## Message From the TMB President: COVID-19 Agency Update



Zaafran

During the most recent Board meeting in August, we provided an update on the Board's ongoing efforts during the COVID-19 pandemic. Since the onset of the pandemic, Board staff have issued over 2,800 temporary emergency licenses and reactivated 60 licenses for recently retired health care professionals.

TMB staff has managed to process these licenses in a matter of just a few days.

It's worth noting that all of this work is being accomplished in addition to the already steady workload of processing thousands of regular licensure applicants to ensure our state continues to have a strong health care workforce ready to help care for our fellow Texans during this critical time.

The Board previously issued several waivers to give some relief to licensees these past months, including a relaxation of continuing education requirements and extended renewal deadlines. At the August Board meeting, the Board approved an extension of its <a href="emergency rules">emergency rules</a> for prescribing through telemedicine. Board members also discussed doing what we can to help our colleagues experiencing issues of increased stress and burnout.

The Board has previously shared health and wellness <u>resources</u>, and in this issue of the TMB Bulletin, we've included an article from the <u>Texas Physician Health Program</u> that we hope our licensees will also find helpful. (*See Article on Page 2*).

We encourage licensees to share information and resources with your colleagues, continue seeking help and assistance from your local medical societies and professional workplace groups, and please continue checking in with co-workers and supporting one another.

The Board will continue to do everything it can to ensure the health and safety of Texans, including our licensees.

Though the situation in Texas is markedly improved from where we were several months ago, we should all continue to be diligent in following the recommended public health guidelines.

This will not only help your family, friends and neighbors in staying healthy and safe, but also help our fellow frontline health care professionals as they continue their hard work caring for our most critical patients.

Thank you and everyone please be safe and well!

Dr. Sherif Zaafran, M.D., FASA

**Texas Medical Board President** 

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# Practitioner Wellness & Stress Management Opportunities

We've all had increased stress over the last six months, and current data suggest that physicians and other medical practitioners may not be the best when it comes to recognizing their own need self-care. After all, they are the people that others come to when they need help. But wellbeing and healthy stress management is integral to practitioners' ability to be effective caregivers, just as it is integral for us all as healthy humans.

TMB has joined with the <u>Texas Physician Health Program</u> (<u>TXPHP</u>) to address wellness generally among medical practitioners and provide resources for practitioners so that we are better able to take care of ourselves as we continue to provide care for patients under increasingly challenging conditions.

#### A Wellness Pilot Program in Kerr-Bandera Counties

Their common suffering transmuted allows grace to enter and dispel the despair, which drove them to depend on chemicals for release, connection and relief. They, together, have found what they, separately, could not achieve on their own. Leaving personal differences and ambitions at the door, they share a common solution and strive to pass on what has been freely given to them.

Caduceus meetings, in Texas, are generally directed towards practitioners who have substance use disorder. The principles for these meetings are rooted in legacy twelve-step recovery programs such as Alcoholics Anonymous.

In Kerr-Bandera Counties, these meetings are held at 5:30 p.m. every Tuesday. These meetings welcome practitioners such as physicians, physician assistants, and nurse practitioners who are recovering from substance use disorders. Many similar Caduceus meetings are held all over Texas. The meetings are a safe, confidential place to form and develop honest connections and relationships with others who share a similar path.

Beginning in September, every final Tuesday of each month will now be an open virtual Caduceus meeting—welcome to all practitioners who are dealing with increasing internal or external stressors. Instead of focus-

ing on SUD issues, this meeting will address broader issues of physician wellness and stress management. This pilot program in Kerr-Bandera Counties seeks to use the same tools of fellowship and mutual support to address more wide-ranging issues of stress management and other challenges facing medical practitioners as a whole. Any practitioner struggling with professional and life stressors for which they are seeking practical, scientifically vetted solutions, is invited to join this meeting via Zoom. These stressors may include practice and professional issues like peer review or board investigations, family issues like divorce, individual health concerns like burnout, depression or suicidal ideation, spiritual issues such as existential crises, and financial difficulties, all of which may be magnified by the Covid-19 pandemic.

These issues will be discussed in complete confidence so participants can obtain peer support, find strength in numbers, and help connect fellow practitioners with additional resources that may be available. Participants will, without doubt, find that they will stand shoulder to shoulder beside one another as a partner to overcome obstacles they could not overcome on their own. Organizers are hoping to share this support model with other counties in Texas as interest and participation continues.

Meetings will be every month on the last Tuesday through Feb 23, 2021. The following meetings are currently scheduled:

- Oct 27, 2020 at 5:30 PM
- Nov 24, 2020 at 5:30 PM
- Dec 29, 2020 at 5:30 PM
- Jan 26, 2021 at 5:30 PM
- Feb 23, 2021 at 5:30 PM

Please use this link to access the meeting each month: <a href="https://bit.ly/2EbOU9q">https://bit.ly/2EbOU9q</a>

(Continued on page 3)

## Wellness & Stress Management Opportunities, Cont.

## Additional Stress Management Resources for Medical Practitioners

Resilience, we know from research, is a key component of wellness and preventing and addressing physician burnout. Resilience has physical, emotional, and spiritual components, so here are free resources for each of these areas.

Remember that you don't have to do all of these today or at once. Choose one area or one site to explore at a time – take it easy, be gentle. Remember This is information to assist you and provide some suggestions for resources that may work for you—for example if one were to explore music, some may find solace in opera music (link to the right) while others may find rock or even heavy metal music a cathartic stress release. Still others may prefer the sounds of nature, a lively radio show or podcast, or simply silence.

What matters is that you find a few helpful outlets and that you enjoy it.

AMA advice on addressing stress: <a href="https://www.ama-assn.org/delivering-care/public-health/6-ways-address-physician-stress-during-covid-19-pandemic">https://www.ama-assn.org/delivering-care/public-health/6-ways-address-physician-stress-during-covid-19-pandemic</a>

**Meditation App** — **Headspace** (currently free for healthcare professionals with NPI#): <a href="https://www.headspace.com/health-covid-19">https://www.headspace.com/health-covid-19</a>

**Stop Breathe & Think App:** <a href="http://app.stopbreathethink.org">http://app.stopbreathethink.org</a>

Metropolitan Opera online broadcasts: <a href="https://www.metopera.org/">https://www.metopera.org/</a>

**Spotify App** – Music and podcast streaming (free with some access limits): https://www.spotify.com/us/

Podcasts and resources regarding healthcare provider burnout: <a href="https://www.nothinglefttogive.net">www.nothinglefttogive.net</a>

**Explore.org** – livestreams of animals and nature from around the world: <a href="https://explore.org/livecams">https://explore.org/livecams</a>

Free yoga videos: https://yogawithadriene.com/

## Continuing Education Requirements Reminder

Several new continuing medical education requirements from the 2019 legislative session are now in effect for licensees. These requirements apply to the renewal of a license on or after September 1, 2020.

Please note that when reviewing completion of continuing medical education hours for the remaining 2020 licensure renewal periods, the Board will take into consideration the effective dates of the related CME rules and ongoing COVID-19 pandemic.

#### **New Opioid CME Requirements**

During the 86th legislative session, there were multiple bills passed requiring physicians and physician assistants to complete certain opioid-related continuing medical education.

At least 2 of the 24 formal hours required (per biennium) must involve the study of the following topics:

- best practices, alternative treatment options, and multi-modal approaches to pain management that may include physical therapy, psychotherapy, and other treatments;
- safe and effective pain management related to the prescription of opioids and other controlled substances, including education regarding:
  - standards of care;
  - identification of drug-seeking behavior in patients; and
  - effectively communicating with patients regarding the prescription of an opioid or other controlled substances; and
- prescribing and monitoring of controlled substances

These formal hours maybe credited towards the requirements for medical ethics or professional responsi-

## Continuing Education Requirements, Cont.

bility for any physician, or the (10) hours of <u>pain management continuing education</u> required for those physicians practicing in pain clinics.

New Human Trafficking Prevention CME Requirement House Bill 2059 (86<sup>th</sup> Legislature) requires physicians, physician assistants, and any licensee of the TMB's advisory boards or committees that provide direct patient care, to complete a human trafficking prevention course approved by the Texas Health and Human Services Commission (HHSC).

As part of the 24 formal hours required (per biennium), a course in human trafficking prevention must be completed.

- The course must be approved by HHSC, and
- The course maybe credited towards the requirements for medical ethics or professional responsibility.

HHSC now has an approved course available, which is free of charge, that satisfies the requirements for all licensees impacted by HB 2059.

Visit HHSC's <u>Health Care Practitioner Human Trafficking</u>
<u>Training page</u> to access the course and for more information about this requirement.

For more information regarding continuing education requirements, visit: <a href="http://www.tmb.state.tx.us/page/">http://www.tmb.state.tx.us/page/</a> resources-continuing-ed-requirements

## Case Review Experts Needed

TMB is calling for physicians in all areas of medicine to serve as experts in reviewing standard of care cases.

Some specific areas of need are in the following disciplines: Cardiology (Interventional & Electrophysiology), Complementary and Alternative Medicine, Endocrinology, Family Medicine, General Internal Medicine, Gastroenterology, General Surgery (Thoracic & Vascular), Neurological Surgery, Neurology, Occupational Medicine, Orthopedic Spine Surgery, Otolaryngology, Pain Management, Psychiatry and Pulmonology.

As an expert to the Board, your identity for any individual case will be confidential. The requirements for serving are:

- Active Texas license
- Active practice; DOES NOT need to be physically in Texas or on Texas patients (more than 20 hours per week,
   40 weeks per year)
- No history of negative peer review action or license restriction
- Acceptable malpractice history

For more information, please e-mail: Michelle.Garcia@tmb.state.tx.us

#### **UPDATE YOUR INFO TODAY!**

Licensees must keep the Board informed of their current address.

Update practice addresses, e-mail and other contact info, by logging into your My TMB account.

Or create a new account today if you don't already have one!

## Rules Reminder: Complementary and Alternative Medicine (Rule 200)

Board Rule <u>Chapter 200</u> outlines practice guidelines for physicians employing complementary or alternative medicine when treating patients. The rule recognizes that patients have a right to seek complementary and alternative therapies and that physicians should be allowed a reasonable and responsible degree of latitude in the kinds of therapies they offer their patients.

Generally, the rule requires physicians to make full disclosure of treatments being considered and obtain proper consents so patients start any treatment plan with "eyes wide open." As long as the provisions in the Chapter 200 rule are met, and all treatment is properly documented, the Board will presume such practices conform with the Medical Practice Act.

The rule delineates several requirements prior to physicians offering complementary and alternative health care therapies. Physicians must perform and document an assessment of the patient, including a proper medical history and physical exam; a discussion of conventional treatment options and referral input; full disclosure that is documented in the patient record of the risks and benefits, objectives, expected outcomes/goals of the proposed treatment; the extent the proposed treatment could interfere with any ongoing or recommended medical care; a description of the underlying therapeutic basis or mechanism of action of the proposed treatment purporting to have a reasonable potential for therapeutic gain that is written in a manner understandable to the patient; and whether a drug, supplement, or remedy employed in the treatment is approved for human use by the U.S. Food and Drug Administration (FDA), exempt

from FDA preapproval under the Dietary Supplement and Health Education Act (DSHEA), or a pharmaceutical compound not commercially available and, therefore, is also an investigation article subject to clinical investigation standards.

The documented treatment plan, which should include periodic review of the patient's progress, should have a favorable risk/benefit ratio compared to other treatments for the same condition; be based upon a reasonable expectation that it will result in a favorable patient outcome, including preventive practices; and be based upon the expectation that a greater benefit for the same condition will be achieved than what can be expected with no treatment.

If the complementary and alternative medical treatment also includes clinical investigation of new drugs and procedures for medical research or studies, physicians are expected to conform to ethical standards, and any applicable federal regulations, as outlined in the rule.

Finally, physicians are required to maintain accurate and complete medical records for all care rendered.

Please know this is an overview of the rule but is not meant to be an exhaustive list of requirements. To read Board Rule Chapter 200 in its entirety, <u>click here</u>.

**Editor's Note:** The preceding article is intended for general guidance only and does not ensure compliance, constitute legal advice, or replace the text of applicable Board rules or laws.



#### Three New PA Board Members

In August, Governor Greg Abbott appointed Andrew Sauer, D.M.Sc., PA-C, to the Texas Physician Assistant Board for a term set to expire on February 1, 2021.

Additionally, the Governor appointed Steve Ahmed, M.D. and Sandra Longoria, D.M.Sc. and reappointed Melinda Moore Gottschalk for terms set to expire on February 1, 2025.



Sauer

Andrew Sauer, D.M.Sc., PA-C, of Amarillo, is a physician assistant specializing in chronic pain. He is a member of the American Academy of Physician Assistants, Texas Academy of Physician Assistants, and the American Registry of Radiologic Technologists. In addition, he is a member of the Top of Texas Physician Assistant Society and is a certified Nuclear

Medicine Technologist with the Nuclear Medicine Certification Board. Sauer received an Associate of Applied Science in radiology, as well as Nuclear Medicine from Amarillo College, a Master of Physician Assistant Studies from Texas Tech University Health Sciences Center, and a Doctor of Medical Science from Lynchburg University.



**Ahmed** 

Steve S. Ahmed, M.D., of Big Spring, is a physician at Big Spring Pediatrics and a medical advisor for the City of Big Spring, Texas. He also serves as an Associate Professor of Pediatrics at Texas Tech University. He previously served as the chief of staff at Scenic Mountain Medical Center. Ahmed is a delegate to the Texas Medical Association, president of the Permian Ba-

sin Medical Society, and a member of the American Academic of Pediatrics. Ahmed completed his residency training in Pediatrics at Columbia University.



Longoria

Sandra Longoria, D.M.Sc., PA-C, of Harlingen, is a physician assistant specializing in Internal Medicine and Geriatric Care at Wellmed Medical Management. She is a former member of the American Academy of Physician Assistants and the Texas Academy of Physician Assistants. In addition, she is a former volunteer with the American Red Cross. Longoria

received a Bachelor of Science in Chemistry from The University of Texas at Brownsville, a Master of Biomedical Science from the University of North Texas Health Science Center, a Master of Physician Assistant Studies from The University of Texas – Pan American, and a Doctor of Medical Science from the University of Lynchburg.

## Four New Acupuncture Board Members, New Chair

In August, Governor Greg Abbott appointed Elisabeth "Ellee" Carlson, L.Ac., and Sheri Davidson, L.Ac., to the Texas State Board of Acupuncture Examiners for terms set to expire on January 31, 2025.

He also appointed Maria Garcia and Dawn Lin, J.D., for terms set to expire on January 31, 2021. Additionally, Governor Abbott named Donna Guthery, L.Ac., as the chair.



Carlson

Elisabeth Lee "Ellee" Carlson, L.Ac., of Garland, is an acupuncturist and owner of Southwest Acupuncture Clinic.

She is a member of the Texas Association of Acupuncture and Oriental Medicine. Carlson received a Bachelor of Science in Integrative Biology from the University of Illinois Urbana -Champaign, a Master of Science in Acupuncture from the Pacific College

of Oriental Medicine, Chicago, and a Doctor of Acupunc-

## New Acupuncture Board Members, Cont.

ture and Oriental Medicine from Pacific College of Oriental Medicine, San Diego.



Davidson

Sheri J. Davidson, L.Ac., of Houston, is an acupuncturist, health coach, and owner of Element5 Acupuncture Wellness. She is a member of the Texas Association of Acupuncture and Oriental Medicine, Business Networking International, Greater Houston Women's Chamber of Commerce, and the Women's Health Network of the Texas Medical Center

Committee. Additionally, she is a volunteer for Athletes with Disabilities. Davidson received a Bachelor of Arts in Interior Design from the University of Houston, a Master of Arts in Oriental Medicine from the Academy of Oriental Medicine at Austin, and Integrative Health Coach Certification from Duke Integrative Medicine.



Garcia

Maria M. Garcia of Plano, is a school crossing guard for the City of Plano. She previously served on the Plano ISD School Health Advisory Committee. Garcia received an Associate in Arts of Criminal Justice from Ontario Community College and an Associate in Arts of Science from the High-Tech Institute.



Lin

Dawn Lin, J.D., of Sugar Land, is a Fee Attorney at Fidelity National Title. She is a member of the Texas Bar Association, Texas Land Title Association, and the Houston Association of Realtors. Additionally, the Founding President and Chair Emeritus of Asian Real Estate Association of America – Houston, and a board member of Houston Children's Chorus. Lin received a

Bachelor of Arts in Business Administration from LeTourneau University and a Juris Doctor degree from Thurgood Marshall School of Law.

#### DID YOU KNOW?



You can look up licensee information online for physicians, physician assistants, acupuncturists, medical radiologic technologists, respiratory care practitioners, perfusionists, medical physicists and surgical assistants.

These licensee profiles contain consumer-oriented professional background information, license status, educational background, disciplinary actions, and other helpful information.

To search the database, and for more information, visit: <a href="http://www.tmb.state.tx.us/page/look-up-a-license">http://www.tmb.state.tx.us/page/look-up-a-license</a>

## Two New RCP Board Members, New Chair

In August, Governor Greg Abbott appointed Samuel Brown and Hammad Nasir Qureshi, M.D., and reappointed Debra E. Patrick to the Texas Board of Respiratory Care for terms set to expire on February 1, 2025. Additionally, the Governor named Latana Jackson, RCP, chair of the board.



Brown

Samuel L. Brown, Jr., of Marshall, is the Assistant IT Manager and Network Administrator for Louis A. Williams & Associates. He previously served as a Computer Lab Technician at East Texas Baptist University. He is a former little league football and basketball coach with the Boys and Girls Club of America. Brown received a Bachelor of Science in Com-

puter Information Systems from East Texas Baptist University and a Master of Science in Information Systems from Tarleton State University.



Qureshi

Hammad Nasir Qureshi, M.D., of Tomball, is a Pulmonary and Critical Care Physician with Millennium Physicians, LLC. He is a member of the American College of Chest Physicians, American Thoracic Society, and the International Society of Heart and Lung Transplantation. Qureshi received a Bachelor of Medicine and a Bachelor of Surgery from King Ed-

ward Medical College. He completed fellowship in Pulmonary and Critical Care Medicine from Baylor College of Medicine – Houston.

## **CORONAVIRUS DISEASE 2019**

(COVID-19)



You can help prevent the spread of respiratory illnesses with these actions:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose & mouth.
- Practice social distancing by putting space between yourself & others.
- Wash hands often with soap & water for at least 20 seconds.

cdc.gov/coronavirus

316159-A March 25, 2020 8:00 AM



## 2020 CME PRESENTATIONS

The Texas Medical Board is offering one-hour CME-eligible live webinar presentations to inform and educate physician licensees about the regulation of the practice of medicine through physician licensure and enforcement. The presentations available are listed below:

Upholding Professional Accountability:
What You Need to Know About Physician Licensure, Discipline, and Regulation in
Texas

A) Overview of TMB Licensure and Enforcement Processes
B) Review of Board Rules and Common Violations
C) Legislative Update
D) Question and Answer Session

#### Opioids and Chronic Pain Management

A) Overview of TMB Enforcement Process
B) Review of Statues and Rules on Pain Management
C) The Prescription Monitoring Program and PMC Inspections
D) Question and Answer Session

TMB can provide the CME as one hour of formal hours of study in medical ethics and/or professional responsibility to be applied toward TMB registration requirements. If your medical or specialty society is already designated as, or works in conjunction with, a provider of AMA PRA Category 1 CME, we can assist your society in applying for Category I accreditation for the TMB presentation. A minimum of 15 participants is required.

If you have questions or would like to schedule a presentation, please contact Sandra Ramirez, TMB Outreach Coordinator, at: <a href="mailto:sandra.ramirez@tmb.state.tx.us">sandra.ramirez@tmb.state.tx.us</a> or (512) 305-7111.

Mailing Address: P.O. Box 2018 · Austin TX 78768-2018

Location Address: 333 Guadalupe, Tower 3-Suite 610 · Austin, TX 78701

www.tmb.state.tx.us

#### Board Rules

The following rules were adopted since the publication of the previous bulletin. After publication in the TX Register, the rules with effective date will be posted on the TMB website: <a href="http://www.tmb.state.tx.us/page/board-rules">http://www.tmb.state.tx.us/page/board-rules</a>.
For full rule text in the Texas Administrative Code, visit: <a href="http://texreg.sos.state.tx.us/public/readtac\$ext.viewtac">http://texreg.sos.state.tx.us/public/readtac\$ext.viewtac</a>

#### **JUNE 2020 BOARD MEETING**

#### **CHAPTER 166. PHYSICIAN REGISTRATION**

The amendments to §166.2, concerning Continuing Medical Education, requires at least two hours of continuing medical education (CME) training in topics related to the prescription of opioids and other controlled substances. The amendments further require the completion of a course in human trafficking prevention awareness.

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

Amends the title of 22 TAC Chapter 170 to "Prescription of Controlled Substances."

The amendments to **§170.2**, concerning <u>Definitions</u>, amends the definitions of "acute pain," "chronic pain," and adds a new definition for "post-surgical, post-procedure, persistent non-chronic pain."

The amendments to §170.3, concerning Minimum Requirements for the Treatment of Chronic Pain, requires a review of the Prescription Monitoring Program (PMP) prior to the issuance of a prescription for opioids, benzodiazepines, barbiturates, and carisoprodol.

New **Subchapter C, §170.9**, <u>Prescription Monitoring Program Check</u>, clarifies when and under what circumstances a physician is required to check the PMP before issuing certain controlled substances.

#### **CHAPTER 172. TEMPORARY AND LIMITED LICENSES**

The amendments to §172.13, concerning <u>Conceded Eminence</u>, adds language to clarify the requirements for and process to obtain conceded eminence.

#### **CHAPTER 175. FEES AND PENALTIES**

The amendments to **§175.1**, concerning <u>Application and Administrative Fees</u>, adds an application and certificate fee for a Radiologist Assistant Certificate in the amount of \$140.00, and also adds a fee for an application for a temporary certificate in the amount of \$140.00.

The amendments to **§175.2**, concerning <u>Registration and</u> <u>Renewal Fees</u>, adds a fee for biennial renewal of a Radi-

ologist Assistant Certificate, in the amount of \$100.00. Radiologist Assistant is a new certificate type mandated by, and in accordance with, House Bill 1504 (86th Regular Legislative Session).

#### **CHAPTER 178. COMPLAINTS**

The amendments to **§178.8**, concerning <u>Appeals</u>, adds language requiring that the board receive a complainant's appeal no later than 90 days after the complainant's receipt of notice of the board's dismissal of the complaint.

## CHAPTER 180. TEXAS PHYSICIAN HEALTH PROGRAM AND REHABILITATION ORDERS

Amends the title of 22 TAC Chapter 180 to "Texas Physician Health Program."

The amendments to **§180.1**, concerning <u>Purpose</u>, describes the authority for rulemaking and the purpose of the Texas Physician Health Program under Chapter 167 of the Texas Occupations Code.

The amendments to **§180.2**, concerning <u>Definitions</u>, updates existing definitions and adds new definitions in order to maintain consistency within this chapter.

The amendments to **§180.3**, concerning <u>Texas Physician</u> <u>Health Program</u>, clarifies and updates existing language to ensure consistency with current program processes and TXPHP Governing Board directives.

The amendments to **§180.4**, concerning <u>Operation of Program</u>, clarifies and updates existing language to ensure consistency with current program processes and TXPHP Governing Board directives.

The repeal of **§180.7**, concerning <u>Rehabilitation Orders</u>, eliminates outdated rule language that was historically necessary when TXPHP was created in 2009.

#### **CHAPTER 195. PAIN MANAGEMENT CLINICS**

(Continued on page 11)

## Board Rules, Cont.

The amendments to **§195.1**, concerning <u>Definitions</u>, adds a new definition for "personnel", distinguishing personnel from physicians.

The amendments to **§195.4**, concerning <u>Operation of Pain Management Clinics</u>, adds language distinguishing personnel from physicians who may be employed or contracted to provide medical services at a pain clinic.

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## Formal Complaints

Name	Lic. No.	Date Filed	Allegations	
Byler, Tasha L., LMRT, Smith- ville	LMR00203899	6/12/20	Unprofessional conduct.	
Howard, Thomas Edward, Jr., M.D., Fort Worth	G0730	7/21/20	Unprofessional conduct; violation of Board rules.	
Baban, Adil, RCP, Rockdale	RCP00076072	7/29/20	Unprofessional conduct.	
Moreno, Alva, NCT, Haltom City	NCR02000615	7/29/20	Unprofessional conduct.	
Poppleton, Dawn Marie, MRT, Schertz	GMR00027358	7/29/20	Unprofessional conduct.	
Aduba, Uchenna Okechukwu, M.D., Frisco	R1333	8/28/20	Unprofessional conduct.	



## Continuing Education Opportunities

Activity Title	Date(s)	No. of Hours	Link
Addressing Adverse Child- hood Experiences through Trauma-Informed Care	Expires 3/9/2021	1.50 AMA PRA Category 1	https:// www.txhealthsteps.com/130- addressing-adverse-childhood- experiences-through-trauma- informed-care
Mindfulness for Chronic Pain and Opiate Depend- ence	Expires: Unknown	1.00 AMA PRA Category 1	https://pcssnow.org/event/ mindfulness-for-chronic-pain-and- opiate-dependence/
Texas Congenital Syphilis Symposium	Oct. 6, 2020 (1-5 p.m.) & Nov. 10, 2020 (1-5 p.m.)	3.25 AMA PRA Category 1	https://dshs.texas.gov/hivstd/info/syphilis/ TexasCSSymposiumFlyer.pdf
Newborn Screening	Expires 6/12/2022	1.25 AMA PRA Category 1	https:// www.txhealthsteps.com/437- newborn-screening
Rocky Mountain Spotted Fever (and other tick- borne diseases)	Expires 8/2/2022	1.20 AMA PRA Category 1	https://www.cdc.gov/rmsf/ resources/toolkit.html
Case Studies in Early Lyme Disease	Expires 2/28/2021	1.25 AAFP	https://www.lymecme.info/ course/

The continuing education opportunities listed above are provided only as a courtesy. TMB makes no guarantee to the quality of the content, fulfillment of credit hours for license requirement purposes, or ensure compliance with terms of any Board order or rules. As part of its 2016-2017 review of the Board, the Sunset Advisory Commission adopted a nonstatutory management action directing the Board to dedicate one page of its quarterly newsletter bulletin to three topics in continuing medical education that the Board considers relevant; at least one of the annual 12 continuing medical education topics must be related to tick-borne diseases, including Lyme disease.

## Disciplinary Actions

The following disciplinary actions have been taken since the previous bulletin was issued. To read previous bulletins and news releases, visit: <a href="http://www.tmb.state.tx.us/page/news">http://www.tmb.state.tx.us/page/news</a>

#### TEMPORARY SUSPENSION/RESTRICTION

Astbury, Jeffrey Albert, M.D., Lic. No. J3967, Midlothian On September 3, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Jeffrey Albert Astbury, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately. The Board panel found that on August 10, 2020, Dr. Astbury was arrested on a warrant out of Dallas County for online solicitation of a minor. A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Astbury, unless the hearing is specifically waived by Dr. Astbury. The temporary suspension remains in place until the Board takes further action.

#### Flores, Miguel Juan, M.D., Lic. No. E7398, Conroe

On July 10, 2020, a disciplinary panel of the Texas Medical Board temporarily restricted, with notice, the Texas medical license of Miguel Juan Flores, M.D., after determining his continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective immediately. Dr. Flores is prohibited from prescribing Schedule II controlled substances; shall not treat patients for chronic pain as defined by Board rule; and may not prescribe Schedule III, IV, and/or V controlled substances other than in a hospital setting. The Board panel found that Dr. Flores was arrested on or around November 4, 2019 by the Montgomery County District Attorney's Office on felony charges relating to nontherapeutic prescribing of controlled substances. The temporary restriction remains in place until the Board takes further action.

Hein, Robert Mathew, M.D., Lic. No. M6182, Gainesville On June 16, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Robert Mathew Hein, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately. The Board panel found that Dr. Hein, following a workplace incident where Dr. Hein was found unresponsive by hospital staff, was suspected by his employer to have been treating patients while under the

influence of controlled substances not legitimately prescribed to him. Dr. Hein appeared to be diverting medications from patients for his personal use and currently suffers from a likely impairment that makes him a threat to patient or public safety. A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hein, unless the hearing is specifically waived by Dr. Hein. The temporary suspension remains in place until the Board takes further action.

#### Hipke, Matt E., M.D., Lic. No. H6289, Longview

On August 10, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Matt E. Hipke, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately. The Board panel found that Dr. Hipke is the subject of a criminal investigation involving allegations of sexual assault of three children who were patients. A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Hipke, unless the hearing is specifically waived by Dr. Hipke. The temporary suspension remains in place until the Board takes further action.

#### Seth, Abhishek, M.D., Lic. No. P6264, Houston

On September 10, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Abhishek Seth, M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately. The Board panel found that Dr. Seth reported to work impaired and thereby posed a potential threat to patient safety. A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Seth, unless the hearing is specifically waived by Dr. Seth. The temporary suspension remains in place until the Board takes further action.

## Sherman, Kenneth Colvin, Jr., M.D., Lic. No. F5045, Farmers Branch

On July 7, 2020, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Kenneth Colvin Sherman, Jr., M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately. The Board panel found that Dr. Sherman was arrested by the Dallas County Sher-

iff's Department on one charge of Aggravated Sexual Assault of a Child, and two charges of Indecency with a Child, Exposes. A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Sherman, unless the hearing is specifically waived by Dr. Sherman. The temporary suspension remains in place until the Board takes further action.

Williams, Machelle Elaine, D.O., K4608, Floresville
On July 7, 2020, a disciplinary panel of the Texas Medical
Board temporarily suspended, without notice, the Texas
medical license of Machelle Elaine Williams, D.O., after
determining her continuation in the practice of medicine
poses a continuing threat to public welfare. The suspension was effective immediately. The Board panel found
that Dr. Williams' intemperate use of alcohol and noncompliance with her Texas Physician Health Program agreement constitutes a continuing threat to public welfare. A
temporary suspension hearing with notice will be held as
soon as practicable with 10 days' notice to Dr. Williams,
unless the hearing is specifically waived by Dr. Williams.
The temporary suspension remains in place until the
Board takes further action.

#### Williams, Machelle Elaine, D.O., K4608, Floresville

On September 11, 2020, a disciplinary panel of the Texas Medical Board convened and temporarily restricted, with notice, the Texas medical license of Machelle Elaine Williams, D.O., after determining her continuation in the unrestricted practice of medicine poses a continuing threat to public welfare. The restriction was effective September 14, 2020. Dr. Williams is prohibited from engaging in the practice of medicine, including telemedicine, until she completes an independent medical evaluation by a preapproved board certified psychiatrist and follows all recommendations made for continued care and treatment. Dr. Williams is also prohibited from supervising or delegating prescriptive authority to a physician assistant or advanced practice nurse or supervising a surgical assistant that is engaged in the practice of clinical medicine. Upon completion of the required evaluation, Dr. Williams will be required to appear before the board and provide evidence and information that adequately indicates she is physically, mentally, and otherwise competent to safely resume practice. The Board panel found that Dr. Williams' noncompliance with her Texas Physician Health Program agreement and impairment constitute a continuing threat to public welfare. Dr. Williams' license was previously temporarily suspended as Dr. Williams had not signed an interim drug testing agreement with the Board. The panel considered Dr. Williams' willingness to cooperate with drug and alcohol screening and a medical evaluation. The tem-

porary restriction remains in place until the Board takes further action.

#### **QUALITY OF CARE**

## Bentancourt, Alejandro Jorge, M.D., Lic. No. L2139, Harlingen

On August 21, 2020, the Board and Alejandro Jorge Bentancourt, M.D., entered into an Agreed Order requiring him to within one year complete at least six hours of CME in management of pituitary tumors; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Bentancourt failed to adequately inform a patient and their family of reasonable alternative options to surgery on a pituitary tumor given a usually low malignancy rate. Dr. Bentancourt's operative report was inadequate and did not fully detail the surgical approach taken.

#### Cao, Hiep Andrew, M.D., Lic. No. N8770, Garland

On June 12, 2020, the Board and Andrew Hiep Cao, M.D., entered into an Agreed Order restricting his license under the following conditions: shall not engage in the practice of treating patients for chronic pain as defined by Board rule; shall not possess, administer, or prescribe Schedule II controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant; within one year and three attempts pass the Medical Jurisprudence Exam; have his practice monitored by another physician for four consecutive monitoring cycles; within 60 days submit a pain management contract for review and approval by the Board; and within three years complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Cao failed to obtain or document adequate patient history or assessment for 15 patients he treated for chronic pain, failed to appropriately monitor patients' use of controlled substances and failed to document adequate medical rationale for the pain medications he prescribed.

#### Cherian, Rany Antony, M.D., Lic. No. G6918, Bryan

On June 12, 2020, the Board and Rany Anthony Cherian, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: 8 hours in prescribing controlled substances, 8 hours in medical recordkeeping and 8 hours in drugseeking behavior; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Cherian prescribed Adderall to a patient without appropriately moni-

toring or maintaining adequate medical records of the treatment.

Choudhri, Mobeen, M.D., Lic. No. N4346, Bellaire
On June 12, 2020, the Board and Mobeen Choudhri, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 36 hours of inperson CME, divided as follows: 12 hours in supervision and delegation, eight hours in pain management, eight hours in risk management and eight hours in ethics; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Choudhri violated the standard of care for four chronic pain patients, failed to adequately supervise her midlevel providers, and failed to maintain the registration for two pain management clinics.

Cortes, Wilberto Gil, M.D., Lic. No. M8612, Houston
On June 12, 2020, the Board and Wilberto Gil Cortes, M.D., entered into an Agreed Order requiring him to within 60 days pay a refund of \$8,800 to the patient at issue; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: four hours in management of physician-patient communications, four hours in risk management and four hours in recognizing and treating surgical complications. The Board found Dr. Cortes failed to meet the standard of care with respect to a patient he performed a liposuction procedure on by failing to properly examine the patient and adequately care for the patient post-operatively after the patient experienced complications.

Launius, John A., M.D., Lic. No. H2149, Lewisville
On June 12, 2020, the Board and John A. Launius, M.D.,
entered into an Agreed Order requiring him to within one
year complete at least 12 hours of CME, divided as follows: eight hours in diagnosis and treatment of ADHD and
four hours in patient communication, risk management,
and dealing with difficult patients; and within 60 days pay
an administrative penalty of \$3,000. The Board found Dr.
Launius failed to meet the standard of care for a patient
he treated for ADHD, anxiety and obsessive compulsive
disorder.

McBath, J. Mark, M.D., Lic. No. G8265, Houston
On June 12, 2020, the Board and J. Mark McBath, M.D.,
entered into an Agreed Order requiring him to within one
year and three attempts pass the Medical Jurisprudence
Exam; within one year complete the medical recordkeeping course offered by the University of California San Diego
Physician Assessment and Clinical Education (PACE) pro-

gram; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. McBath did not keep adequate medical records while prescribing medications for weight loss. Dr. McBath did not document a history or physical, nor did he adequately document his interactions with the patient.

## Mettauer, Mark Menefee, M.D., Lic. No. K6486, The Woodlands

On June 12, 2020, the Board and Mark Menefee Mettauer, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in post-operative care. The Board found Dr. Mettauer appropriately prepared a patient for surgery but should have taken the patient back for immediate exploration due to an excessive amount of post-operative bleeding.

Muscat, Joseph Otto, IV, M.D., Lic. No. H8276, Kingwood On June 12, 2020, the Board and Joseph Otto Muscat, IV, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in pediatric orthopedic patients and eight hours in risk management. The Board found Dr. Muscat failed to meet the standard of care for a teenage patient. Dr. Muscat did not properly treat the patient's complex lateral collateral ligament injury.

Nasur, Ali Mohamed, M.D., Lic. No. P4685, El Paso On June 12, 2020, the Board and Ali Mohamed Nasur, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in cardiac catheterization laboratory complications and four hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Nasur failed to meet the standard of care for one patient for whom he performed a cardiac catheterization and failed to timely identify and treat a stroke that occurred.

Nowzaradan, Younan, M.D., Lic. No. E7211, Houston On August 21, 2020, the Board and Younan Nowzaradan, M.D., entered into an Agreed Order requiring him to within a year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 12 hours of CME, divided as follows: four hours in coding and documentation of billing, four hours in recognizing and treating surgical complication and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Nowzaradan failed to meet the standard of care with respect to four surgical patients.

Spinks, David Wayne, D.O., Lic. No. F4557, Pasadena On June 12, 2020, the Board and David Wayne Spinks, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in treating chronic pain patients. The Board found Dr. Spinks failed to meet the standard of care in treating a patient to whom he prescribed carisoprodol, Tramadol and Ambien, and failed to appropriately monitor the patient for abuse.

#### **UNPROFESSIONAL CONDUCT**

Garcia, Ronald K., M.D., Lic. No. H2394, San Antonio On June 12, 2020, the Board and Ronald K. Garcia, M.D., entered into an Agreed Order publicly reprimanding Dr. Garcia and requiring him to within 90 days reimburse the patient of the principal amount still owed to the patient, less interest; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: four hours in ethics and eight hours in physician-patient boundaries; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Garcia committed unprofessional conduct by becoming financially involved with a patient. Dr. Garcia admitted to borrowing \$13,000 from an established patient after the patient offered to loan him money when he expressed he was facing financial difficulties. Dr. Garcia has yet to repay the patient, and still owes approximately \$11,000.

## Gonzalez, Mario G., M.D., Lic. No. P4959, North Richland Hills

On June 12, 2020, the Board and Mario G. Gonzalez, M.D., entered into an Agreed Order under the following terms: for a period of three years, anytime Dr. Gonzalez has a physician-patient encounter with a female patient, including any encounter conducted by electronic means including telemedicine, he shall have a chaperone who is able to directly observe during the encounter; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Gonzalez displayed unprofessional conduct by making inappropriate comments towards two female patients.

#### Guerrero, Jorge, M.D., Lic. No. G8154, Houston

On August 21, 2020, the Board and Jorge Guerrero, M.D., entered into an Agreed Order publicly reprimanding Dr. Guerrero and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days disclose all active delegation orders to the Board; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Guerrero claims that he was unaware of his license being used to order Botox products. Dr. Guerrero did not report the purported fraudulent use of his license to police.

## Habib, Muhammad Farhan, M.D., Lic. No. BP10056176, Amarillo

On June 12, 2020, the Board and Muhammad Farhan Habib, M.D., entered into an Agreed Order publicly reprimanding Dr. Habib. The Board found Dr. Habib was suspended and then resigned from his residency program following his arrest for a third-degree felony charge of Continuous Violence Against the Family. Dr. Habib entered into a Domestic Violence Early Intervention Program.

## Horndeski, Gary Michael, M.D., Lic. No. G2390, Sugar Land

On June 12, 2020, the Board and Gary Michael Horndeski, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Horndeski's website included unverifiable claims like "best plastic surgeon," and "most innovative."

Kruckner, Douglas Lee, M.D., Lic. No. M1189, Stamford On August 21, 2020, the Board and Douglas Lee Kruckner, M.D., entered into an Agreed Order on Formal Filing suspending Dr. Kruckner's license; however, the suspension is stayed and he is placed on probation under the following terms for a period of 5 years: shall limit his medical practice to a group or institutional setting approved in advance by the Board; within seven days request modification of his DEA controlled substances registration to eliminate Schedules II and III and not reregister without prior Board approval; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; obtain a treating psychiatrist and follow all recommendations for care and treatment; within one year and three attempts each, pass the Federation of State Medical Board's Special Purpose Examination (SPEX) and the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in boundaries, four hours in risk management, four hours in ethics and four hours in chronic pain management; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Kruckner failed to meet the standard of care in his treatment of eleven patients, engaged in unprofessional conduct by having a sexual relationship with a woman to whom he was prescribing controlled substances and was impaired due to his intemperate use of drugs and alcohol. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Kugler, Carlos David, M.D., Lic. No. M9431, Houston On August 21, 2020, the Board and Carlos David Kugler, M.D., entered into an Agreed Order on Formal Filing requiring him to comply with all terms of his deferred adjudication agreement entered in November, 2018. The Board found Dr. Kugler entered a guilty plea for possession of marijuana and received deferred adjudication. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Messer, Dale Leonard, M.D., Lic. No. D2740, Alvin On August 21, 2020, the Board and Dale Leonard Messer, M.D., entered into an Agreed Order publicly reprimanding Dr. Messer and prohibiting him from seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine on female patients, including telemedicine; within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; within one year complete at least eight hours of CME in ethics; within 90 days pay an administrative penalty of \$1,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Messer admitted to having a consensual sexual relationship with a patient, acknowledging that he was observed in a patient's room having sex. Dr. Messer admitted to resigning while under peer review at Clear Lake Regional Medical Center.

Moreno, Robert A., M.D., Lic. No. H7470, El Paso
On June 12, 2020, the Board and Robert A. Moreno, M.D., entered into an Agreed Order requiring him to comply with all terms of the Settlement Agreement issued by the U.S. Attorney's Office for the Western District of Texas on August 28, 2019. The Board found Dr. Moreno entered into a settlement agreement which arose from submitting false billing claims to federal health care programs.

Novak, Jacob John, M.D., Lic. No. K2766, Lubbock
On June 12, 2020, the Board and Jacob John Novak, M.D., entered into an Agreed Consent Order publicly reprimanding Dr. Novak and requiring him to comply with all ordered probation requirements from the Florida County Court of the Fifteenth Judicial Circuit. The Board found Dr. Novak was arrested and later convicted of battery of a resort and spa housekeeper in Florida in 2019.

Ortiz, Edward Hurtado, M.D., Lic. No. M4411, Austin On June 12, 2020, the Board and Edward Hurtado Ortiz, M.D., entered into an Agreed Order requiring him to within 30 days undergo an independent medical evaluation by a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; limit his practice to a group or an institutional setting approved in advance; have his practice monitored by another physician; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Ortiz improperly manipulated some sleep study reports.

Syed, Ghyasuddin, M.D., Lic. No. L3493, Baytown On August 21, 2020, the Board and Ghyasuddin Syed, M.D., entered into an Agreed Order requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have a non-familial chaperone, not related to the patient or respondent, present anytime he performs an examination of a female patient and may not be alone with any female patient in the course and scope of his practice; may not delegate the decision-making or use of his DEA credentials to prescribe or refill Schedule II prescriptions to any delegate or midlevel provider; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in ethics. The Board found Dr. Syed engaged in inappropriate behavior with three female patients and failed to adequately document his treatment of the patients.

VOLUNTARY SURRENDER/REVOCATION Borissova, Irina Vitalyevna, M.D., Lic. No. N1268, San Antonio

On August 21, 2020, the Board and Irina Vitalyevna Borissova, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Borissova agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Borissova was under investigation by the Board regarding her failure to comply with certain requirements of her 2016 Order, as modified. Dr. Borissova indicated her desire to voluntarily and permanently surrender her license rather than continuing to serve under the order.

Coleman, Paul H., M.D., Lic. No. H5757, Odessa

On June 12, 2020, the Board and Paul H. Coleman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Coleman agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Coleman pled guilty to three felony counts of possession of child pornography and was sentenced to 10 years' imprisonment.

Maxvill, Charles T., D.O., Lic. No. F5299, Lake Worth On June 12, 2020, the Board and Charles T. Maxvill, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Maxvill agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Maxvill pled Nolo Contendre to a misdemeanor offense of Public Lewdness and received a deferred adjudication of guilt, placing him on misdemeanor community supervision for 24 months. The charges were based on allegations that, while on duty at Weatherford Healthcare, Dr. Maxvill offensively touched a nurse that was providing patient care.

#### Oates, Myrtle, M.D., Lic. No. J3565, Houston

On June 12, 2020, the Board and Myrtle Oates, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Oates agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. The Board found that on or about November 21, 2019, Dr. Oates pleaded nolo contendere to and received an Order of Deferred Adjudication for unlawful practice of medicine, a 3rd degree felony, in the 230<sup>th</sup> District Court of Harris County, Texas.

Rodriguez, Victor M., M.D., Lic. No. K1030, Houston
On June 12, 2020, the Board and Victor M. Rodriguez,
M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Rodriguez agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Rodriguez was under investigation for non-therapeutic prescribing and standard of care violations.

## Sherman, Kenneth Colvin, Jr., M.D., Lic. No. F5045, Farmers Branch

On August 21, 2020, the Board and Kenneth Colvin Sherman, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sherman agreed to voluntarily surrender his Texas medical license in lieu of further discipli-

nary proceedings. Dr. Sherman's license was temporarily suspended and he was under investigation by the Board regarding allegations of indecency with a child and aggravated sexual assault of a child.

#### **REVOCATION**

Berry, Alison Joan, M.D., Lic. No. F3757, San Antonio
On June 12, 2020, the Board entered a Default Order regarding Alison Joan Berry, M.D., which revoked her Texas medical license. On August 28, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Berry failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Berry. The Board granted a Determination of Default and Dr. Berry's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Berry has 25 days from the service of the order to file a motion for rehearing.

Brindley, Paul Claunch, M.D., Lic. No. D2370, Galveston On August 21, 2020, the Board entered a Default Order regarding Paul Claunch Brindley, M.D., which revoked his Texas medical license. On December 19, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Brindley failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Brindley. The Board granted a Determination of Default and Dr. Brindley's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Brindley has 25 days from the service of the order to file a motion for rehearing.

Easter, Thomas Glenn, II, M.D., Lic. No. G7801, El Paso On June 12, 2020, the Board entered a Default Order regarding Thomas Glenn Easter, II, M.D., which revoked his Texas medical license. On August 28, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Easter failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Easter. The Board granted a Determination of Default and Dr. Easter's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Easter has 25 days from the service of the order to file a motion for rehearing.

Hernandez, Manuel, M.D., Lic. No. C5088, El Paso On June 12, 2020, the Board entered a Default Order regarding Manuel Hernandez, M.D., which revoked his Texas medical license. On December 14, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Hernandez failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Hernandez. The Board granted a Determination of Default and Dr. Hernandez' license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Hernandez has 25 days from the service of the order to file a motion for rehearing.

## Lancaster, Chase Edward, M.D., Lic. No. BP10062976, Gilbert, AZ

On June 12, 2020, the Board entered a Default Order regarding Chase Edward Lancaster, M.D., which revoked his Texas physician in training permit. On January 14, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Lancaster failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Lancaster. The Board granted a Determination of Default and Dr. Lancaster's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Lancaster has 25 days from the service of the order to file a motion for rehearing.

Siddiqui, Sohal Ur-Rab, M.D., Lic. No. J7194, Sugar Land On June 11, 2020, the Executive Director on behalf of the Board, revoked Sohal Ur-Rab Siddiqui, M.D.'s Texas medical license by operation of law following Dr. Siddiqui being sentenced to federal prison on or about January 21, 2020.

#### **SUSPENSION**

Fiallo, Francisco Julian, M.D., Lic. No. R0393, Pampa On June 12, 2020, the Board and Francisco Julian Fiallo, M.D., entered into an Agreed Order suspending Dr. Fiallo's license until such a time as he requests in writing to have the suspension stayed or lifted and personally appears before the Board to provide evidence that adequately indicates he is physically, mentally, and otherwise competent to safely practice medicine; abstain from the consumption of prohibited substances as defined by the Order; participate in the Board's drug testing program; within 30 days obtain an independent medical evaluation by a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; continue psychiatric treatment no less than once a month; participate in the activities of Alcoholics Anonymous no less than five times a week; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Fiallo was terminated from the Texas

Physician Health Program for violating his monitoring agreement. Dr. Fiallo has been testing under an interim monitoring agreement with the Board; however, there was no evidence from a treating provider that he is safe to return to practice at this time.

Green, Roland Hale, M.D., Lic. No. R8749, Las Vegas, NV On August 18, 2020, the Executive Director on behalf of the Board, suspended Roland Hal Green, M.D.'s Texas medical license following Dr. Green's guilty plea to conspiracy to commit health care fraud entered on December 17, 2019.

## Hamilton, Yolanda Lorraine, M.D., Lic. No. K9295, Houston

On September 8, 2020, the Executive Director on behalf of the Board, suspended Yolanda Lorraine Hamilton, M.D.'s Texas medical license after Dr. Hamilton was convicted of four felony counts of conspiracy to commit healthcare fraud on October 7, 2019.

Iguh, Bernadette Uche, M.D., Lic. No. N0846, Houston On August 12, 2020, the Executive Director on behalf of the Board, suspended Bernadette Uche Iguh, M.D.'s Texas medical license by operation of law following Dr. Iguh's guilty plea to at least one felony count related to conspiring to commit healthcare fraud.

Iguh, Bernadette Uche, M.D., Lic. No. N0846, Houston On August 21, 2020, the Board and Bernadette Uche Iguh, M.D., entered into an Agreed Order suspending Dr. Iguh's Texas medical license; however, the suspension is probated until such a time as her criminal proceeding is resolved. The Board found Dr. Iguh is awaiting sentencing following her guilty plea to one felony count related to health care fraud.

Quintana, Oscar Francisco, M.D., Lic. No. K5672, Houston On June 12, 2020, the Board and Oscar Francisco Quintana, M.D., entered into an Agreed Order suspending Dr. Quintana's license until such a time as he requests in writing to have the suspension stayed or lifted and personally appears before the Board to provide evidence that adequately indicates he is physically, mentally, and otherwise competent to safely practice medicine; within 30 days obtain an independent medical evaluation by a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; abstain from the consumption of prohibited substances as defined by the Order; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than five times a week; and shall not be permitted to

supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Quintana has a history of impairment related to substance abuse issues and has recently relapsed.

Rhodes, Ernesto Philip, M.D., Lic. No. J3886, Midland On June 22, 2020, the Board directed the Executive Director to enter a Suspension Order, suspending Ernesto Philip Rhodes, M.D.'s Texas medical license for at least 180 days, after which he may request in writing to have the suspension lifted and provides evidence that proves he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Rhodes violated his 2015 Order by failing to call in to the testing service and testing positive for cocaine and benzoylecgonine. The order remains in effect until superseded by subsequent order of the Board.

#### Ver Halen, Jon Peter, M.D., N1940, Mansfield

On August 28, 2020, the Executive Director on behalf of the Board, rescinded the probated suspension of Dr. Ver Halen's license, suspending his license for a period of 90 days; and requiring him to within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Ver Halen performed an abdominal liposuction at an unapproved practice setting without supervision of a licensed physician in violation of his 2019 Order. All terms of the 2019 order remain in effect.

#### NONTHERAPEUTIC PRESCRIBING Barry, Gene N., M.D., Lic. No. H9780, Nome

On August 21, 2020, the Board and Gene N. Barry, M.D., entered into an Agreed Order on Formal Filing under the following terms: shall not engage in the practice of treating chronic pain as defined by Board rule; Dr. Barry and his delegates are prohibited from prescribing opioids, benzodiazepines, barbiturates and carisoprodol; within seven days request modification of his DEA controlled substances registration to eliminate Schedule II and not reregister for Schedule II without prior Board approval; and shall not possess, administer or prescribe Schedule II controlled substances in Texas. The Board found Dr. Barry nontherapeutically prescribed Hydrocodone and Soma to 15 patients, failed to meet the standard of care in the treatment of chronic pain, and failed to maintain adequate medical records for the patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### Eidman, Dan Kelly, M.D., Lic. No. E4316, Houston

On June 12, 2020, the Board and Dan Kelly Eidman, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in medical recordkeeping and eight hours in prescribing opioids; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Eidman failed to meet the standard of care in his prescribing to four chronic pain patients without adequately supporting his prescriptions, treatment plans or monitoring of patients. Dr. Eidman failed to document his rationale for, as well as the dose, frequency and duration of the controlled substances and dangerous drugs he prescribed for the patients.

#### Skie, Gregory, M.D., Lic. No. G5617, Arlington

On June 12, 2020, the Board and Gregory Skie, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates and shall not reregister without prior Board approval; shall not possess, administer, or prescribe controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; limit his practice to a group or institutional setting approved in advance; and within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Skie nontherapeutically prescribed to 18 patients without documenting adequate medical justification for the amount of medication prescribed, and violated Board rules for treating chronic pain.

#### IMPROPER SUPERVISION OR DELEGATION Morris, Michael W., M.D., Lic. No. F0262, Humble

On June 12, 2020, the Board and Michael W. Morris, M.D., entered into an Agreed Order publicly reprimanding Dr. Morris and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: 12 hours in supervision and delegation and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Morris failed to adequately supervise his delegate and unknowingly aided and abetted her unlicensed practice of medicine. Dr. Morris' delegate performed Botox injections and other procedures on at least one patient who had not been evaluated by a physician or other qualified midlevel provider.

#### Weeks, Lyle David, M.D., Lic. No. E4959, El Paso

On June 12, 2020, the Board and Lyle David Weeks, M.D., entered into an Agreed Order publicly reprimanding Dr. Weeks and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME, divided as follows: eight hours in ethics, 12 hours in risk management, with at least four hours in supervision or delegation; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Weeks failed to ensure patients were seen and evaluated by a properly licensed provider prior to the administration of nonsurgical medical cosmetic procedures.

#### PEER REVIEW ACTION

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

On June 12, 2020, the Board and Dennis David Cantu, M.D., entered into an Agreed Order publicly reprimanding and publicly referring Dr. Cantu to the Texas Physician Health program; requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and no later than December 31, 2020, pay an administrative penalty of \$3,000. The Board found Dr. Cantu resigned his privileges at Laredo Medical Center due to an incident that caused a disruption with a patient's family. Dr. Cantu failed to document he had made arrangements for coverage and was delayed in responding to nurse's calls about the patient who was experiencing septic shock.

On August 21, 2020, the Board and Raul Dario Isern, Jr., M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Isern and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical record-keeping and eight hours in risk management; and within 30 days pay an administrative penalty of \$1,000. The Board found Dr. Isern was terminated from his employment at a psychiatric hospital as a result of numerous on-

Isern, Raul Dario, Jr., M.D., Lic. No. H3476, Beaumont

Johnson, John Gordon, D.O., Lic. No. M0769, Round Rock On August 21, 2020, the Board and John Gordon Johnson, D.O., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in evaluation and treatment for menin-

going and unresolved complaints regarding his attendance

and job performance. This order resolves a formal com-

plaint filed at the State Office of Administrative Hearings.

gitis and four hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Johnson's privileges were suspended by the Seton Healthcare System based on inadequate patient care.

## Loucks, Joshua Robert, M.D., Lic. No. BP10064410, Bellaire

On August 21, 2020, the Board and Joshua Robert Loucks, M.D., entered into an Agreed Order publicly reprimanding Dr. Loucks. The Board found Dr. Loucks was dismissed from his internal medicine residency program due to incomplete patient documentation and one instance of dishonesty in status of the incomplete documentation and medical records.

Ouma, Joseph Agage, M.D., Lic. No. K1605, Nellis, NV On June 12, 2020, the Board and Joseh Agage Ouma, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in risk management and four hours in appropriate physical examinations; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Ouma's practice was restricted by the United States Air Force for a four-month period for standard of care issues related to nine patients.

Rankin, Michael Brett, M.D., Lic. No. R0780, Dallas

On August 21, 2020, the Board and Michael Brett Rankin, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Rankin and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Rankin had his hospital privileges terminated following delinquencies in completing medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### OTHER STATES' ACTIONS

Farooq, Muhammad, M.D., Lic. No. K4422, Camden, DE On June 12, 2020, the Board and Muhammad Farooq, M.D., entered into an Agreed Order publicly reprimanding Dr. Farooq. The Board found Dr. Farooq was disciplined by the Delaware Board of Medical Licensure and Discipline for unprofessional conduct.

Imam, Naiyer, M.D., Lic. No. M1782, Roanoke, VA On August 21, 2020, the Board and Naiyer Imam, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Imam was disciplined by the Minnesota Board of Medical Practice who imposed a reprimand of his license and was disciplined by the North Carolina Medical Board who also imposed a reprimand.

## Jones, Herbert Williams, M.D., Lic. No. M8745, Minneapolis, MN

On June 12, 2020, the Board and Herbert Williams Jones, M.D., entered into an Agreed Order publicly referring Dr. Jones to the Texas Physician Health Program and requiring him to comply with all terms of the Order entered by the Minnesota Board of Medical Practice (MBMP) on September 14, 2019. The Board found Dr. Jones was disciplined by the MBMP which arose from his impairment.

Lifland, Paul Dennis, M.D., Lic. No. H7180, El Campo
On June 12, 2020, the Board and Paul Dennis Lifland, M.D., entered into an Agreed Order publicly reprimanding Dr. Lifland and requiring him to comply with all terms of the Order entered by the North Dakota Board of Medicine (NDBM) on July 19, 2019. The Board found Dr. Lifland was disciplined by the NDBM for unprofessional conduct and lacking appropriate documentation in medical records.

Parde, Andrea KZ, M.D., Lic. No. Q4485, Omaha, NE On August 21, 2020, the Board and Andrea KZ Parde, M.D., entered into an Agreed Order under the following terms: for a period of five years abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within seven days modify her DEA controlled substances registration certificates for Texas to eliminate Schedule II and shall not reregister without prior Board approval; shall not possess, administer, dispense, or prescribe Schedule II controlled substances; shall participate in the activities of Alcoholics Anonymous no less than three times per week; within 30 days obtain a licensed professional counselor to serve as her treating counselor and follow all recommendations for care and treatment; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Parde, who was previously temporarily suspended due to action taken by the Nebraska Department of Health and Human Services, is in compliance with the terms of her Nebraska order, including drug testing, and is in the process of obtaining licensure in Kansas and will be subject to random drug and alcohol screening.

Siyanbade, Oyetunde, M.D., Lic. No. R0326, Brownsville On August 21, 2020, the Board and Oyetunde Siyanbade, M.D., entered into an Agreed Order requiring him to comply with all terms of the North Dakota Board of Medicine's Order entered in November 22, 2019 and pay an adminis-

trative penalty of \$2,500 within 60 days. The Board found Dr. Siyanbade was disciplined by the North Dakota Board of Medicine due to unprofessional conduct.

Smith, Stephen Ross, M.D., Lic. No. F0005, Baltimore, MD On June 12, 2020, the Board and Stephen Ross Smith, M.D., entered into an Agreed Order under the following terms: shall not be permitted to practice in Texas, including telemedicine, until he requests permission and appears before the Board to provide evidence that he is physically, mentally and otherwise competent to safely practice medicine; shall comply with all terms of the Order entered by the Maryland State Board of Physicians (MSBP), effective November 8, 2019; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Smith was disciplined by the MSBP for failure to meet appropriate standards for the delivery of medical care.

#### VIOLATION OF PRIOR ORDER

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

On August 21, 2020, the Board and Donald William Ferguson, II, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Ferguson violated the terms of his 2018 Order by submitting a positive test for prohibited substances.

Ibanez, Marc Albert, M.D., Lic. No. M4188, Corpus Christi On June 12, 2020, the Board and Marc Albert Ibanez, M.D., entered into an Agreed Order publicly reprimanding Dr. Ibanez and requiring him to within 30 days pay the \$3,000 chart monitoring fee as required by the 2017 Order; and within 30 days pay an additional administrative penalty of \$1,000. The Board found Dr. Ibanez violated his 2017 Agreed Order when he failed to timely pay a chart monitor fee as required.

## Jakubowski, Robert Gerard, M.D., Lic. No. G9479, San Antonio

On August 21, 2020, the Board and Robert Gerard Jakubowski, M.D., entered into a Modified Agreed Order, modifying Dr. Jakubowski's 2018 Order to prohibit him from possessing, administering, or prescribing Schedule II controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use. The provision is not subject to modification or termination until December 24, 2020. The Board found Dr. Jakubowski prescribed controlled substances and issued refills to patients beyond an acute need, in violation of his 2018 Or-

der, as modified. All other terms of the 2018 Order, as modified, remain in full effect.

Yerrington, Robert, M.D., Lic. No. F2132, San Antonio On June 12, 2020, the Board and Robert Yerrington, M.D., entered into an Agreed Order requiring him to within 150 days pay an administrative penalty of \$2,000. The Board found Dr. Yerrington violated his 2018 Order when he failed to complete a medical recordkeeping course and certain CME within a year as required by the order.

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

Hughes, Christopher Aaron, M.D., Lic. No. M4180, Argyle On June 12, 2020, the Board and Christopher Aaron Hughes, M.D., entered into an Agreed Order requiring him to have his telemedicine practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 20 hours of CME, divided as follows: eight hours in pain management, eight hours in risk management and four hours in telemedicine. The Board found Dr. Hughes failed to meet the requirements for establishing an adequate patient-provider relationship for telemedicine. Specifically, he conducted telephonic patient visits without using store and forward technology, failed to keep adequate medical records, and treated two patients for chronic pain via telemedicine in violation of Board rules.

Sunkavally, Srinivas, M.D., Lic. No. M9683, Livingston
On June 12, 2020, the Board and Srinivas Sunkavally, M.D.,
entered into an Agreed Order requiring him to have his
practice monitored by another physician for four consecutive monitoring cycles; within one year and three attempts
pass the Medical Jurisprudence Exam; within one year
complete the prescribing course offered by the University
of California San Diego Physician Assessment and Clinical
Education (PACE) program; and within one year complete
at least 16 hours of CME, divided as follows: eight hours in
medical recordkeeping and eight hours in risk management. The Board found Dr. Sunkavally failed to adequately
document his care, failed to obtain records from other
providers and failed to support his prescribing and treatment with adequate medical rationale for six patients.

#### **TXPHP VIOLATION**

Fleckenstein, James Lawrence, M.D., Lic. No. G8836, Tulsa, OK

On June 12, 2020, the Board and James Lawrence Fleckenstein, M.D., entered into an Agreed Order requiring him to

abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within seven days surrender his DEA controlled substances registration certificates and not reapply without prior Board approval; shall not possess, administer, or prescribed controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; within 30 days obtain a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment, and receive care no less than four times each month; participate in the activities of Alcoholics Anonymous no less than four times per week; and attend at least three Caduceus meetings per month. The Board found Dr. Fleckenstein failed to comply with a monitoring agreement with the Texas Physician Health Program and was engaged in criminal activity related to his intemperate use of controlled substances. On March 26, 2018, Dr. Fleckenstein plead guilty in the Tulsa District Court to one misdemeanor count of Possession of Controlled Dangerous Substance by Registrant by Fraud/ Forgery in which he received a two-year deferred sentence.

O'Brien, Michael Francis, M.D., Lic. No. N5289, Dallas On June 12, 2020, the Board and Michael Francis O'Brien, M.D., entered into an Agreed Order on Formal Filing under the following terms: lifting the suspension of his license for the sole purpose of enrolling in the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; within 30 days enroll in KSTAR; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. O'Brien was terminated from the Texas Physician Health Program for failing to comply with his agreement and that Dr. O'Brien was physically and cognitively impaired. Dr. O'Brien is currently successfully undergoing regular monitoring by the Board. The order remains in effect until superseded by further order. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Way, Megan Kendra, M.D., Lic. No. M4644, Frisco
On August 21, 2020, the Board and Megan Kendra Way,
M.D., entered into an Agreed Order publicly referring her
to the Texas Physician Health Program. The Board found
Dr. Way submitted a drug screen that was positive for alcohol. Dr. Way has admitted the violation and is continuing
to seek medical and recovery treatment, has participated
in an out-patient sobriety program, and currently works in
a group or institutional setting.

#### **IMPAIRMENT**

Birdwell, Russ Deacon, M.D., Lic. No. K2851, Richardson On June 12, 2020, the Board and Russ Deacon Birdwell, M.D., entered into an Agreed Order Upon Formal Filing publicly referring Dr. Birdwell to the Texas Physician Health Program (TXPHP) and requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: eight hours in ethics and four hours in risk management. The Board found Dr. Birdwell failed to meet the standard of care with respect to a surgical patient and was subject to disciplinary action by his peers related to his consumption of alcohol before a procedure, impaired conduct during the procedure, and his refusal to submit to alcohol and drug screening. Dr. Birdwell self-referred to TXPHP and entered into a one-year agreement pursuant to a Baylor Scott and White return to practice agreement. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Garcia, Rafael Fermin, M.D., Lic. No. J3700, Corpus Christi On June 12, 2020, the Board and Rafael Fermin Garcia, M.D., entered into an Agreed Order lifting Dr. Garcia's temporary suspension and placing him under the following terms for 10 years: within 30 days obtain a pre-approved board certified physician to serve as his work-site monitor; shall not practice more than 60 hours per week; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; participate in the activities of a county or state medical society committee on physician impairment and rehabilitation; and participate in the activities of Alcoholics Anonymous no less than three times a week. The Board found Dr. Garcia was arrested for public intoxication in the Medical Arts Hospital on January 5, 2020. Dr. Garcia and his counsel assert the charge will be resolved by dismissal agreement, but documentation of that was not available at the time of Dr. Garcia's ISC.

#### **INADEQUATE MEDICAL RECORDS**

Diaz, Antonio Manuel, Jr., M.D., Lic. No. E5508, Brownsville

On August 21, 2020, the Board and Antonio Manuel Diaz, Jr., M.D., entered into an Agreed Order on Formal Filing

requiring him to within one year complete at least four hours of CME in recordkeeping. The Board found Dr. Diaz performed a physical and breast exam, though his charting of the breast exam did not sufficiently document patient consent and the role of the chaperone. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### Marti, Alfredo, M.D., Lic. No. J1722, Fort Worth

On June 12, 2020, the Board and Alfredo Marti, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles to include specific review of informed consent documents; and within one year complete at least eight hours of in-person CME, divided as follows: four hours in medical recordkeeping and four hours in obtaining and documenting informed consent. The Board found Dr. Marti's documentation of informed consent for a spinal surgery was inadequate.

#### Mercer, Lloyd F., Jr., M.D., Lic. No. G3610, Tyler

On August 21, 2020, the Board and Lloyd F. Mercer, Jr., M.D., entered into a Mediated Modified Agreed Order, modifying his 2014 Order to allow treatment of patients with acute pain only on a one-time basis for 30 days with only two 30 day refills; complete all eight cycles of chart monitoring and that his physician monitor be a specialist in ADHD treatment; and within one year complete at least 10 hours of CME, divided as follows: two hours in drugseeking behaving and eight hours in the prescribing of ADHD prescribing. The Board found Dr. Mercer was in compliance with his 2014 Order but that there was standard of care and/or inadequate documentation issues for two patients he treated for ADHD with Adderall. All other terms of the 2014 Order, as modified, remain in full effect.

#### **PERFUSIONIST**

Behr, Whitney, Donald, PF, Lic. No. FPF02000010, Allen On June 12, 2020, the Board and Whitney Donald Behr, PF, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 13, 2019.

#### **CEASE & DESISTS**

Baer, Brett Martin, DPT, No License, The Woodlands
On June 12, 2020, the Board and Brett Martin Baer, DPT,
entered into an Agreed Cease and Desist Order prohibiting
Mr. Baer from practicing medicine in the state of Texas
without a license issued by the Texas Medical Board. Mr.

Baer shall cease and desist from referring to himself as a doctor or physician in any manner, including by referring to himself as a "doctor," or "Dr.," unless he also designates the authority under which the title is issued or the college or honorary degree that gives rise to the use of the title. The Board found Mr. Baer, who holds a physical therapist license, was marketing himself as "Dr. Brett Baer" multiple times in public relations and the direct marketing publication Review It Magazine.

#### Borbon, Roger, DC, No License, Austin

On June 12, 2020, the Board and Roger Borbon, DC, entered into an Agreed Cease and Desist Order prohibiting Mr. Borbon from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Borbon is prohibited from using advertising that may mislead the public regarding Mr. Borbon being a medical doctor. The Board found Mr. Borbon, who is a licensed chiropractor, advertised regarding his being a medical doctor who specializes in neurology.

#### Chan, Melquisedec, No License, Mission

On July 30, 2020, the Board directed the Executive Director to enter a Cease and Desist Order regarding Melquisedec Chan prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found that on April 11, 2018, Mr. Chan was arrested for sexual assault and practicing medicine without a license and is currently awaiting trial.

#### Draluck, D. Elliot, D.C., No License, Grapevine

On August 21, 2020, the Board and D. Elliot Draluck, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Draluck from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Draluck is prohibited from using advertising that may mislead the public regarding his being a medical doctor. The Board found Mr. Draluck's website failed to identify him as "D.C." or "Doctor of Chiropractic" after using the abbreviation "Dr."

#### Dunbar, Marcellous T., No License, Duncanville

On August 31, 2020, the Board directed the Executive Director to enter a Cease and Desist Order regarding Marcellous T. Dunbar prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found that following an undercover investigation in which Mr. Dunbar was observed wearing a scrub-like shirt identifying him as a "staff physician," and also completed an assessment and treatment of the undercover investigator, Mr. Dunbar was arrested by

the Duncanville Police Department and charged with practicing without a license, a class A misdemeanor.

#### Garza, Victoria, No License, Harlingen

On June 12, 2020, the Board and Victoria Garza entered into an Agreed Cease and Desist Order prohibiting Ms. Garza from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Garza provided lip filler procedures without being delegated authority to perform such injections from a properly licensed individual.

#### Hockings, Jeffrey M., D.C., No License, Grapevine

On August 21, 2020, the Board and Jeffrey M. Hockings, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Hockings from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Hockings is prohibited from using advertising that may mislead the public regarding his being a medical doctor. The Board found Mr. Hockings' website failed to identify him as "D.C." or "Doctor of Chiropractic" after using the abbreviation "Dr." Mr. Hockings holds a Doctorate of Chiropractic degree, but is not licensed to practice medicine or chiropractic care in the state of Texas.

#### Martinez, Mark, No License, San Antonio

On June 12, 2020, the Board and Mark Martinez entered into an Agreed Cease and Desist Order prohibiting Mr. Martinez from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Martinez performed a cyrolipolysis (coolsculpting) procedure on a patient who sustained first or second degree burns to his abdomen during the procedure and subsequently developed hyperpigmentation. A physician or physician's midlevel provider did not perform a history, appropriate physical exam, make an appropriate diagnosis, recommend appropriate treatment, obtain consent, prepare or maintain a medical record, or provide written protocols or standing orders for cyrolipolysis.

#### Pappachen, Stephen V., M.D., No License, Lakeland, FL

On July 15, 2020, the Board directed the Executive Director to enter a Cease and Desist Order regarding Stephen V. Pappachen, M.D., prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Stephen V. Pappachen, M.D., who is licensed as a physician in other states but not Texas, was listed as a Medical Director and Primary Care Physician for Viking Alternative Medicine in San Antonio, prescribed medications to patients in San Antonio which were shipped from Florida and that Mr. Pappachen

entered into a Collaborative Practice Agreement with an Advanced Practice Nurse.

Pouncy, Dawda K., RN, FNP, DNP, No License, McKinney On June 12, 2020, the Board and Dawda K. Pouncy, RN, FNP, DNP, entered into an Agreed Cease and Desist Order prohibiting Ms. Pouncy from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. Pouncy shall not refer to herself as a doctor or physician in any manner, including by referring to herself as a "doctor," or "Dr.," unless she also designates the authority under which the title issued or the college or honorary degree that gives rise to the use of the title. The Board found Ms. Pouncy marketed herself as "Dr. Dawda" in a variety of books, websites and social media platforms without consistently stating the authority by which she uses the title "Dr." Although there are some references to her doctor of nursing practice degree, there are many more instances where the reference to the degree is not used, as required by law.

#### Qian, Ning, L.Ac., No License, Lubbock

On June 12, 2020, the Board and Ning Qian, L.Ac., entered into an Agreed Cease and Desist Order prohibiting Mr. Qian from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Qian, who is an acupuncturist, engaged in the unlicensed practice of medicine by claiming Chinese acupuncture is a cure for more than 47 different diseases, which was published in an article.

#### Rainbolt, Stephen, No License, Kingsbury

On June 26, 2020, the Board directed the Executive Director to enter a Cease and Desist Order regarding Stephen Rainbolt prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Rainbolt is prohibited from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Rainbolt identifies himself as a doctor on a business profile and identifies himself online as "Dr. Steve Rainbolt," and has refused to comply with a subpoena duces tecum from the Board.

#### Ramos, Cynthia M., No License, San Antonio

On June 12, 2020, the Board and Cynthia M. Ramos entered into an Agreed Cease and Desist Order prohibiting Ms. Ramos from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Ramos performed nonsurgical medical cosmetic procedures without the appropriate and required oversight from a physician or physician's midlevel provider.

#### West, Michele, M.D., M.P.H., No License, Dallas

On June 12, 2020, the Board and Michele West, M.D., M.P.H., entered into an Agreed Cease and Desist Order prohibiting Ms. West from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Ms. West shall not use "M.D." on any communications in Texas without disclosure that she is not licensed in Texas. The Board found Ms. West was employed by Geneticare, Health Solutions, LLCL as a medical advisor, of which she consulted with Geneticare employees in educating them on evidenced based and clinical guidelines on genetic testing. Unknowingly to Ms. West, Geneticare failed to communicate that she was not licensed in the state of Texas.

Yannis, Rex Anthony, M.D., No License, Chattanooga, TN On June 12, 2020, the Board and Rex Anthony Yannis, M.D., entered into an Agreed Cease and Desist Order prohibiting Dr. Yannis from practicing medicine in the state of Texas or on Texas patients, including through telemedicine; including, but not limited to: performing any act, issuing a medical opinion affecting patient care and treatment related to patient care services initiated in this state, and that would affect the diagnosis or treatment of a patient. The Board found Dr. Yannis, who does not hold a Texas medical license, treated a family member in Texas without providing appropriate evaluations or keeping adequate medical records. Dr. Yannis utilized his DEA certificate for Tennessee, issued prescriptions for a controlled substance to the family member from 2014-2019, which were filled in Texas.

#### Zabeehullah, Khalid, No License, Missouri City

On June 26, 2020, the Board directed the Executive Director to enter a Cease and Desist Order regarding Khalid Zabeehullah prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Zabeehullah shall cease and desist holding himself out as a physician, identifying himself as "Dr.," and shall cease and desist identifying himself in any way that implies he is licensed to practice medicine. The Board Mr. Zabeehullah was engaged in the unlicensed practice of medicine at Houston Methodist Baytown Hospital where he worked as a medical assistant.

# Texas Physician Assistant Board Disciplinary Actions

Buller, Keith Anthony, P.A., Lic. No. PA04490, Iowa, LA On August 6, 2020, the Executive Director on behalf of the Texas Physician Assistant Board, revoked Keith Anthony Buller, P.A.'s Texas physician assistant license following his entering a guilty plea to the felony charge carnal knowledge of a juvenile in the state of Louisiana and his sentence to five years of probation and order to register as a sex offender.

#### Davis, Kevin Lee, P.A., Lic. No. PA10658, Justin

On July 10, 2020, the Texas Physician Assistant Board and Kevin Lee Davis, P.A., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation by a board certified psychiatrist approved by the Board and follow all recommendations for care and treatment; within one year complete the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and comply with all terms of his Order of Deferred Adjudication. The Board found Mr. Davis pleaded guilty to the offense of Deadly Conduct, a Class A Misdemeanor and an Order of Deferred Adjudication was entered on or about June 7, 2019.

Locke, Tiffany Goran, P.A., Lic. No. PA04364, Midland On July 10, 2020, the Texas Physician Assistant Board and Tiffany Goran Locke, P.A., entered into an Agreed Order of Voluntary Surrender in which Ms. Locke agreed to voluntarily surrender her Texas physician assistant license in lieu of further disciplinary proceedings. Ms. Locke was under investigation for violations of her 2019 Order, and instead of continuing to serve under the order, she requested to surrender her license.

Suarez-Jaramillo, Javier, P.A., Lic. No. PA10788, Weslaco On July 10, 2020, the Texas Physician Assistant Board and Javier Suarez-Jaramillo, P.A., entered into an Agreed Order under the following terms for a period of five years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a Board-approved treating psychiatrist and follow all recommendations for care and treatment; and participate in the activities of Alcoholics Anonymous no less than three times a week. The Board found Mr. Suarez-Jaramillo has had several recent arrests for DWI and stopped drug testing and checking in as required by his agreement with the Texas Physician Health Program.

## Texas Board of Medical Radiologic Technology Disciplinary Actions

Asher, Susan Nicole, MRT, Lic. No. GMR00090101, Kilgore On June 26, 2020, the Texas Board of Medical Radiologic Technology and Susan Nicole Asher, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on January 16, 2020.

## Bachhofer, Danielle Leeanne, NCT, Lic. No. NCR02001383, Godley

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Danielle Leeanne Bachhofer, NCT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on March 15, 2020.

## Bailey, Tonya Nicole, MRT, Lic. No. GMR00096699, Denison

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Tonya Nicole Bailey, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 8, 2019.

## Bennett, Scott Michael, MRT, Lic. No. GMR00104261, Longview

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Scott Michael Bennett, MRT, entered into an Agreed Resolution requiring Respondent to comply with all Conditions of Probation entered on September 25, 2019.

Byler, Tasha L., MRT, Lic. No. LMR00203899, Smithville On September 25, 2020, the Texas Board of Medical Radiologic Technology entered a Default Order regarding Tasha L. Byler, MRT, which revoked her Texas medical radiologic technologist certificate. On June 12, 2020, the Board filed a formal complaint at the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Ms. Byler failed to appear at the SOAH hearing and no responsive pleading was ever filed by Ms. Byler. The Board granted a Determination of Default and Ms. Byler's certificate was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Ms. Byler has 25 days from the service of the order to filed a motion for rehearing.

Cirilo, Jose Eddie, MRT, Lic. No. GMR00096566, Alvin On June 26, 2020, the Texas Board of Medical Radiologic Technology and Jose Eddie Cirilo, MRT, entered into an Agreed Order of Voluntary Surrender in which Mr. Cirilo agreed to voluntarily surrender his medical radiologic technologist certificate in lieu of further disciplinary proceedings. Mr. Cirilo was previously temporarily suspended following a felony arrest for possession of child pornography.

## Cordova, Ruben Alfredo, MRT, Lic. No. GMR00028017, Laredo

On September 25, 2020, the Texas Board of Medical Radiologic Technology and Ruben Alfredo Cordova, MRT, entered into an Agreed Order under the following terms for a period of three years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and participate in the activities of Alcoholics Anonymous no less than three times a week. The Board found Mr. Cordova has two drunk driving convictions for which he was placed on probation.

## Davidson, Matthew Jay, MRT, Lic. No. GMR00028050, Denison

On September 25, 2020, the Texas Board of Medical Radiologic Technology entered a Default Order regarding Matthew Jay Davidson, MRT, which revoked his Texas medical radiologic technologist certificate. On March 23, 2020, the Board filed a formal complaint at the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Mr. Davison failed to appear at the SOAH hearing and no responsive pleading was ever filed by Mr. Davison. The Board granted a Determination of Default and Mr. Davidson's certificate was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Mr. Davison has 25 days from the service of the order to filed a motion for rehearing.

Demerson, Yvonne, MRT, Lic. No. GMR00026709, Pharr On September 25, 2020, the Texas Board of Medical Radiologic Technology and Yvonne Demerson, MRT, entered into an Agreed Order publicly referring her to the Texas Physician Health Program and suspending her Texas medical radiologic technologist certificate for six months after which she may request permission to have the suspension stayed or lifted, and appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice. The Board found Ms. Demerson was terminated by her employer following a positive drug screen. Ms. Demerson used a CBD oil supplement and did not know it would cause a positive marijuana screen. The order supersedes all prior orders entered by the Board.

Edwards, Jeffrey, MRT, Lic. No. GMR00106834, Spring On June 26, 2020, the Texas Board of Medical Radiologic Technology and Jeffrey Edwards, MRT, entered into an Agreed Order on Formal Filing publicly reprimanding Mr. Edwards and requiring him to participate in the activities of Alcoholics Anonymous no less than eight times per month. The Board found Mr. Edwards was convicted of a felony and two DWIs.

## Enriquez, Jose Juan, LMRT, Lic. No. LMR02000006, Houston

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Jose Juan Enriquez, LMRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on January 6, 2020.

Eoff, David, MRT, Lic. No. GMR02003326, Houston On September 18, 2020, a disciplinary panel of the Texas Board of Medical Radiologic Technology temporarily suspended, without notice, the Texas Medical Radiologic Technologist certificate of David Eoff, MRT, after determining his continuation in the practice of medical radiologic technology poses a continuing threat to public welfare. The suspension was effective immediately. The Board panel found that Mr. Eoff was arrested in Montgomery County on one count of online solicitation of a minor and three counts of promotion of child pornography. A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Mr. Eoff, unless the hearing is specifically waived by Mr. Eoff. The temporary suspension remains in place until the Board takes further action.

Espinoza, Melissa, NCT, Lic. No. NCR00164907, El Paso On June 26, 2020, the Texas Board of Medical Radiologic Technology entered a Default Order regarding Melissa Espinoza, NCT, which revoked her registration on the Texas Non-Certified Radiological Technician Registry. On January 28, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Ms. Espinoza failed to appear at the SOAH hearing and no responsive pleading was ever filed by Ms. Espinoza. The Board granted a Determination of Default and Ms. Espinoza's registration was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Ms. Espinoza has 25 days from the service of the order to file a motion for rehearing.

Gonzalez, Francisco J., MRT, Lic. No. GMR00108511, Kyle On June 26, 2020, the Texas Board of Medical Radiologic Technology and Francisco J. Gonzalez, MRT, entered into

an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 20, 2019.

Green, Jody Neil, MRT, Lic. No. GMR00101385, Houston On June 26, 2020, the Texas Board of Medical Radiologic Technology and Jody Neil Green, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 19, 2019.

Harder, Roberta Diane, NCT, Lic. No. NCR00157807, Ennis On June 26, 2020, the Texas Board of Medical Radiologic Technology and Roberta Diane Harder, NCT, entered into an Agreed Order of Voluntary Surrender in which Ms. Harder agreed to be voluntarily removed from the Texas Non-Certified Radiological Technician Registry. Ms. Harder indicated her desire to be removed from the registry in lieu of continuing to serve under her 2019 Order.

## Hayes, Ashley A., MRT, Lic. No. GMR02004328, College Station

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Ashely A. Hayes, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 20, 2019.

## Hernandez, Daniel Ivan, MRT, Lic. No. GMR02002798, San Benito

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Daniel Ivan Hernandez, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on July 20, 2019.

## Horkey, Kenneth Rip, MRT, Lic. No. GMR02005794, Montgomery

On June 26, 2020, the Board and Kenneth Rip Horkey, MRT, entered into an Agreed Order of Voluntary Suspension suspending Mr. Horkey's Texas medical radiologic technologist certificate. The Board found Mr. Horkey was emergently referred to the Board from the Texas Physician Health Program due to non-compliance with the terms of his monitoring agreement after testing positive for prohibited substances. The order remains in effect until superseded by subsequent order of the Board.

**Ibarra, Ricardo, MRT, Lic. No. GMR00017529, Eagle Pass**On June 26, 2020, the Texas Board of Medical Radiologic Technology and Ricardo Ibarra, MRT, entered into an Agreed Resolution requiring Respondent to comply with all

court-ordered terms imposed as a result of an arrest on November 11, 2017.

Jacob, Jackson, MRT, Lic. No. GMR00014627, Murphy On June 26, 2020, the Texas Board of Medical Radiologic Technology and Jackson Jacob, MRT, entered into an Agreed Order of Voluntary Surrender in which Mr. Jacob agreed to voluntarily surrender his medical radiologic technologist certificate in lieu of further disciplinary proceedings. Mr. Jacob was under investigation for unprofessional conduct regarding an arrest and felony convictions related to health care fraud.

## Janise, Lange Elizabeth, MRT, Lic. No. GMR00102341, Vidor

On September 25, 2020, the Texas Board of Medical Radiologic Technology and Lange Elizabeth Janise, MRT, entered into an Agreed Order requiring her to comply with all terms of the Order Imposing Conditions of Community Supervision entered on May 13, 2019 and report compliance with the Board. The Board found Ms. Janise entered a plea of guilty to a charge of driving while intoxicated with child younger than 15 years.

## Kern, Shelly, MRT, Lic. No. GMR00017322, Greenwood, AR

On June 26, 2020, the Texas Board of Medical Radiologic Technology entered a Default Order regarding Shelly Kern, MRT, which revoked her Texas medical radiologic technologist certificate. On January 28, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Ms. Kern failed to appear at the SOAH hearing and no responsive pleading was ever filed by Ms. Kern. The Board granted a Determination of Default and Ms. Kern's certificate was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Ms. Kern has 25 days from the service of the order to file a motion for rehearing.

Madrigal, Sara A., LMRT, Lic. No. LMR00203933, Cibolo On September 25, 2020, the Texas Board of Medical Radiologic Technology and Sara A. Madrigal, LMRT, entered into an Agreed Order publicly reprimanding Ms. Madrigal and requiring her to within one year complete six hours of CE in ethics. The Board found Ms. Madrigal and a coworker called in a migraine medication using a provider's name and under her co-worker's name who had insurance so that Ms. Madrigal would be able to afford the medication.

## McAlvain, Sally Taylor, MRT, Lic. No. GMR00096546, Dallas

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Sally Taylor McAlvain, MRT, entered into an Agreed Order of Voluntary Surrender in which Ms. McAlvain agreed to voluntarily surrender her medical radiologic technologist certificate in lieu of further disciplinary proceedings. Ms. McAlvain was under investigation for unprofessional conduct related to an arrest for possession of drug paraphernalia.

## McKay, Deanna Celeste, MRT, Lic. No. GMR00098994, Kyle

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Deanna Celeste McKay, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on May 6, 2020.

Mireles, Eric, MRT, Lic. No. GMR02005884, San Juan

On June 26, 2020, the Board and Eric Mireles, MRT, entered into a five-year Agreed Order lifting the temporary suspension of Mr. Mireles' Texas medical radiologic technologist certificate and placing him under the following terms: shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; within 30 days obtain a preapproved work-site monitor; participate in the activities of Alcoholics Anonymous no less than three times a week; and complete at least two hours of CE in ethics. The Board found Mr. Mireles admitted to the use of marijuana prior to his work shift and to tampering with the testing process. The order supersedes the Order of Temporary Suspension issued on April 3, 2020.

#### Moreno, Alva, NCT, Lic. No. NCR02000615, Haltom City

On September 25, 2020, the Texas Board of Medical Radiologic Technology entered a Default Order regarding Alva Moreno, NCT, which removed her from the Texas noncertified radiological technician registry. On July 29, 2020, the Board filed a formal complaint at the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Ms. Moreno failed to appear at the SOAH hearing and no responsive pleading was ever filed by Ms. Moreno. The Board granted a Determination of Default and Ms. Moreno was removed from the registry by Default Order. This order resolves a formal complaint filed at SOAH. Ms. Moreno has 25 days from the service of the order to filed a motion for rehearing.

Orduna, Vinnie, MRT, Lic. No. GMR00105967, Laredo

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Vinnie Orduna, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on February 2, 2020.

Ortega, Aaron E., MRT, Lic. No. GMR02000582, Odessa On June 26, 2020, the Texas Board of Medical Radiologic Technology and Aaron E. Ortega, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on February 9, 2020.

Palumbo, Julie Ann, MRT, Lic. No. GMR00022627, Celeste On June 26, 2020, the Texas Board of Medical Radiologic Technology and Julie Ann Palumbo, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on January 25, 2020.

## Poppleton, Dawn Marie, MRT, Lic. No. GMR00027358, Schertz

On September 25, 2020, the Texas Board of Medical Radiologic Technology entered a Default Order regarding Dawn Marie Poppleton, MRT, which revoked her Texas medical radiologic technologist certificate. On July 29, 2020, the Board filed a formal complaint at the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Ms. Poppleton failed to appear at the SOAH hearing and no responsive pleading was ever filed by Ms. Poppleton. The Board granted a Determination of Default and Ms. Poppleton's certificate was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Ms. Poppleton has 25 days from the service of the order to filed a motion for rehearing.

## Ritchey, Marie Michelle, MRT, Lic. No. GMR00090602, Richardson

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Marie Michelle Ritchey, MRT, entered into an Agreed Order prohibiting Ms. Richey from practicing as a medical radiologic technologist until she appears before the Board and provides clear evidence that she is physically, mentally, and otherwise competent to safely practice.

Salcido, Diana, MRT, Lic. No. GMR02004761, San Antonio On June 26, 2020, the Texas Board of Medical Radiologic Technology and Diana Salcido, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on February 8, 2020.

Salgado, Daniela, MRT, Lic. No. GMR00107156, El Paso

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Daniela Salgado, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on January 24, 2020.

## Sandoval, Magdalena Genelle, MRT, Lic. No. GMR02000886, Amarillo

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Magdalena Genelle Sandoval, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 2, 2019.

Sangiuolo, John J., MRT, Lic. No. GMR00015346, Prosper On June 26, 2020, the Texas Board of Medical Radiologic Technology and John J. Sangiuolo, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on November 27, 2019.

## Scruggs, William Franklin, III, MRT, Lic. No. GMR00028554, Montgomery

On June 26, 2020, the Texas Board of Medical Radiologic Technology and William Franklin Scruggs, III, MRT, entered into an Agreed Order suspending Mr. Scruggs Texas medical radiologic technologist certificate; however, the suspension is stayed and he is placed on probation under the following terms: shall comply with all terms of his Condition of Probation entered in January 2020, and report compliance to Board staff.

Skora, Gregory, MRT, Lic. No. GMR00103029, Houston On June 26, 2020, the Texas Board of Medical Radiologic Technology entered a Default Order regarding Gregory Skora, MRT, which revoked his Texas medical radiologic technologist certificate. On January 28, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Mr. Skora failed to appear at the SOAH hearing and no responsive pleading was ever filed by Mr. Skora. The Board granted a Determination of Default and Mr. Skora's certificate was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Mr. Skora has 25 days from the service of the order to file a motion for rehearing.

Tarver, Freddie N., II, MRT, Lic. No. GMR00016801, Edna On September 25, 2020, the Texas Board of Radiologic Technology and Freddie N. Tarver, II, MRT, entered into an Agreed Order Granting Termination of Suspension, lifting the suspension of Mr. Tarver's Texas medical radiologic technologist certificate and requiring him to within 30 days

obtain a pre-approved work-site monitor who shall monitor Mr. Tarver's practice for one year; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Mr. Tarver has been released from prison following a felony conviction and is currently on parole under certain terms to deter future similar activity.

## Thompson, Jeremy Doss, MRT, Lic. No. GMR00098045, Leander

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Jeremy Doss Thompson, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on January 8, 2019.

## Vera, Fernando Antonio, NCT, Lic. No. NCR00157609, McAllen

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Fernando Antonio Vera, NCT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on March 19, 2020.

## Warren, Christopher, NCT, Lic. No. NCR02001688, Midlothian

On June 26, 2020, the Texas Board of Medical Radiologic Technology and Christopher Warren, NCT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 14, 2019.

Yim, Helen, MRT, Lic. No. GMR00107705, San Antonio On June 26, 2020, the Texas Board of Medical Radiologic Technology and Helen Yim, MRT, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on February 13, 2020.

# **Texas Board of Respiratory Care Disciplinary Actions**

Baban, Adil, RCP, Lic. No. RCP00076072, Rockdale
On September 24, 2020, the Texas Board of Respiratory
Care and Adil Baban, RCP, entered into an Agreed Order
on Formal Filing requiring him to within one year complete
four hours of CE in ethics. The Board found Mr. Baban
failed to respond to the Board's request for responsive
information. This order resolves a formal complaint filed at
the State Office of Administrative Hearings.

Ford, Shaka M., RCP, Lic. No. RCP00066885, San Antonio On September 24, 2020, the Texas Board of Respiratory Care and Shaka M. Ford, RCP, entered into an Agreed Resolution requiring Respondent to comply with all terms of the probation entered in August 2019.

Ike, Ken I., RCP, Lic. No. RCP00061318, Sugar Land
On June 25, 2020, the Texas Board of Respiratory Care and
Ken I. Ike, RCP, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms
imposed as a result of an arrest on May 7, 2020.

## Johnson, Danna Paige, RCP, Lic. No. RCP02001466, Houston

On September 24, 2020, the Texas Board of Respiratory Care and Danna Paige Johnson, RCP, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on January 15, 2020, and the guilty plea related to that arrest on or about April 8, 2020.

## Jones, Alisa Dawn, RCP, Lic. No. RCP00058739, San Antonio

On September 24, 2020, the Texas Board of Respiratory Care entered a Default Order regarding Alisa Dawn Jones, RCP, which revoked her Texas respiratory care practitioner permit. On March 19, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Ms. Jones failed to appear at the SOAH hearing and no responsive pleading was ever filed by Ms. Jones. The Board granted a Determination of Default and Ms. Jones' permit was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Ms. Jones has 25 days from the service of the order to file a motion for rehearing.

Rosenbaum, David M., RCP, Lic. No. RCP00079063, Dallas On June 25, 2020, the Texas Board of Respiratory Care and David M. Rosenbaum, RCP, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on January 18, 2020.

## Spain, Stephanie Ann, RCP, Lic. No. RCP00072773, White Oak

On June 25, 2020, the Texas Board of Respiratory Care and Stephanie Ann Spain, RCP, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 27, 2019.

## Suerte, Estanislao L., Jr., RCP, Lic. No. RCP00069609, Houston

On June 25, 2020, the Texas Board of Respiratory Care and Estanislao L. Suerte, Jr., RCP, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on December 26, 2019.

## Thomas, Shawn C., Jr., RCP, Lic. No. RCP00072930, Brookshire

On September 24, 2020, the Texas Board of Respiratory Care and Shawn C. Thomas, Jr., RCP, entered into an Agreed Consent Order requiring him to comply with all terms of the Order of Deferred Adjudication entered on February 11, 2020. The Board found Mr. Thomas pled no contest to a misdemeanor prostitution charge.

Tyson, Tracey, RCP, Lic. No. RCP00078288, Rosenberg On June 25, 2020, the Texas Board of Respiratory Care and Tracey Tyson, RCP, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on May 6, 2020.

Uribe, Ruben, Jr., RCP, Lic. No. RCP00068268, Harlingen On June 25, 2020, the Texas Board of Respiratory Care entered a Default Order regarding Ruben Uribe, Jr., RCP, which revoked his Texas respiratory care practitioner permit. On January 24, 2020, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Mr. Uribe failed to appear at the SOAH hearing and no responsive pleading was ever filed by Mr. Uribe. The Board granted a Determination of Default and Mr. Uribe's permit was revoked by Default Order. This order resolves a formal complaint filed at SO-AH. Mr. Uribe has 25 days from the service of the order to file a motion for rehearing.

Whitley, Trey Ann, RCP, Lic. No. RCP00073758, Abilene On June 25, 2020, the Texas Board of Respiratory Care and Trey Ann Whitley, RCP, entered into an Agreed Resolution requiring Respondent to comply with all court-ordered terms imposed as a result of an arrest on November 6, 2019.

## Wood, James Owen, RCP, Lic. No. RCP00073296, Fort Worth

On August 13, 2020, the Executive Director on behalf of the Board, revoked James Owen Wood, RCP's Texas respiratory care practitioner permit by operation of law following Mr. Wood being sentenced to prison on June 18, 2020.

\* \* \*

### Physician Licenses

The Texas Medical Board issued 2,416 physician licenses between March 31, 2020 and August 31, 2020. Congratulations to the following:

Fuad Ibrahim Abaleka, M.D. Hayder Ali Abbood, M.D. Chadi Abdallah, M.D.

Ahmed Kamel Abdel Aal, M.D. Deoranie Nikita Abdel Naby, M.D. Yousef Mahmoud Abdel Raziq, M.D.

Musa Abdelaziz, M.D.
Sarah M. Abdellatif, D.O.
Amer Ghaleb Abdulla, M.D.
David Eric Abel, M.D.
Alexander Aboka, M.D.

Leny Mannooparampil Abraham, M.D.

Tony Abraham, D.O. Leni Abraham, M.D. Yousef Abuhakmeh, D.O. Eildar Abyar, M.D.

Steven John Acevedo, M.D.

Nattasha Judith Acevedo Ramirez, M.D.

Sampada Acharya, M.D.
Malaika Rose Adams, D.O.
Enitan Adegite, M.D.
Limitha Adimala, M.D.
Sesha Sailu Adusumilli, M.D.
Jeremy Todd Affolter, M.D.
Kwame Ofori Affram, M.D.
Beamon Agarwal, M.D.
Ashwin Agarwal, M.D.
Mahdi Agha, M.D.

Felipe Roberto Aguayo Romero, M.D.

Richard Burt Aguilar, M.D.

Bilal Ahmad, M.D.
Imtiaz Ahmed, M.D.
Hesham Ahmed, M.D.
Mirza W. Ahmed, M.D.
Ali Arslan Aftab Ahmed, M.D.
Abdullahi Isse Ahmed, M.D.
Omar Saleh Akbik, M.D.

La Tania Michelle Akers-White, M.D.

Shaan Jamil Akhtar, M.D. Qasim Al Abri, M.D. Tameem Al Aqtash, M.D. Sudad Kareem Al Hadad, M.D. Hadi Lafta Al Hasnawi, M.D. Salwan Al Mutar, M.D. Ruaa Yousuf Al Ward, M.D.

Ajlan Al Zaki, M.D. Farah Al-Saffar, M.D. Syed Alam, M.D. Amit Alam, M.D.

Karla Magdalena Alba, M.D. Glendalyz Alberto, M.D. Keith Patrick Aldrich, Jr., M.D.

Amal Aldurra, M.D.
Jamilet C. Alegria, M.D.
James William Alewine, D.O.
Annie Mathew Alex, M.D.
Lucas Mark Alexander, M.D.

Hiba Ali, M.D.
Fuad-Al Ali, M.D.
Ziad Anwar Ali, M.D.
Azmina Alibhai, M.D.
Sreenivasa Reddy Alla, M.D.
Dalton Mark Allen, M.D.
Samantha Jaye Allen, M.D.
Clayton Lee Allison, M.D.
Gina Aloisio, M.D.

Russell Todd Alpert, M.D. Manal Algahtani, M.D.

Camli Iman Adnan Alsadek, M.D.

Mansour Isalou Alvi, M.D.

Mouhammad Rateb Alwazeer, M.D.

Raim Alyasiri, M.D. Wahaj Aman, M.D. Ajay Amarnani, M.D. Megha Ambati, M.D.

Naureen Wasif Ameen, M.D.

Eva Amenta, M.D.

Rupen Suresh Amin, M.D.

Aisha Amin. M.D.

Cary David Amundson, D.O.

Sin Yeong An, M.D.

Aikaterini Anagnostou, M.D.

Raja Anand, M.D.
Neil Anand, M.D.
Keerthana Anand, M.D.
Gabriel Isaiah Anders, D.O.
Mikala Brooke Anderson, D.O.
Henry Macarthy Andoh, Jr., M.D.

Amnah Andrabi, M.D.

Amanda Irene Andrade, M.D. Liwayway Remegias Andrade, M.D. Wesam Farouk Andraous, M.D. Linda Judith Anegawa, M.D. Kendall Anigian, M.D. Stephanie Yaa Annor, M.D.

Firdose Shabnum Ansari, M.D. Waseem Husain Ansari, M.D. Antony Kallur Antony, M.D. Syed Anwarulislam, D.O.

Matthew Louis Applebaum, M.D.

Ramon Aragon, M.D.

Saema Ansari, M.D.

Sanaa Somalya Arastu, M.D. Arnaldo Augusto Arbini, M.D. Vicente Karlos Arcos, M.D.

Franklin Augusto Argueta Tercero, M.D.

Russ Raj Arjal, M.D.

Brent William Arnold, D.O.

Elsa Victoria Arocho Quinones, M.D.

Saba Arshad, M.D.

Ashish Arshanapalli, M.D. Samia Kate Arthur Bentil, M.D. Mohammad Sadegh Asadi, M.D. Firdous Hasanali Asar, M.D. Kyla Renee Aschenbeck, M.D.

Ali Awais Ashai, M.D.
Tomi Lillian Ashaye, M.D.
Darwin Brig Ashbaker, M.D.
George Edward Ashby, M.D.
Evelyn Nneka Ashiofu, M.D.
Muhammad Asif, M.D.
Georgios N. Asimis, M.D.

Chalita Charles Atallah, M.D.

Daniela Coromoto Atencio Bohorquez,

M.D.

Laura Claire Atkinson, D.O.

Yo Atteberry, M.D. Hosam Attia, M.D. Sonoa Au, M.D.

Benito William Aubergine, M.D.

Allan Augillard, M.D.

Joseph Edward August, M.D. Rose C. Augustine, M.D. Gabriela Austgen, M.D. Christina Uriegas Austin, M.D.

Rachel Austin, M.D.
Meera Bala Avila, M.D.
Abhishek Avirineni, M.D.
Tsung Wai Aw, M.D.
Olubukunola Awosika M.

Olubukunola Awosika, M.D. Pamela Michelle Ayala, M.D.

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## Physician Assistant Licenses

The Texas Physician Assistant Board issued 271 PA licenses between March 31, 2020 and August 31, 2020. Congratulations to the following:

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Hailey Elizabeth Alford, P.A. Amy Renee Allen, P.A.

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# Acupuncturist Licenses

The Texas State Board of Acupuncture Examiners issued 9 Acupuncture licenses between March 31, 2020 and August 31, 2020. Congratulations to the following:

Kunika Bharodia, L.Ac. Kazuko Devirgilio, L.Ac. Nicole Fillion-Robin, L.Ac. Chull Soo Kim, L.Ac. Jongbo Lee, L.Ac. Sang Jun Park, L.Ac. Jennifer Parker, L.Ac. Corinna Bing Yi Shen, L.Ac. Ryan Andrew Tulon, L.Ac.

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