen to complete within one year 32 hours of CME including eight hours in the topic of critical care of patients, eight hours in ethics and 16 hours in risk management. The Board found Dr. Chen failed to timely respond in person when on-call or when requested by emergency room or hospital staff.

Dunlap, Donald Conrad, Jr., D.O., Lic. No. G4286, Irving

On August 31, 2012, the Board and Donald Conrad Dunlap Jr., D.O., entered into an Agreed Order requiring Dr. Dunlap to cease treating chronic pain complaints, pass within one year and within three attempts the Medical Jurisprudence Exam, within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in risk management and pay an administrative penalty of \$4,000 within 60 days. The Board found Dr. Dunlap failed to meet the standard of care when he prescribed controlled medications without documenting physical exams or justifications for the medication.

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

On August 31, 2012, the Board and Jaime Rafael Gomez, M.D., entered into an Agreed Order requiring Dr. Gomez to have a physician monitor his practice for four monitoring cycles, complete within one year four hours of CME in the topic of post-operative complications and four hours in medical management of hemorrhagic shock. The Board found Dr. Gomez failed to meet the standard of care or use proper diligence in his professional practice.

Gopalani, Salim, M.D., Lic. No. J6116, Houston

On August 31, 2012, the Board and Salim Gopalani, M.D., entered into an Agreed Order requiring Dr. Gopalani to complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in risk management and eight hours in physician-patient communication. The Board found Dr. Gopalani failed to use proper diligence in his professional practice.

Henry, Bruce Allen, M.D., Lic. No. H2454, Arlington

On August 31, 2012, the Board and Bruce Allen Henry, M.D., entered into an Agreed Order requiring Dr. Henry to maintain a file for one year containing a copy of every prescription he writes for controlled substances or dangerous drugs with addictive potential, have a physician monitor his practice for four cycles, undergo an independent psychiatric evaluation and comply with all recommendations for care and treatment, undergo an independent medical evaluation and within one year and within three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Henry failed to comply with Board guidelines for treatment of pain and failed to meet the standard of care for eight

patients when he nontherapeutically prescribed narcotics and kept inadequate medical records.

Hernandez, Robert Jacob, M.D., Lic. No. J2602, Sherman

On August 31, 2012, the Board and Robert Jacob Hernandez, M.D., entered into a Mediated Agreed Order requiring Dr. Hernandez to pass within one year and within three attempts the Medical Jurisprudence Exam, have his practice monitored by another physician for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, maintain a logbook of all prescriptions written for controlled substances or dangerous drugs and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Hernandez failed to meet the standard of care, nontherapeutically prescribed and violated Board rules regarding maintenance of adequate medical records and the treatment of pain. The Order resolves a formal complaint filed against Dr. Hernandez at the State Office of Administrative Hearings.

Hickman, Willet J., III, M.D., Lic. No. E3707, Tyler

On August 31, 2012, the Board and Willet J. Hickman, III, M.D., entered into an Agreed Order requiring Dr. Hickman to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and complete within one year the conference entitled "Medical Oncology and Hematology 2012: Clinical and Scientific Approaches that Enhance Patient Outcomes" offered by the University of Texas M.D. Anderson Cancer Center. The Board found Dr. Hickman failed to use proper diligence in his professional practice regarding a patient with lung cancer and failed to maintain adequate medical records.

Holleman, James F., Jr., D.O., Lic. No. K4082, Tyler

On August 31, 2012, the Board and James F. Holleman, Jr., entered into a Mediated Agreed Order requiring Dr. Holleman to have another physician monitor his practice for eight monitoring cycles, complete within one year the medical record-keeping and physician prescribing courses offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Holleman failed to meet the standard of care when he nontherapeutically prescribed medications to three patients, failed to adhere to Board guidelines for the treatment of pain, and failed to keep adequate medical records. This Order resolves a formal complaint filed against Dr. Holleman at the State Office of Administrative Hearings.

Jafri, Adnan Zia, M.D., Lic. No. K8229, Tomball

On August 31, 2012, the Board and Adnan Zia Jafri, M.D., entered into an Agreed Order requiring Dr. Jafri to provide within 30 days a copy of his policies and procedures in regard to patient care at skilled nursing facilities and nursing homes, within one year complete eight hours of CME including four hours in

management of hypertension and four hours in risk management and pay an administrative penalty of \$1,500 within 90 days. The Board found Dr. Jafri failed to treat a patient according to the standard of care and failed to maintain adequate medical records.

Khan, Nadeem Ahmed, M.D., Lic. No. K8777, Fort Worth

On August 31, 2012, the Board and Nadeem Ahmed Khan, M.D., entered into an Agreed Order requiring Dr. Khan to complete within one year 10 hours of CME in the topic of obstetric and gynecology emergency and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Khan failed to meet the standard of care or use diligence in his professional practice.

Roberts, Howard Harrison, M.D., Lic. No. C5853, Brownsville

On August 31, 2012, the Board and Howard Harrison Roberts, M.D., entered into an Agreed Order in which Dr. Roberts may only provide general anesthesia with neuraxial anesthesia, regional anesthesia, and/or sedation with monitored anesthesia care under the supervision of a board-certified anesthesiologist, and with a pre-operative assessment co-signed by another board-certified anesthesiologist and with another board-certified anesthesiologist present for induction and emergence from general anesthesia; pay an administrative penalty of \$2,000 within 60 days; and complete within one year eight hours of CME in risk management and four hours in managing cardiac patients in non-cardiac surgery. The Board found Dr. Roberts failed to use proper diligence in his professional practice in providing anesthesia to a patient during a surgical procedure and administered Digoxin with no documented rationale for doing so.

Rogers, Mark Randall, M.D., Lic. No. H0770, Houston

On August 31, 2012, the Board and Mark Randall Rogers, M.D., entered into an Agreed Order requiring Dr. Rogers to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in medical record-keeping and eight hours in ethics, and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Rogers inappropriately and nontherapeutically prescribed controlled substances to his wife, failed to meet the standard of care by failing to monitor and adequately document her drug intake and failed to maintain adequate medical records.

Simpson, William Franklin, Jr., D.O., Lic. No. K5404, Eastland

On August 31, 2012, the Board and William Franklin Simpson Jr., D.O., entered into an Agreed Order requiring Dr. Simpson to complete within one year five hours of CME in medical record-keeping and five hours of CME in the topic of post-operative care, complete within one year an in-person CME course emphasizing laparoscopic surgery and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Simpson failed to meet the standard of care in a patient's post-operative care, failed to safeguard against potential complications and did not maintain adequate medical records.

Sevilla, Cesar Augusto, M.D., Lic. No. G2479, Sugar Land

On August 31, 2012, the Board and Cesar Augusto Sevilla, M.D., entered into an Agreed Order requiring Dr. Sevilla to pass within one year and within three attempts the Medical Jurisprudence Exam and within one year complete eight hours of CME in risk management.

The Board found Dr. Sevilla failed to treat a patient according to the generally accepted standard of care when he failed to communicate the need for a CT scan of a patient's chest.

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

On August 31, 2012, the Board and Ricardo Barrera Tan, M.D., entered into an Agreed Order in which Dr. Tan must pass within one year, within three attempts, the Medical Jurisprudence Exam; and within one year complete four hours of CME in medical record-keeping, eight hours in ethics and 16 hours in complementary and alternative medicine.

The Board found Dr. Tan failed to do proper work-ups and evaluations on several patients prior to three patients' IV infusions.

Tupa, Christi Marie, M.D., Lic. No. L4769, Victoria

On August 31, 2012, the Board and Christi Marie Tupa, M.D., entered into an Agreed Order requiring Dr. Tupa to complete within one year the Knowledge Skills Training Assessment and Research (KSTAR) program offered by Texas A&M University and follow all recommendations made by KSTAR, complete within one year eight hours of CME in the topic of treating pediatric asthma, and have a physician monitor her practice for four monitoring cycles. In addition, Dr. Tupa shall not be permitted to supervise or delegate prescriptive authority to physician extenders. The Board found Dr. Tupa failed to meet the standard of care in her treatment of three asthma patients, failed to maintain medical records for two patients, nontherapeutically prescribed and failed to use diligence in her professional practice.

Wasson, Brian David, M.D., Lic. No. M3421, Sulphur Springs

On August 31, 2012, the Board and Brian David Wasson, M.D., entered into an Agreed Order requiring Dr. Wasson to complete within one year 16 in-person hours of CME including eight hours in medical record-keeping and eight hours in ambulatory care and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Wasson did not meet the standard of care or keep adequate medical records in regards to one patient.

Wojcik-Sapeta, Barbara, M.D., Lic. No. J9846, Mount Pleasant

On August 31, 2012, the Board and Barbara Wojcik-Sapeta, M.D., entered into an Agreed Order publicly reprimanding Dr. Wojcik-Sapeta and requiring Dr. Wojcik-Sapeta to refrain from prescribing any Schedule II medications or treating any patients for chronic pain. In addition, Dr. Wojcik-Sapeta must maintain a logbook off all prescriptions written for controlled substances or dangerous drugs with addictive potential, pass within one year and within three attempts the

Medical Jurisprudence Exam, within two years complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year 16 hours of CME in pain management and pay an administrative penalty of \$7,500 within 180 days. The Board found Dr. Wojcik-Sapeta failed to meet the standard of care with respect to 18 patients for whom her medical records were inadequate and lacking documentation to support her prescribing, and that Dr. Wojcik-Sapeta did not conduct drug screens to monitor patients for abuse or diversion despite their history of abuse and addiction.

Zarzuela, Aly Khym Buentipo, D.O., Lic. No. J6289, San Antonio

On August 31, 2012, the Board and Aly Khym Buentipo Zarzuela, D.O., entered into an Agreed Order requiring Dr. Zarzuela to complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in risk management and pay an administrative penalty of \$2,000 within 180 days. The Board found Dr. Zarzuela failed to timely respond in person when on-call or when requested by emergency room or hospital staff, failed to timely respond to communications from a patient and failed to maintain adequate medical records.

REVOCATION

Harris, Laurie Greenslade, D.O., Lic. No. G9115, Crandall

On August 31, 2012, the Board entered an Order of Revocation, revoking the Texas medical license of Laurie Greenslade Harris, D.O. The basis for action was Dr. Harris's non-compliance with a 2010 Agreed Order that required Dr. Harris to pass the Special Purpose Examination (SPEX) within three attempts within one year.

VOLUNTARY SURRENDER/SUSPENSION

Dyer, Jennifer Shine, M.D., Lic. No. L6869, Columbus OH

On August 31, 2012, the Board and Jennifer Shine Dyer, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Dyer agreed to surrender her Texas medical license and immediately cease practice in Texas in lieu of further disciplinary proceedings. Dr. Dyer was disciplined by the State Medical Board of Ohio for self-prescribing and writing false prescriptions.

James, Doris Schatte, M.D., Lic. No. C8318, Dallas

On August 31, 2012, the Board and Doris Schatte James, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. James permanently surrendered her Texas medical license in lieu of further disciplinary proceedings.

Johnson, Kerste Jane, M.D., Lic. No. G7072, Athens

On August 31, 2012, the Board and Kerste Jane Johnson, M.D., entered into an Agreed Order of Voluntary Surrender requiring Dr. Johnson to immediately cease practice in Texas in lieu of further disciplinary proceedings.

Lane, Richard Allen, D.O., Lic. No. D2028, Plano

On August 31, 2012, the Board and Richard Allen Lane, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Lane permanently surrendered his Texas medical license in lieu of further disciplinary proceedings.

Miller, Thomas Cecil, D.O., Lic. No. C2910, Stanton

On August 31, 2012, the Board and Thomas Cecil Miller, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Miller voluntarily and permanently surrendered his Texas medical license in lieu of further disciplinary proceedings.

Smith, Darryl, M.D., Lic. No. H2789, Harker Heights

On August 31, 2012, the Board and Darryl Smith, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Smith agreed to refrain from the practice of medicine for at least six months and until he provides clear and convincing evidence and information that he is competent to safely practice medicine, including compliance with all terms of his February 2012 Agreed Order including the required FOCAL exam. The Board found Dr. Smith failed to comply with the terms of his February 2012 Order which followed his arrest and conviction of driving while intoxicated in 2009.

Smith, Donald W., M.D., Lic. No. D6870, Spring

On August 31, 2012, the Board and Donald W. Smith, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender in which Dr. Smith surrendered his Texas medical license in lieu of further disciplinary proceedings.

UNPROFESSIONAL CONDUCT

Burton, Bernard A., M.D., Lic. No. F8816, Wichita Falls

On August 31, 2012, the Board and Bernard A. Burton, M.D., entered into an Agreed Order that restricts Dr. Burton from providing psycho-pharmacologic treatment to any employee of his practice and requires Dr. Burton to complete within one year 12 hours of CME in the topic of physician-patient boundaries and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Burton inappropriately prescribed dangerous drugs or controlled substances to someone with whom he had a close personal relationship and engaged in unprofessional conduct.

Griffith, Duane Lee, M.D., Lic. No. M6156, Tyler

On August 31, 2012, the Board and Duane Lee Griffith, M.D., entered into an Agreed Order requiring Dr. Griffith to complete within one year the Maintaining Proper Boundaries course offered by the Center for Professional Health through Vanderbilt University Medical Center, complete within one year eight hours of CME including four hours in medical record-keeping and four hours in the treatment of chronic pain, and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Griffith failed to adhere to requirements for the

treatment of chronic pain, failed to use proper diligence in his professional practice and engaged in sexually inappropriate behavior or comments directed towards a patient.

Harris, Gerald Ray, D.O., Lic. No. H9519, Fort Worth

On August 31, 2012, the Board and Gerald Ray Harris, D.O., entered into a Mediated Agreed Order publicly reprimanding Dr. Harris and requiring Dr. Harris to pass within one year and within three attempts the Medical Jurisprudence Exam; complete within one year the professional boundaries course offered by Vanderbilt University; complete within one year 30 hours of CME including four hours in heavy metal toxicity treatment, eight hours in fibromyalgia treatment, eight hours in treatment of chronic fatigue, and 10 hours in ethics; and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Harris failed to disclose reasonable alternative treatments to a proposed procedure or treatment, nontherapeutically prescribed, and became personally involved with a patient in an inappropriate manner. The Order resolves a formal complaint filed against Dr. Harris at the State Office of Administrative Hearings.

Johnson, Eric Ryan, D.O., Lic. No. E6441, Arlington

On August 31, 2012, the Board and Eric Ryan Johnson, D.O., entered into an Agreed Order requiring Dr. Johnson to provide evidence within 30 days of the surrender or cancellation of his DPS/DEA controlled substance certificates, limit his medical practice to an approved group or institutional setting, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 24 hours of CME including 16 hours of ethics and eight hours of medical record-keeping. The Board found Dr. Johnson inappropriately prescribed dangerous drugs or controlled substances to himself and to family members and did not maintain adequate medical records.

Morgan, Samuel S., Jr., D.O., Lic. No. H0657, San Antonio

On August 31, 2012, the Board and Samuel S. Morgan, Jr., D.O., entered into an Agreed Order requiring Dr. Morgan, for a period of five years, to not reregister or otherwise obtain DEA or DPS controlled substances registrations without written authorization from the Board. The Board found Dr. Morgan inappropriately prescribed dangerous drugs or controlled substances to himself, engaged in unprofessional conduct and did not keep complete and accurate records of purchases and disposals of drugs.

Thiele, Stefan Peter, M.D., Lic. No. L4756, Dallas

On August 31, 2012, the Board and Stefan Peter Thiele, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Thiele and requiring him to abstain from prohibited substances, participate in AA at least five times a week, have a physician monitor who provides quarterly reports to the Board, comply with treatment and rehabilitation through his treating psychiatrist and pay an administrative penalty of \$5,000 within 90 days. The Board found that since December 2009, Dr. Thiele failed to ensure that his workplace physician monitor

provided semi-annual reports to the Board, in violation of his 2008 confidential order, and that he violated the 2008 order by testing positive for hydrocodone in October 2011. This Order resolves a formal complaint filed against Dr. Thiele at the State Office of Administrative Hearings.

Toledo, Minda Lao, M.D., Lic. No. M2487, Port Arthur

On August 31, 2012, the Board and Minda Lao Toledo, M.D., entered into an Agreed Order requiring Dr. Toledo to complete 16 hours of CME including eight hours in ethics and eight hours in risk management, pass within one year and within three attempts the Medical Jurisprudence Exam, complete the professional boundaries course offered by the Vanderbilt Medical Center for Professional Health or a similar course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Toledo behaved unprofessionally when she engaged in sexual contact with a patient and became financially or personally involved with a patient in an inappropriate manner.

Watson, Michael Quealy, M.D., Lic. No. G6770, Seminole

On August 31, 2012, the Board and Michael Quealy Watson, M.D., entered into an Agreed Order requiring Dr. Watson to undergo an independent psychiatric evaluation within 30 days and comply with any recommendations for care and treatment and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Watson engaged in unprofessional conduct and behaved in a disruptive manner toward medical personnel.

IMPAIRMENT

Coppedge, Woodrow William, M.D., Lic. No. L2853, Houston

On August 31, 2012, the Board and Woodrow William Coppedge, M.D., entered into an Agreed Order requiring Dr. Coppedge to submit to an evaluation by the Texas Physician Health Program within 30 days and comply with all PHP recommendations. The Board found Dr. Coppedge was terminated from PHP due to non-compliance with program requirements.

Dao, Tu Xuan, D.O., Lic. No. M0389, Irving

On August 31, 2012, the Board and Tu Xuan Dao, D.O., entered into an Agreed Order requiring Dr. Dao to submit to an evaluation by the Texas Physician Health Program within 30 days and comply with all PHP recommendations. The Board found Dr. Dao failed to comply with PHP reporting requirements during a transition period in which he changed jobs.

Smith, Stephen Harkness, M.D., Lic. No. J0271, San Angelo

On August 31, 2012, the Board and Stephen Harkness Smith, M.D., entered into an Agreed Order of Suspension in which Dr. Smith agreed to refrain from the practice of medicine until he provides clear and convincing evidence and

information that he is competent to safely practice again. The basis for action was Dr. Smith's inability to safely practice medicine due to excessive use of a drug.

Swaim, Mark Wendell, M.D., Lic. No. L0634, Jackson TN

On August 31, 2012, the Board and Mark Wendell Swaim, M.D., entered into an Agreed Order prohibiting Dr. Swaim from practicing medicine in Texas until he provides evidence that he is competent to safely practice. Such evidence must include, at a minimum, a report by a board-certified psychiatrist. The Board found Dr. Swaim unable to practice medicine with reasonable skill and safety because of impairment and that he engaged in dishonorable conduct and failed to cooperate with Board staff.

Vanbiber, Russell Carl, III, M.D., Lic. No. G5728, Houston

On August 31, 2012, the Board and Russell Carl Vanbiber, III, M.D., entered into an Agreed Order requiring Dr. Vanbiber to submit to an evaluation by the Physician Health Program within 30 days and comply with all recommendations. The Board found Dr. Vanbiber was terminated from PHP due to administrative failures of compliance with program requirements.

OTHER STATES' ACTION

Baghdoian, Michael, M.D., Lic. No. D8654, Southgate MI

On August 31, 2012, the Board and Michael Baghdoian, M.D., entered into an Agreed Order requiring Dr. Baghdoian to pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Baghdoian was formally disciplined by the Michigan Medical Board for failure to meet CME requirements.

Clarke, Clarence George, D.O., Lic. No. N4989, Houston

On August 31, 2012, the Board and Clarence George Clarke, D.O., entered into an Agreed Order requiring Dr. Clarke to complete within one year four hours of CME in the topic of pediatric emergencies. The Board found Dr. Clarke was subject to disciplinary action in Virginia.

Shuler, William, M.D., Lic. No. N1451, Tulsa OK

On August 31, 2012, the Board and William Shuler, M.D., entered into an Agreed Order publicly reprimanding Dr. Shuler and requiring Dr. Shuler to pay an administrative penalty of \$500 within 60 days. The Board found Dr. Shuler was disciplined in Utah and California based upon findings that he issued online prescriptions for human chorionic gonadotropin to Utah residents to be dispensed through a pharmacy in Florida.

PEER REVIEW ACTIONS

Spera, Thomas, M.D., Lic. No. L9497, El Paso

On August 31, 2012, the Board and Thomas Spera, M.D., entered into an Agreed Order requiring Dr. Spera to undergo an independent psychiatric evaluation by a

designated psychiatrist and comply with all recommendations for care and treatment, complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in ethics and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Spera engaged in unprofessional conduct and was disciplined by his peers.

INADEQUATE MEDICAL RECORDS

Anderson, Timothy W., M.D., Lic. No. F5819, Houston

On August 31, 2012, the Board and Timothy W. Anderson, M.D., entered into an Agreed Order requiring Dr. Anderson to complete within one year eight hours of CME in medical record-keeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Anderson failed to maintain adequate medical records for one patient.

Berios, Angelis, M.D., Lic. No. H1040, Porter

On August 31, 2012, the Board and Angelis Berios, M.D., entered into an Agreed Order requiring Dr. Berios to complete 16 hours of CME including eight hours in risk management and eight hours in medical record-keeping. The Board found Dr. Berios failed to document his warnings and discussions with a patient regarding use of medications.

Schrapps, Jerome, M.D., Lic. No. J2907, Beaumont

On August 31, 2012, the Board and Jerome Schrapps, M.D., entered into a Mediated Agreed Order requiring Dr. Schrapps to complete within one year eight hours of CME in medical record-keeping and eight hours in risk management. The Board found Dr. Schrapps failed to maintain adequate medical records and exercise diligence in his professional practice. The Order resolves a formal complaint filed against Dr. Schrapps at the State Office of Administrative Hearings.

Small, Andrew Buchanan, III, M.D., Lic. No. D6175, Dallas

On August 31, 2012, the Board and Andrew Buchanan Small, III, M.D., entered into a Mediated Agreed Order requiring Dr. Small to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year 16 hours of CME including eight hours in risk management and eight hours in chronic pain management. The Board found Dr. Small violated Board rules requiring adequate medical records, particularly regarding documentation of the treatment of pain, and failed to use diligence in his medical practice. The Order resolves a formal complaint filed against Dr. Small at the State Office of Administrative Hearings.

CRIMINAL CONVICTION

Hooper, Lisa Diane, M.D., Lic. No. J9511, Dallas

On August 31, 2012, the Board and Lisa Diane Hooper, M.D., entered into an Agreed Order requiring Dr. Hooper to pay an administrative penalty of \$1,000 within six months. The Board found Dr. Hooper pled guilty to evading arrest and detention, a Class A misdemeanor, on or about February 2, 2012. Dr. Hooper was placed on community supervision for two years and fined \$500.

INADEQUATE SUPERVISION

Fuentes, Rosa A., M.D., Lic. No. K1817, San Antonio

On August 31, 2012, the Board and Rosa A. Fuentes, M.D., entered into an Agreed Order publicly reprimanding Dr. Fuentes and requiring Dr. Fuentes to pass within one year and within three attempts the Medical Jurisprudence Examination, complete within one year 24 hours of CME including eight hours in risk management and 16 hours in supervision of mid-level providers and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Fuentes failed to supervise adequately the activities of those acting under her supervision and that Dr. Fuentes provided false information to the Board.

RULES VIOLATION

Woodward, Robert Alan, M.D., Lic. No. G8518, Rockwall

On August 31, 2012, the Board and Robert Alan Woodward, M.D., entered into an Agreed Order requiring Dr. Woodward to complete within one year eight hours of CME in risk management and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Woodward wrote prescriptions for controlled substances after his DPS controlled substance certificate expired in November 2010 and that he did not renew it until March 2011.

CEASE AND DESIST

Caillet, Jeanne, No License, Seven Points

On August 31, 2012, the Board and Jeanne Caillet entered into an Agreed Cease and Desist Order in which Ms. Caillet, who is not licensed as physician or acupuncturist in Texas, refrain from referring to herself as “doctor” or “Dr. Jeanne Caillet” and cease and desist any practice of medicine or acupuncture in Texas.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

October 10, 2012

Media contact: Leigh Hopper, 512-305-7018

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

Physician Assistant Board suspends Carrollton physician assistant

On October 9, 2012, a disciplinary panel of the Texas Physician Assistant Board entered an order temporarily suspending, without notice, the license of a Carrollton physician assistant until further notice.

The Board found that Mark Henry Kett, P.A., Lic. No. PA00431, poses a continuing threat to the public welfare due to his violation of a December 9, 2011 Mediated Agreed Order that required him to abstain from controlled substances and undergo drug screening.

On July 2, 2012, Mr. Kett tested positive for THC, the substance commonly found in marijuana. On October 6, 2012, a hair sample collected from Mr. Kett tested positive for cocaine. The temporary suspension remains in effect until it is superseded by a subsequent Order of the Board.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

October 30, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB suspends Quitman physician until further notice

On October 29, 2012, a Disciplinary Panel of the Texas Medical Board suspended, without notice, the medical license of Ron Daniels, D.O., of Quitman after determining that Dr. Daniels presents a continuing threat and real danger to the public.

The Board found Dr. Daniels is unable to practice medicine with skill and safety due to chemical impairment, and that he is unwilling to cooperate with the Board or the Texas Physician Health Program (TXPHP).

In April 2012, Dr. Daniels underwent an evaluation at an addiction recovery center. A report of the findings and recommendations from the evaluation indicated that Dr. Daniels has a physiologic dependence on opiates with increasing use over time and an inability to stop.

The report recommended that Dr. Daniels sign a five-year monitoring contract with TXPHP and complete a long-term residential treatment program for chemically dependent physicians.

Dr. Daniels denied he was an addict and indicated he had no intention of entering long-term treatment.

A temporary suspension hearing, with notice, will be held as soon as practicable with 10 days' notice to Dr. Daniels, unless the hearing is specifically waived by Dr. Daniels. The suspension remains in effect until the Board takes further action.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

December 11, 2012

Media contact: Leigh Hopper, 512-305-7018

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

TMB disciplines 40 physicians at November meeting

At its November 28-30, 2012 meeting, the Texas Medical Board disciplined 40 licensed physicians and issued four cease and desist orders. The disciplinary actions included five revocations, two suspensions and nine orders related to quality-of-care violations.

The Board issued 101 physician licenses at the November board meeting, bringing the total number of physician licenses issued in FY 13 to 646. Thirty-one percent of physician licensure applications were completed in 10 days or less.

RULE CHANGES ADOPTED

The following Rule Changes were adopted at the November 28-30, 2012 Board meeting:

Chapter 163, LICENSURE: The amendment to **§163.1**, concerning Definitions, amends the definition of two-year training program to delete that residency training required for certification must be acceptable for board certification.

The amendment to **§163.2**, concerning Full Texas Medical License, amends the rule to clarify that licensure applicants who are foreign medical school graduates, including Fifth pathways, must demonstrate board certification at time of application or prior to licensure during the licensure application process if physician intends to use board certification as an alternate grounds for eligibility.

The amendment to **§163.11**, concerning Active Practice of Medicine, amends the rule to provide remedies for out of active practice issues and to allow for granting a license under a remedial plan.

Chapter 171, POSTGRADUATE TRAINING PERMITS: The amendment to **§171.3**, concerning Physician-in-Training Permits, amends the rule to exempt applicants for PIT rotator permits from having to submit medical records or otherwise have staff review impairment issues as part of the application process.

The amendment to **§171.6**, concerning Duties of Program Directors to Report, changes a single reference of "PIT holder" to "physician" since program director reporting requirements apply to all participants, not just PIT holders.

CHAPTER 172, TEMPORARY AND LIMITED LICENSES: The amendment to **§172.5**, concerning Visiting Physician Temporary Permits, allows additional grounds for eligibility for Visiting Physician Temporary Permits, including emergency disaster, forensic psychiatric evaluations for criminal matters, and specialized care, when good cause is shown.

The amendment to **§172.12**, concerning Out-of-State Telemedicine Licenses, clarifies that a physician may be denied an out-of-state telemedicine license based on §155.003(e) of the Act.

CHAPTER 180, TEXAS PHYSICIAN HEALTH PROGRAM AND REHABILITATION ORDERS: The amendment to **§180.4**, concerning Operation of Program, amends the procedures for the handling of referrals to the Board from the TXPHP for violation of agreements of TXPHP agreements with program participants.

CHAPTER 190, DISCIPLINARY GUIDELINES: The amendment to **§190.8**, concerning Violation Guidelines, provides the standard for physician delegation of the performance of nerve conduction studies by individuals who are not licensed as physicians or physical therapists.

The amendment to **§190.14**, concerning Disciplinary Sanction Guidelines, amends the range and scope of sanctions for violations of the Medical Practice Act.

TER 197, EMERGENCY MEDICAL SERVICE: The amendment to **§197.2**, concerning Definitions, adds the definition for Emergency Medical Services provider to be consistent with rules by the Texas Department of State Health Services.

The amendment to **§197.3**, concerning Off-line Medical Directors, sets out additional requirements to be an off-line medical director including CME, requires off-line medical directors to register with the Board, requires off-line medical directors to have written protocols for those that they supervise, directs off-line medical directors to approve care only for times when employed as an off-line medical director, and sets limits on number of EMS providers a physician may serve as an off-line medical director. The amendment also provides process for waivers of requirements.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Blount, Alice Boyd Ridgway, M.D., Lic. No. M6053, Somerville

On November 30, 2012, the Board and Alice Boyd Ridgway Blount, M.D., entered into an Agreed Order restricting Dr. Blount's license and prohibiting her from practicing obstetrics without an arrangement with a Board-approved and board-certified ob/gyn to serve as her backup physician on each patient, and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Blount failed to practice medicine in an acceptable professional manner and was subject to disciplinary action by her peers.

Cox, Bruce Edward, M.D., Lic. No. E4272, Big Spring

On November 30, 2012, the Board and Bruce Edward Cox, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Cox and requiring Dr. Cox to cease treating chronic pain patients, schedule within 30 days an assessment at the Texas A&M Health Science Center Rural and Community Health Institute and comply with any recommended education plan, have another physician monitor his practice for eight monitoring cycles, complete within one year eight hours of CME in medical record-keeping. In addition, Dr. Cox is restricted from supervising or delegating prescriptive authority to physician extenders. The Board found Dr. Cox non-therapeutically prescribed narcotics and other controlled substances to nine individuals, failed to maintain adequate medical records for these individuals, failed to maintain drug logs for controlled substances and engaged in sexually inappropriate behavior. The order resolves a formal complaint against Dr. Cox filed at the State Office of Administrative Hearings.

Hung, Scott Houson, M.D., Lic. No. J6496, Houston

On November 30, 2012, the Board and Scott Houson Hung, M.D., entered into an Agreed Order prohibiting Dr. Hung from prescribing any controlled substances or dangerous drugs with addictive potential except as is necessary for treatment of acute pain. In addition, Dr. Hung must have another physician monitor his practice for eight monitoring cycles, complete within one year 12 hours of CME including eight hours in pain management and four hours in the topic of drug-seeking behavior. The Board found Dr. Hung failed to adhere to guidelines for the treatment of chronic pain, failed to meet the standard of care, nontherapeutically prescribed and engaged in unprofessional conduct.

Lorentz, Rick Gene, M.D., Lic. No. J2169, Sweeny

On November 30, 2012, the Board and Rick Gene Lorentz, M.D., entered into an Agreed Order publicly reprimanding Dr. Lorentz and requiring Dr. Lorentz to complete within one year eight hours of CME in risk management and 20 hours in emergency medicine/acute care. This order supersedes all previous orders and resolves a formal complaint filed by the Board at the State Office of Administrative Hearings. The Board found Dr. Lorentz failed to meet the standard of care in his treatment of several patients during emergency department visits at Sweeny Community Hospital.

Marino, Barbara Doyle, M.D., Lic. No. H7724, Houston

On November 30, 2012, the Board and Barbara Doyle Marino, M.D., entered into a Mediated Agreed Order requiring Dr. Marino to observe 30 hours of cosmetic procedures performed in a surgical suite within six months, within 30 days submit written documentation of protocols and procedures for clearance of high-risk patients as well as written documentation of protocols and procedures for dealing with intra-operative and post-operative emergencies and complications, within 30 days provide samples of all advertising used in radio, web, print and/or television, within one year complete 24 hours of CME including four hours in patient-physician communication, eight hours in cosmetic procedures, four hours in risk management and eight hours in breast augmentation procedures and pay an administrative penalty of \$1,000 within one year. The Board found Dr. Marino failed to meet the standard of care in her treatment of a patient, administered a drug or treatment that was nontherapeutic in nature and used an advertising statement that was false, misleading or deceptive. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Miller, Troy Lee, M.D., Lic. No. J2688, Groesbeck

On November 30, 2012, the Board and Troy Lee Miller, M.D., entered into an Agreed Order publicly reprimanding Dr. Miller and requiring Dr. Miller to undergo an evaluation by a psychiatrist and comply with all recommendations for care and treatment, complete within one year 24 hours of CME in ethics, eight hours in airway management and eight hours in dealing with difficult patients and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Miller failed to meet the standard of care, failed to obtain informed consent, was subject to discipline by a licensed hospital and was negligent in performing medical services when he intubated a severely intoxicated and abusive patient without any sedation or sign of respiratory distress.

Molina, Hector Oscar, M.D., Lic. No. K2755, Dallas

On November 30, 2012, the Board and Hector Oscar Molina, M.D., entered into an Agreed Order prohibiting Dr. Molina from the practice of surgery and from reregistering for DEA/DPS controlled substance certificates. In addition, Dr. Molina must pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 24 hours of CME including eight hours in risk management, eight hours in medical record-keeping and eight hours in ethics; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Molina failed to meet the standard of care, provided nontherapeutic treatment and used devices that did not have premarket approval by the FDA. This order supersedes Dr. Molina's April 2012 temporary restriction.

Sprott, Maxie Courtlandt, II, M.D., Lic. No. G2230, Beaumont

On November 30, 2012, the Board and Maxie Courtlandt Sprott, II, M.D., entered into an Agreed Order publicly reprimanding Dr. Sprott and barring Dr. Sprott from performing any inpatient or office-based anesthesia elective gynecological procedures until he completes 40 hours of CME in gynecological surgery and

personally appears before the Board to petition for permission to resume such practice. In addition, Dr. Spratt must refund a patient's out-of-pocket expenses, complete within one year 24 hours of CME including 16 hours in medical record-keeping and eight hours in informed consent, and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Spratt failed to meet the standard of care, failed to obtain informed consent, administered nontherapeutic treatment and failed to safeguard against potential complications in his treatment of one patient.

Sundaresan, Sanjoy, M.D., Lic. No. K1083, Wichita Falls

On November 30, 2012, the Board and Sanjoy Sundaresan, M.D., entered into an Agreed Order publicly reprimanding Dr. Sundaresan and requiring him to have a physician monitor his practice for eight monitoring cycles, complete within one year 16 hours of CME in prescribing controlled substances for chronic pain and pay an administrative penalty of \$10,000 within 60 days.. In addition: Dr. Sundaresan is restricted from seeing more than 20 patients per day, including those seen by mid-levels working under Dr. Sundaresan's supervision, and restricted from performing more than 30 injection procedures per day; Dr. Sundaresan must maintain daily logs of all patients seen and procedures performed and be proctored in the performance of the first 30 injections performed under this order. The Board found Dr. Sundaresan failed to meet the standard of care when he performed excessive injections on chronic pain patients and nontherapeutically prescribed and failed to maintain adequate medical records.

REVOCATION

Atlas, Ruth M., M.D., Lic. No. G7616, Houston

On November 30, 2012, the Board entered a Final Order regarding Ruth M. Atlas, M.D., revoking her Texas Medical License. The Board found Dr. Atlas failed to treat her patients according to the standard of care, negligently performed medical services, engaged in unprofessional conduct and prescribed dangerous drugs and controlled substances in a manner inconsistent with public health and welfare.

Bernstein, Louis David, M.D., Lic. No. J7907, Plano

On November 30, 2012, the Board entered a default order regarding Louis David Bernstein, M.D., revoking Dr. Bernstein's Texas medical license and requiring him to immediately cease practicing in Texas. The Board filed a complaint against Dr. Bernstein in April 2012 at the State Office of Administrative Hearings, alleging that Dr. Bernstein's peers at Baylor Richardson Medical Center revoked his medical staff membership and privileges in 2000, but that Dr. Bernstein did not report the peer action to the medical board as required. Because Dr. Bernstein has not filed any response to the Board's complaint, all facts alleged in the complaint are deemed to be true.

Mitchell, Roderick Lee, M.D., Lic. No. F9834, Daingerfield

On November 30, 2012, the Board entered a Final Order regarding Roderick Lee Mitchell, M.D., revoking Dr. Mitchell's Texas medical license. The Board found Dr. Mitchell failed to meet the standard of care and did not maintain adequate medical records.

Moradi, Mahoor Charles, M.D., Lic. No. BP10034004, Lubbock

On November 30, 2012, the Board and Mahoor Charles Moradi, M.D., entered into an Agreed Order of Revocation requiring Dr. Moradi to cease and desist from the practice of medicine. The Board found Dr. Moradi was terminated from his Texas Tech residency program in 2009 when he tested positive for opiates and amphetamines. In 2011, Dr. Moradi was placed on 10-year deferred adjudication related to his forging and filling prescriptions in 2009. Dr. Moradi requested revocation of his license in lieu of further investigation and litigation.

Reyes, Rizalino, M.D., Lic. No. K4206, Beaumont

On November 30, 2012, the Board and Rizalino Reyes, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Reyes' Texas medical license was revoked. The Board found Dr. Reyes exhibited unprofessional conduct related to the operation of a pain management clinic and was the subject of a raid and search warrant related to the operation of a pain management clinic.

SUSPENSION

Fischer, Charles Henry, M.D., Lic. No. G6438, Austin

On November 30, 2012, the Board and Charles Henry Fischer, M.D., entered into an Agreed Order of Suspension, suspending Dr. Fischer's license and barring him from the practice of medicine until final disposition of the criminal charges pending against him. On June 14, 2012, Dr. Fischer was indicted by a Travis County grand jury on charges involving sexual assault of a child.

Roos, Linda J., M.D., Lic. No. H2003, Houston

On November 30, 2012, the Board and Linda J. Roos, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Roos' is barred from practicing medicine in Texas until all criminal charges and investigations pending against her have been completely and finally resolved and she appears, in person, before the Board and presents clear and convincing evidence that she is competent to safely practice medicine. In March 2012, Dr. Roos surrendered her DEA and DPS certifications for prescribing controlled substances. In September 2012 Dr. Roos was indicted in the U.S. District Court in Kentucky for alleged violations of federal laws regarding the prescription and distribution of controlled substances.

VOLUNTARY SURRENDERS

Dodson, Jerry Wayne, M.D., Lic. No. D8195, San Angelo

On November 30, 2012, the Board and Jerry Wayne Dodson, M.D., entered into

an Agreed Voluntary Surrender Order in which Dr. Dodson agreed to surrender his license and cease practicing medicine to avoid further investigation, hearings and the expense of litigation. Dr. Dodson indicated that he wished to close his medical practice and retire in October.

Fougerousse, Charles Louis, M.D., Lic. No. F1548, Lufkin

On November 30, 2012, the Board and Charles Louis Fougerousse, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Fougerousse agreed to immediately cease practice in Texas. The Board found Dr. Fougerousse is unable to practice medicine because of illness.

Friesen, William Glenn, M.D., Lic. No. H3357, Amarillo

On November 30, 2012, the Board and William Glenn Friesen, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Frieson's medical license was permanently canceled. The Board found Dr. Frieson has retired from medicine and desired to voluntarily surrender his license in lieu of further disciplinary proceedings.

Leone, Charles R., Jr., M.D., Lic. No. D4434, San Antonio

On November 30, 2012, the Board and Charles R. Leone Jr., M.D., entered into an Agreed Order of Voluntary Surrender, in lieu of further disciplinary proceedings, requiring Dr. Leone to immediately cease practice in Texas. The Board found Dr. Leone, who was under investigation for self-prescribing controlled substances, was no longer engaged in the practice of medicine and wished to voluntarily surrender his license.

Lewis, Rani, M.D., Lic. No. M4857, Memphis TN

On November 30, 2012, the Board and Rani Lewis, M.D., entered into an Agreed Order of Voluntary Surrender in lieu of further disciplinary proceedings. The order requires Dr. Lewis to voluntarily and permanently surrender her Texas medical license.

Oandason, Oscar Cortez, M.D., Lic. No. F3570, Lake Jackson

On November 30, 2012, the Board and Oscar Cortez Oandasan, M.D., entered into an Agreed Order in which Dr. Oandasan voluntarily and permanently surrendered his Texas medical license in lieu of further disciplinary proceedings. Dr. Oandason was under investigation by the Board for allegations of nontherapeutic prescribing and had voluntarily surrendered his DEA certificates as the result of an investigation into his prescribing practices.

Pruett, Jack Ridings, M.D., Lic. No. D8389, Sour Lake

On November 30, 2012, the Board and Jack Ridings Pruett, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pruett voluntarily surrendered his Texas Medical License in lieu of further disciplinary proceedings. The Board was investigating Dr. Pruett for alleged nontherapeutic prescribing for four patients that occurred prior to his retirement.

Taylor, Lynn Edwin, M.D., Lic. No. G0191, Bradenton FL

On November 30, 2012, the Board and Lynn Edwin Taylor, M.D., entered into an Agreed Voluntary Surrender Order requiring Dr. Taylor to immediately cease practice in Texas. The Board found Dr. Taylor was disciplined by the Washington Department of Health Medical Quality Assurance for allegations related to unprofessional conduct.

Tobon, Hector E., M.D., Lic. No. E7302, Pearland

On November 30, 2012, the Board and Hector E. Tobon, M.D., entered into an Agreed Order in which Dr. Tobon voluntarily and permanently surrendered his Texas medical license in lieu of further disciplinary proceedings. Dr. Tobon had been the subject of concern regarding his ability to practice medicine due to a medical condition.

Waller, Stephen Frank, M.D., Lic. No. F8724, Conroe

On November 30, 2012, the Board and Stephen Frank Waller, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Waller agreed to voluntarily and permanently surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Waller wrote multiple prescriptions for controlled substances while his license was suspended.

Watson, Mildred Elaine, M.D., Lic. No. H7430, Lewisville

On November 30, 2012, the Board and Mildred Elaine Watson, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Watson voluntarily and permanently surrendered her Texas medical license due to her inability to practice medicine with reasonable skill and safety to patients because of illness.

Weil, Jacqueline A., M.D., Lic. No. J8780, Houston

On November 30, 2012, the Board and Jacqueline Weil, M.D., entered into an Agreed Order in which Dr. Weil voluntarily surrendered her Texas medical license in lieu of further disciplinary proceedings. Dr. Weil was under investigation by the Board for allegations of nontherapeutic prescribing and excessive prescribing of controlled substances.

UNPROFESSIONAL CONDUCT

Juarez-Uribe, Joel, M.D., Lic. No. E3718, Chula Vista CA

On November 30, 2012, the Board and Joel Juarez-Uribe, M.D., entered into an Agreed Order barring Dr. Juarez-Uribe from practicing in Texas until he provides clear and convincing evidence that he is competent to safely practice medicine in the state of Texas. The Board found Dr. Juarez-Uribe loaned money to a former patient, engaged in sexual unprofessional conduct with the patient on multiple occasions, and that Dr. Juarez-Uribe was subsequently disciplined by the California Medical Board.

Licker, Kenneth Ira, M.D., Lic. No. F7819, Desoto

On November 30, 2012, the Board and Kenneth Ira Licker, M.D., entered into an Agreed Order publicly reprimanding Dr. Licker, prohibiting him from seeing or treating female patients, requiring Dr. Licker to undergo a psychiatric evaluation and follow all recommendations for care and treatment, complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of in-person CME in ethics and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Licker resigned from his position at Urology Associates of North Texas while under investigation for having an inappropriate personal relationship with one patient and that the relationship did occur.

Martinez, Mario, M.D., Lic. No. M3637, Corpus Christi

On November 30, 2012, the Board and Mario Martinez, M.D., entered into an Agreed Order publicly reprimanding Dr. Martinez, barring him from treating or serving as a physician for his immediate family, and requiring him to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in ethics and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Martinez became personally involved with a patient in an inappropriate manner and failed to maintain adequate medical records.

OTHER STATES' ACTION

Floyd, Philip Andre, M.D., Lic. No. J8536

On November 30, 2012, the Board and Philip Andre Floyd, M.D., entered into an Agreed Order requiring Dr. Floyd to comply with all terms and conditions of his Oklahoma order and provide to the Texas Medical Board copies of any reports provided to the Oklahoma Board and pay an administrative penalty of \$6,000 within 180 days. The Board found Dr. Floyd was disciplined by Oklahoma for failing to report previous arrests related to driving while intoxicated.

Majors, Kathleen Kelley, M.D., Lic. No. J8307, Shreveport LA

On November 30, 2012, the Board and Kathleen Kelley Majors, M.D., entered into an Agreed Order restricting Dr. Majors from practicing medicine in Texas until she completes all the terms of her July 2011 order entered by the Louisiana State Board of Medical Examiners. The Board found Dr. Majors was disciplined by the Louisiana State Board of Medical Examiners for prescribing excessive amounts of controlled and dangerous substances for treatment of chronic pain in a manner not in compliance with Louisiana's chronic pain treatment rules.

Murphy, Mark Thomas, M.D., Lic. No. J4938, Austin

On November 30, 2012, the Board and Mark Thomas Murphy, M.D., entered into an Agreed Order suspending Dr. Murphy's license, staying the suspension and restricting Dr. Murphy to the practice of administrative medicine and prohibiting

him from clinic practice of medicine or in any capacity that involves direct or indirect patient contact. The Board found Dr. Murphy was subject to disciplinary action by another state due to unprofessional conduct.

IMPAIRMENT

Kujawa, Ples Latson, M.D., Lic. No. G5270, San Antonio

On November 30, 2012, the Board and Ples Latson Kujawa, M.D., entered into an Agreed Order requiring Dr. Kujawa to submit to an evaluation by the Texas Physician Health Program within 30 days and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Kujawa violated his agreement with the Texas Physician Health Program and is unable to practice medicine with reasonable skill and safety due to drunkenness.

VIOLATION OF PRIOR ORDER

Jones, Andrew P., M.D., Lic. No. H1972, Austin

On November 30, 2012, the Board and Andrew P. Jones, M.D., entered into an Agreed Order requiring Dr. Jones to complete within one year eight hours of in-person CME, provide written proof within 30 days that all of his websites have been corrected to omit misleading advertisements and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Jones violated a prior Board Order.

Torio, Rolando Nagar, M.D., Lic. No. F0050, Lubbock

On November 30, 2012, the Board and Rolando Nagar Torio, M.D., entered into an Agreed Order publicly reprimanding Dr. Torio and requiring Dr. Torio to pass within one year and within three attempts the Medical Jurisprudence Exam, to perform within one year 48 hours of community service for a non-profit charitable organization such as the American Red Cross, complete within one year the 48 hours of CME still lacking to fulfill his 2011 Order, within one year complete eight hours of CME in ethics and pay an administrative penalty of \$2,000 still owed for his 2011 Order within 60 days. The Board found Dr. Torio failed to comply with his 2011 Order by failing to complete required CME hours, failing to pay a \$2,000 administrative fine within 60 days and failing to cooperate with Board and Board Staff.

INADEQUATE MEDICAL RECORDS

Likover, Larry L., M.D., Lic. No. E4483, Houston

On November 30, 2012, the Board and Larry L. Likover, M.D., entered into an Agreed Order requiring Dr. Likover to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education program. The Board found Dr. Likover failed to maintain adequate medical records for multiple patients.

CRIMINAL BEHAVIOR

Clements, Todd Michael, M.D., Lic. No. L9148, Dallas

On November 30, 2012, the Board and Todd Michael Clements, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Clements agreed to voluntarily and permanently surrender his license in lieu of further disciplinary proceedings. The Board found Dr. Clements was indicted on one count of prescription fraud in Collin County.

CEASE AND DESIST

Merrikh, Kirk, No License

On November 30, 2012, the Board and Kirk Merrikh entered into an Agreed Cease and Desist Order in which Mr. Merrikh agreed to stop using the title "M.D." on stationary, correspondence, advertisements or in any other manner until he meets the qualifications to use the term M.D. The Board found that Mr. Merrikh graduated from the St. Matthews Medical School in the Grand Cayman Islands in 2006, but is not licensed to practice medicine in Texas.

Petko, Zsolt, No License, San Antonio

On November 30, 2012, the Board issued a Cease and Desist Order barring Zsolt Petko from engaging in the unlicensed practice of medicine. Mr. Petko has a medical diploma from a medical school in Hungary but is not licensed in Texas. Mr. Petko reported to the Board that he was employed during 2012 by a medical clinic in San Antonio seeing patients, prescribing medications and ordering diagnostic tests and other examinations.

Shenkman, Carl T., M.D., No License

On November 30, 2012, the Board and Carl T. Shenkman, M.D., entered into an Agreed Cease and Desist Order in which Dr. Shenkman agreed to cease the practice of medicine in Texas. The Board found Dr. Shenkman, who is licensed in six other states but not in Texas, inadvertently interpreted electromyography (EMG) studies on 86 Texas patients. At the time Dr. Shenkman interpreted the EMG studies in question, he had no way of determining that the data belonged to patients in Texas.

Tryon, Darlene, No License, Dallas

On November 30, 2012, the Board and Darlene Tryon entered into an Agreed Cease and Desist Order in which Ms. Tryon is prohibited from acting as, or holding herself out to be, a licensed physician in Texas. The Board found that Ms. Tryon, a naturopath, is not licensed to practice medicine in Texas and held herself out to the public as "Dr." in the context of advertising her services.

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

December 18, 2012

Media contact: Leigh Hopper, 512-305-7018

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

Texas Medical Board suspends or restricts 21 licensees in pain clinic crackdown

Seventeen physicians and four physician assistants involved in the illegal operation of pain clinics were suspended or restricted by the Texas Medical Board and Texas Physician Assistant Board December 3-14, 2012, during two weeks of back-to-back disciplinary hearings.

"This represents more than two years of hard and sometimes dangerous work by TMB staff," said Dr. Irvin Zeitler, Jr., TMB president. "The doctors and physician assistants involved in these illegal operations have been fueling an epidemic of prescription drug abuse and fraud that is killing more people than heroin and cocaine combined. We hope this sends the message that pill mills aren't welcome in Texas."

The medical board staff worked closely with the Drug Enforcement Administration, the Department of Public Safety, the Texas State Board of Pharmacy, the Texas Board of Nursing and local law enforcement in Houston, Harris County and surrounding counties.

The following physicians and physician assistants were disciplined:

Wiseman, Benjamin E., M.D., Lic. No. F4701, Houston

On December 3, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the medical license of Benjamin E. Wiseman, M.D. The Board found that Dr. Wiseman poses a continuing threat to the public welfare due to his failure to adequately supervise mid-level providers and due to inappropriate prescribing of controlled substances. Dr. Wiseman supervised advanced practice nurses and physician assistants who prescribed controlled substances without a legitimate medical need. The temporary suspension remains in effect until it is superseded by a subsequent order of the Board.

Nguyen, Ngoc X., M.D., Lic. No. J3173, Houston

On December 4, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the medical license of Ngoc X. Ngyuen, M.D. The Board found that Dr. Nguyen poses a continuing threat to the public welfare due to his failure to adequately supervise mid-level providers and due to

inappropriate prescribing of controlled substances. The temporary suspension remains in effect until it is superseded by a subsequent order of the Board.

Boyle, John, P.A., Lic. No. PA00219, Houston

On December 5, 2012, a disciplinary panel of the Texas Physician Assistant Board temporarily restricted, with notice, the license of John Boyle, P.A., immediately prohibiting him from the practice of treating chronic pain patients and requiring him to surrender the DPS/DEA certificates that allow him to prescribe controlled substances. The Board found Mr. Boyle poses a continuing threat to the public welfare because he inappropriately prescribed controlled substances and was not adequately supervised by a physician. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Omamogho, Rose G., P.A., Lic. No. PA04033, Houston

On December 5, 2012, a disciplinary panel of the Texas Physician Assistant Board temporarily restricted, with notice, the license of Rose G. Omamogho, P.A., after determining that her continued practice of medicine poses a threat to public welfare. The order prohibits Ms. Omamogho from treating chronic pain patients and requires her to surrender her DPS/DEA certificates that allow her to prescribe controlled substances. The Board found Ms. Omamogho poses a continuing threat to the public welfare because she participated in the illegal operation of a pain clinic and inappropriately prescribed controlled substances. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Tafel, John A., M.D., Lic. No. H9722, Houston

On December 4, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the medical license of John A. Tafel, M.D. The Board found that Dr. Tafel poses a continuing threat to the public welfare due to his improper and illegal operations of four pain clinics including two unregistered pain clinics and due to inappropriate prescribing of controlled substances. The temporary suspension remains in effect until it is superseded by a subsequent order of the Board.

Husaini, Innad Hasan, M.D., Lic. No. K6006, Houston

On December 4, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of Innad Hasan Husaini, M.D., requiring Dr. Husaini to immediately surrender his DEA/DPS controlled substance certificates. Dr. Husaini is also prohibited from treating chronic pain patients and shall not supervise or delegate prescriptive authority to physician extenders. The Board found that Dr. Husaini poses a continuing threat to the public welfare due to his improper and illegal operation of a pain management clinic based on his inappropriate ownership and unlawful method and manner of prescribing controlled substances. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Hyde, Linda Carol, M.D., Lic. No. J0011, Conroe

On December 7, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of Linda Carol Hyde, M.D., requiring Dr. Hyde to immediately cease treating chronic pain patients and surrender her DEA/DPS controlled substance certificates. In addition, Dr. Hyde is prohibited from supervising or delegating prescriptive authority to physician extenders, may not prescribe for herself or her family and must surrender any Pain Management Certificates issued to her by the Board. The Board found Dr. Hyde's continued practice of medicine poses a continuing threat to public welfare, and that she failed to adequately supervise advanced nurse practitioners and/or physician assistants at two pain clinics. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Simmons, Clyde W., Jr., M.D., Lic. No. D7303, Houston

On December 10, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of Clyde W. Simmons, Jr., M.D., prohibiting him from treating chronic pain patients, prohibiting him from prescribing controlled substances except for post-operative patients (limited to a one-week period) and prohibiting him from supervising or delegating prescriptive authority to physician extenders. The Board found that Dr. Simmons poses a continuing threat to the public welfare due to his improper and illegal operation of an unregistered pain management clinic and his inappropriate prescribing of controlled substances. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Rockett, Carl, M.D., Lic. No. K8459, Houston

On December 10, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of Carl Rockett, M.D., after determining that Dr. Rockett presents a continuing threat to the public welfare. The order prohibits Dr. Rockett from treating patients for chronic pain, from supervising or delegating prescriptive authority to physician-extenders and limits Dr. Rockett's prescription of scheduled drugs to the hospital or outpatient surgical setting for the sole purpose of providing anesthesia associated with procedures. The restriction remains in effect until it is superseded by a subsequent order of the Board.

Ramanathan, Subramaniam V., M.D., Lic. No. M0624, The Woodlands

On December 10, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of Subramaniam V. Ramanathan, M.D., requiring him to cease treating chronic pain patients, refrain from supervising or delegating prescriptive authority to physician assistants and advance practice nurses, surrender any and all pain management certificates issued to him by the Board and surrender his DPS and DEA certificates for controlled substances. The Board found Dr. Ramanathan, who operated two pain management clinics, did not adequately supervise physician extenders and poses a

continuing threat to public welfare. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Khuu, Chau Doan, M.D., Lic. No. M4838, Houston

On December 10, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the medical license of Chau Doan Khuu, M.D., requiring Dr. Khuu to immediately cease the practice of medicine after determining that Dr. Khuu presents a continuing threat to the public welfare. The Board found that Dr. Khuu illegally operated a clinic as it related to the method and manner of prescribing controlled substances and failed to adequately supervise mid-levels working under his delegation and prescriptive authority. A temporary suspension hearing, with notice, will be held as soon as practicable with 10 days' notice to Dr. Khuu, unless the hearing is specifically waived by Dr. Khuu. The suspension remains in effect until the Board takes further action.

Dailey, Warren Bertrand, M.D., Lic. No. F8454, Houston

On December 10, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of Warren Bertrand Dailey, M.D., prohibiting him from prescribing Schedule II and III medications, except for methadone at the clinics where he is the medical director, and prohibits him from supervising or delegating prescriptive authority to physician extenders. The Board found Dr. Dailey's continued practice of medicine, including his involvement in the improper and illegal operation of pain clinics poses a continuing threat to public welfare. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

McClellan, David M., M.D., Lic. No. G0476, Crosby

On December 11, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of David M. McClellan, M.D., prohibiting him from prescribing Schedules II, III, IV and V controlled substances to non-established patients. The Board found Dr. McClellan's continuation in the practice of medicine constitutes a threat to the public welfare based on his prescribing controlled substances without a legitimate medical need. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Focke, John H., III, M.D., Lic. No. E4336, College Station

On December 12, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of John H. Focke, III, M.D., prohibiting him from supervising or delegating prescriptive authority to physician assistants and advanced practice nurses. The Board found Dr. Focke's continuation in the practice of medicine constitutes a threat to the public welfare based on his inadequate supervision of Howard N. Barbour, APN, an advanced practice nurse who was prescribing controlled substances without a legitimate medical need under Dr. Focke's supervision and prescriptive delegation. The

temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Kobs, Darcey Gus, III, M.D., Lic. No. H8180, Bellaire

On December 11, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the medical license of Darcey Gus Kobs, III, M.D. The Board found that Dr. Kobs poses a continuing threat to the public welfare due to his improper operation of a pain clinic, failure to adequately supervise those acting under his supervision and failure to establish a proper physician-patient relationship prior to prescribing a controlled substance. The temporary suspension remains in effect until it is superseded by a subsequent order of the Board.

Marks, Timothy N., M.D., Lic. No. J3719, Houston

On December 12, 2012, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the medical license of Timothy N. Marks, M.D., prohibiting Dr. Marks from supervising PAs, APNs or other mid-level providers except for a Certified Registered Nurse Anesthetist in an interventional or surgical procedure in a hospital, surgical center or Board-approved office-based anesthesia setting; prohibiting Dr. Marks from ordering, prescribing, and dispensing scheduled drugs except while providing anesthesia services in a hospital, surgical center, or Board-approved office-based anesthesia setting; and prohibiting Dr. Marks from treating chronic pain patients with scheduled drugs other than with interventional anesthesia procedures that do not employ scheduled drugs.. The Board found Dr. Marks is a continuing threat to the public welfare due to his participation in the illegal operation of a medical clinic and inadequate supervision of his delegates. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Ahlschier, Allan Dee, M.D., Lic. No. D7516, Houston

On December 14, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the medical license of Allan Dee Ahlschier, M.D., requiring him to immediately cease practicing medicine. The Board found Dr. Ahlschier's continuation in the practice of medicine would constitute a continuing threat to the public welfare and that Dr. Ahlschier was engaging in the practice of improper and illegal prescribing of controlled substances without a medical basis. The temporary suspension remains in effect until it is superseded by a subsequent order of the Board.

Dorman, John Wesley, M.D., Lic. No. D5375

On December 14, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the medical license of John Wesley Dorman, M.D., requiring him to immediately cease practicing medicine. The Board found Dr. Dorman's continuation in the practice of medicine would constitute a continuing threat to the public welfare and that Dr. Dorman was engaging in the practice of improper and illegal prescribing of controlled substances without a

medical basis. The temporary suspension remains in effect until it is superseded by a subsequent order of the Board.

Harrison, Prentiss Lee, P.A., Lic. No. PA00256, Houston

On December 14, 2012, a disciplinary panel of the Texas Physician Assistant Board temporarily restricted, with notice, the P.A. license of Prentiss Lee Harrison, requiring Mr. Harrison to cease treating chronic pain patients and immediately surrender his DEA/DPS controlled substance certificates. In addition, he is not allowed to be delegated any prescriptive authority for controlled substances from his supervising physician. The Board found Mr. Harrison poses a continuing threat to the public welfare due to his improper operation of pain clinics, including the method and manner in which controlled substances were prescribed. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Hooper, Larry E., P.A., Lic. No. PA00968, Houston

On December 14, 2012, a disciplinary panel of the Texas Physician Assistant Board temporarily restricted, with notice, the P.A. license of Larry E. Hooper, requiring Mr. Hooper to immediately cease treating chronic pain patients and to immediately surrender his DEA/DPS controlled substance certificates. In addition, he is not allowed to be delegated any prescriptive authority for controlled substances from his supervising physician. The Board found Mr. Hooper poses a continuing threat to the public welfare due to his inappropriate prescribing of controlled substances. The temporary restriction remains in effect until it is superseded by a subsequent order of the Board.

Whitefield, Barrett Doyle, M.D., Lic. No. L1495, Odessa

On December 14, 2012, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the medical license of Barrett Doyle Whitefield, M.D., requiring him to immediately cease the practice of medicine. On November 28, 2012, Dr. Whitefield was indicted on criminal charges of conspiracy to possess controlled substances, with intent to distribute. A temporary suspension hearing, with notice, will be held as soon as practicable with 10 days' notice to Dr. Whitefield, unless the hearing is specifically waived by Dr. Whitefield. The suspension remains in effect until the Board takes further action.

To view the complete orders, visit the Texas Medical Board homepage. Click on "Look Up a Doctor," accept the usage terms, and enter the licensee's license number or name. Click on the result to view the doctor or physician assistant's full profile.