

## 2004 Press Releases

**Thursday, June 10 , 2004**

### **33 Doctors Disciplined**

During its June 3-4 Board meeting, the Texas State Board of Medical Examiners took disciplinary action against 32 licensed physicians, who received one or more of the following actions: 13 surrenders/revocations; three suspensions, all of which were stayed under certain terms and conditions; six restrictions; six public reprimands; and nine administrative penalties, totaling \$32,500. The board temporarily suspended the license of one physician since the last board meeting. In addition, the board took action against one acupuncturist.

#### **New Licenses Issued**

During its June 3-4 Board meeting, the Board approved the licensure applications of 471 physicians.

Office of Rural Community Affairs sponsors HealthFind: Rural Texas' Annual Healthcare Recruiting Event

HealthFind brings healthcare professionals and rural communities together to meet and explore practice opportunities September 10-11 at the Hyatt Regency, Town Lake, Austin. Who may participate: communities with job opportunities/practice sites in rural areas; healthcare professionals out of training/currently practicing; healthcare professionals in training (school, residency or fellowship). Cost: Practicing healthcare professionals: \$100; residency and in-training professionals: \$50. Includes hotel accommodations for healthcare professional and one guest at the Hyatt for one night (September 11); lunch; panel discussions; resource lab; community profile packets; reception; parking; meetings with interested communities. For those unable to attend, a paper-only exchange is available. For additional information and registration forms: [www.orca.state.tx.us](http://www.orca.state.tx.us); Manny Rodriguez at [mrodriguez@orca.state.tx.us](mailto:mrodriguez@orca.state.tx.us); Toll-free (800) 544-2042; Phone: (512) 936-6731; Fax: (512) 936-6776

### **Rule Changes**

The Board adopted the following rule changes that were published in the *Texas Register*:

Chapter 163, Licensure, creation of new §163.14, regarding requirements for practicing medicine across state lines (Telemedicine).

Chapter 174, Telemedicine, repeal of §§174.1-174.17 and new §§174.1-174.5 relating to standards for provision of telemedicine medical services and use of the Internet in transmission of information.

Chapter 177, Certification of Non-Profit Health Organizations, rule review, amendments to §§177.1-177.8, repeal of §§177.9-177.16, and new §§177.9-177.13 for general cleanup of the chapter.

Chapter 184, Surgical Assistants, amendments to §184.14 concerning qualifications of supervising physicians.

Chapter 185, Physician Assistants, rule review and amendments to §§185.8, 185.16, and 185.20 regarding inactive status, supervising physicians, employment guidelines, and complaints.

Chapter 187, Procedural Rules, amendments to §§187.2 and 187.31; repeal of 187.26, 187.27, and 187.28; and new §§187.26 and 187.27 regarding default judgments by the Board in SOAH administrative proceedings.

Chapter 190, Disciplinary Guidelines, amendment to §190.8 to clarify the definition of a proper physician/patient relationship for hospice patients.

### **Proposed Rule Changes**

The Board proposed the following rule changes for publication in the *Texas Register* and comment:

Chapter 163, Licensure. Creation of new §163.14 concerning permits for applicants practicing under the supervision of a licensed Texas physician for educational purposes or providing charity care to underserved populations in Texas.

Chapter 171, Postgraduate Training Permits. Revised chapter title, repeal of §§171.1-171.7 and creation of new §§171.1-.12 for reorganization and general cleanup of the chapter. Changes proposed establish criteria for the eligibility and discipline of physicians who apply for and hold postgraduate training or teaching permits and describes conduct that must be reported on all individuals who are in postgraduate training in order to protect public health and welfare. Proposed §171.12 concerns the Texas Department of Health Permits for medically underserved areas.

Chapter 175, Fees, Penalties, and Applications. Amendments to §175.1 related to increases in application and registration fees mandated by the Texas Online Authority and increase in physician-in-training fee relating to the length of the permit.

Chapter 183, Acupuncture. Proposed amendment to §§183.2 and 183.16 clarifying that certificates and diplomas are acceptable for acupuncture licensure.

Chapter 186, Supervision of Physician Assistant Students. Rule review with no changes.

Chapter 190, Disciplinary Guidelines. Creation of new §190.16 regarding limits on the amount of administrative penalty assessed and describes the criteria on which the penalty is based.

Chapter 192, Office-Based Anesthesia. Proposed amendments to §§192.1-4 relating to the provision of anesthesia in outpatient settings, compliance with office-based anesthesia rules, and registration to include additional requirements for patient rights, emergency power sources, ancillary services, credentialing of personnel, peer review requirements, and registration requirements.

Chapter 193, Standing Orders Delegation. Proposed amendments to §193.11, Use of Lasers, regarding continuing education on the use of laser devices. Creation of new §193.12, Use of Prescription Medical Devices, concerning rules governing delegation and supervision of medical acts involving the use of prescription medical devices.

### **Disciplinary Actions**

The following are summaries of the Board actions. The full text of the Board orders will be available on the board's web site at [www.tsbme.state.tx.us](http://www.tsbme.state.tx.us) about 10 days after the Board meeting.

The orders provide all information that is public regarding the facts of the case and violations of the law.

Open records requests for orders may be made to [jill.wiggins@tmb.state.tx.us](mailto:jill.wiggins@tmb.state.tx.us) .

**ARMENDARIZ, RAFAEL, D.O., EL PASO, TX, Lic. #J9953**

On 6-4-04 the Board and Dr. Armendariz entered into a Mediated Agreed Order assessing an administrative penalty of \$5,000. The action was based upon allegations that Dr. Armendariz failed to properly supervise a clinical assistant who performed a medical procedure on a patient.

**BARKLIS, SAM STEVEN, M.D., FORT WORTH, TX, Lic. #D6702**

On 6-4-04 the Board and Dr. Barklis entered into an Agreed Order in which Dr. Barklis voluntarily and permanently surrendered his license. The action was based upon Dr. Barklis' nontherapeutic prescribing of drugs to a patient, and Dr. Barklis being diagnosed with a physical or mental condition that precludes his practice of medicine.

**BEENE, RONDA LAWAINA, D.O., ARLINGTON, TX, Lic. #J1871**

On 6-4-04 the Board and Dr. Beene entered into an Agreed Order assessing an administrative penalty of \$500. The action was based upon allegations that Dr. Beene failed to timely provide a patient's medical records upon request.

**CALDERON, GUIDO JOSE, M.D., SAN MARCOS, TX, Lic. #K4008**

On 6-4-04 the Board and Dr. Calderon entered into an Agreed Order publicly reprimanding Dr. Calderon. The action was based upon allegations that Dr. Calderon failed to admit a patient who presented to the emergency room with symptoms of small bowel obstruction, which delayed the timely diagnosis and treatment of the patient's disease.

**CARCAMO, BENJAMIN, M.D., EL PASO, TX, Lic. #J0881**

On 6-4-04 the Board and Dr. Carcamo entered into an Agreed Order suspending Dr. Carcamo's license for 45 days, completion of 20 hours of CME in chemotherapy, visitation at an oncology hospital for one week, and preparation of a chemotherapy verification protocol. The action was based upon allegations that Dr. Carcamo failed to note that a patient received incorrect doses (10 times normal) of Ara-C during a chemotherapy protocol.

**CHALIFOUX, ROLAND F., JR, D.O., SOUTH LAKE, TX, Lic. #J8953**

On 6-4-04 the Board revoked Dr. Chalifoux's license. The action was based upon allegations that Dr. Chalifoux failed to practice medicine in an acceptable professional manner as regards his surgery on and treatment of three patients. Dr. Chalifoux may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the Motion,

the Order is final. If a Motion for Rehearing is filed and the Board grants the Motion, the Order is not final and a hearing will be scheduled.

**CHAPARALA, SUKUMAR, M.D., BLACKWELL, OK, Lic. #J3446**

On 4-2-04 the Board and Dr. Chaparala entered into an Agreed Order publicly reprimanding Dr. Chaparala, restricting Dr. Chaparala from practicing in Texas until he is released or terminated from the Oklahoma Agreed Order and appears before the Texas Medical Board and is granted permission to practice in Texas. Dr. Chaparala was also assessed an administrative penalty in the amount of \$3,000. The action was based upon allegations that Dr. Chaparala falsely completed his Texas Physician Annual Registration regarding the question concerning his arrest history.

**COBB, TYSON KING, M.D., BETTENDORF, IA, Lic. #J3297**

On 6-4-04 the Board and Dr. Cobb entered into an Agreed Order assessing an administrative penalty of \$500. The action was based upon allegations that Dr. Cobb had failed to timely renew his Texas license and had failed to ensure that his required CME included an hour of ethics.

**FATH, STEVEN WADE, M.D., SEGUIN, TX, Lic. #K8144**

On 6-4-04 the Board and Dr. Fath entered into an Agreed Order suspending his license for three years, but probating the suspension for three years. The action was based upon Dr. Fath's plea of *nolo contendere* to a charge of driving while intoxicated.

**GANT, JAMES CURTIS, M.D., JACKSONVILLE, NC, Lic. #G5074**

On 6-4-04 the Board and Dr. Gant entered into an Agreed Order publicly reprimanding Dr. Gant and requiring that he personally appear before the Board before returning to Texas and resuming practice. The action was based upon disciplinary action by the North Carolina Medical Board for failure to diagnose and treat a VP shunt malfunction in a 13-year-old girl, who subsequently died.

**GEHRING, DEL E., M.D., DAVENPORT, IA, Lic. #H1089**

On 6-4-04 the Board and Dr. Gehring entered into an Agreed Order in which Dr. Gehring voluntarily and permanently surrendered his license. The action was based upon allegations of alcohol dependency and depression and Dr. Gehring's desire to cease the practice of medicine.

**HAIRSTON, R. KEITH, M.D., TEXARKANA, TX, Lic. #K1458**

On 6-4-04 the Board and Dr. Hairston entered into an Agreed Order in which Dr. Hairston voluntarily and permanently surrendered his license. The action was due to a mental or physical condition that precluded Dr. Hairston's ability to practice medicine.

**HOOD, CHARLES HARDIN, M.D., SAN ANTONIO, TX, Lic. #D1150**

On 6-4-04 the Board and Dr. Hood entered into an Agreed Order assessing an administrative penalty in the amount of \$3,000. The action was based on allegations that Dr. Hood failed to meet the standard of care by improperly evaluating a patient who reported to the emergency room with wheezing and pain in her chest from a fall.

**HUGHES, DONALD DUANE, M.D., FORT WORTH, TX, Lic. #E8575**

A Temporary Suspension Order was entered on 5-13-04 temporarily suspending Dr. Hughes' license without notice due to evidence that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The Temporary Suspension Order shall remain in full force and effect until such time as it is superseded by a subsequent Order of the Board. The action was based on allegations of sexual misconduct with adolescent patients.

**JAREM, BOHDAN JOHN, M.D., HOUSTON, TX, Lic. #D9829**

On 6-4-04 the Board and Dr. Jarem entered into an Agreed Order in which Dr. Jarem voluntarily and permanently surrendered his license. The action was due to a mental or physical illness that precluded Dr. Jarem's ability to practice medicine.

**KING, JOHN ANDERSON, D.O., ORLANDO, FL, Lic. #J5803**

On 6-4-04 the Board and Dr. King entered into an Agreed Order in which Dr. King voluntarily and permanently surrendered his license. The action was based upon suspension of clinical privileges by a peer organization.

**LEDLEY-LEWIS, ANNMARIE McRENA, D.O., FARMERS BRANCH, TX, Lic. #K6640**

On 6-4-04 the Board approved a Final Order on Dr. Ledley-Lewis' license following a contested case hearing including a Public Reprimand, a \$9,500 administrative penalty, an additional 50 hours of CME, passage of the Medical Jurisprudence examination, development and provision to the Board of a billing practices report, and payment of \$3,298.30 for the cost of the hearing transcript. The action was based upon Dr. Ledley-Lewis' failure to return to the hospital to deliver a stillborn infant and directing a nurse to deliver the stillborn infant.

**McMINN, MONTY RUEY, M.D., SAN ANTONIO, TX, Lic. #E2422**

On 6-4-04 the Board and Dr. McMinn entered into an Agreed Order in which Dr. McMinn retired from the practice of medicine and voluntarily and permanently surrendered his license.

**MIRO, AURELIO, M.D., LUBBOCK, TX, Lic. #J5230**

On 6-4-04 the Board and Dr. Miro entered into an Agreed Order in which Dr. Miro voluntarily and permanently surrendered his license. The action was based upon allegations that Dr. Miro had improper sexual contact with a female patient.

**MUNCRIEF, KIM IVAN, D.O., SALLISAW, OK, Lic. #G7284**

On 2-6-04 the Board and Dr. Muncrief entered into an Agreed Order restricting Dr. Muncrief's license to preclude his practice of medicine in Texas until such time as he requests permission in writing to resume the practice of medicine, appears before the Board and provides sufficient evidence and information which, in the discretion of the Board, adequately indicates that Dr. Muncrief is physically, mentally and otherwise competent to safely practice medicine. The action was based on Dr. Muncrief's prescribing Oxycontin in 2001 to a teen-age patient without checking medical records of the patient and determining a valid medical necessity for the drug.

**PATEL, VINODKUMAR C., M.D., AUSTIN, TX, Lic. #F8980**

On 6-4-04 the Board and Dr. Patel entered into an Agreed Order assessing a \$1,000 administrative penalty. The action was based upon allegations that Dr. Patel failed to timely release a patient's medical records upon request.

**PRUETT, JACK RIDINGS, M.D., SOUR LAKE, TX, Lic. #D8389**

On 6-4-04 the Board and Dr. Pruett entered into an Agreed Order in which Dr. Pruett agreed to eliminate his prescriptive authority for all Schedule II, III, and IV drugs within seven days of the entry of the order. The action was based upon allegations that Dr. Pruett prescribed controlled substances without documentation to support any medical necessity for such drugs.

**ROBINSON, LUKE ELGENE, M.D., VICTORIA, TX, Lic. #E4642**

On 6-4-04 the Board and Dr. Robinson entered into an Agreed Order in which Dr. Robinson voluntarily and permanently surrendered his license. The action was based on Dr. Robinson's intemperate use of alcohol.

**RUTLEDGE, DAVID ELMO, M.D., HARLINGEN, TX, Lic. #E1730**

On 6-4-04 the Board and Dr. Rutledge entered into an Agreed Order in which Dr. Rutledge retired and voluntarily and permanently surrendered his license. The action was based upon a mental or physical impairment which precludes Dr. Rutledge from practicing medicine.

**SARKAR, ANKUR, M.D., EL CAMPO, TX, Lic. #K3450**

On 6-4-04 the Board and Dr. Sarkar entered into an Agreed Order suspending Dr. Sarkar's license for one year, but probating the suspension for one year, requiring 15 hours of additional CME, and assessing a \$3,000 administrative penalty. The action was based upon allegations that Dr. Sarkar failed to properly assess and order the hospitalization of a nursing home patient.

**SLOAN, CRAWFORD J., M.D., COOPER, TX, Lic. #F2014**

On 6-4-04, the Board and Dr. Sloan entered into an Agreed Order publicly reprimanding Dr. Sloan, requiring that Dr. Sloan either take and pass the SPEX exam within two years of the date of the Order or enter and complete a formal ACGME-approved training program, requiring Dr. Sloan to obtain an additional 20 hours of CME in Acute Cardiology Care and six hours in EKG training, and restricting his license in that he shall not apply for hospital privileges until all conditions of the Order are met. The action was based upon allegations that Dr. Sloan failed to properly diagnose and treat a patient presenting in the emergency room with symptoms and lab results diagnostic of myocardial infarction.

**STUNTZ, HOMER CLYDE, M.D., ORANGE, TX, Lic. #C3227**

On 6-4-04 the Board and Dr. Stuntz entered into an Agreed Order in which Dr. Stuntz voluntarily and permanently surrendered his license. The action was based upon allegations that Dr. Stuntz prescribed narcotics to known drug abusers without maintaining adequate medical documentation to show any therapeutic or medical necessity for the drugs.

**SUITS, CHARLES WESLEY, D.O., WICHITA FALLS, TX, Lic. #G6765**

On 6-4-04 the Board and Dr. Suits entered into an Agreed Order in which Dr. Suits voluntarily and permanently surrendered his license. The action was based upon his conviction of felony charges of possession of methamphetamine in the state of Idaho.

**THOMPSON, JOHN PAUL, D.O., ARLINGTON, TX, Lic. #E8963**

On 6-4-04 the Board and Dr. Thompson entered into an Agreed Order requiring that Dr. Thompson recertify with Advanced Trauma Life Support within 180 days, requiring Dr. Thompson to obtain an additional 10 hours CME in record keeping and charting, submitting an emergency room protocol, including a plan for documentation and record keeping that meets or exceeds the Joint Commission of Accreditation of Healthcare Organizations standard and the standard set forth by the American College of Emergency Room Physicians, and assessing an administrative penalty in the amount of \$5,000. The action was based upon allegations that Dr. Thompson failed to diagnose and treat multiple and severe internal injuries suffered by a patient involved in an unrestrained roll-over automobile accident.

**WILLIAMS, KENNETH REESE JR., M.D., GALVESTON, TX, Lic. #BP30007933**

On 6-4-04 the Board and Dr. Williams entered into an Agreed Order publicly reprimanding Dr. Williams. The action was based upon allegations of Dr. Williams' substance abuse, which occurred while he was in a residency program from which he has subsequently been terminated.

**WILSON, GERALD LESLIE TWEDDELL, M.D., LUBBOCK, TX, Lic. #E7321**

On 6-4-04 the Board and Dr. Wilson entered into an Agreed Order in which Dr. Wilson voluntarily and permanently surrendered his license. The action was based on Dr. Wilson's desire to discontinue his compliance program with the Board.

**ZIMMERMAN, ERIKA IRENE, M.D., BRIARCLIFF, TX, Lic. #J6829**

On 6-4-04 the Board and Dr. Zimmerman entered into an Agreed Order extending the term of Dr. Zimmerman's prior confidential Board Order to six years and making public that Order. The action was based upon Dr. Zimmerman's failure to meet the requirements of her prior Board Order, which was entered due to Dr. Zimmerman's mental condition of depression.

Acupuncturist

**TSAI, SHELLEY YANG, RICHARDSON, TX, Lic. #AC00140**

On 6-4-04 the Board and Shelly Tsai entered into an Agreed Order assessing an administrative penalty in the amount of \$250. The action was based upon allegations that Ms. Tsai failed to practice acupuncture in an acceptable manner consistent with public health and welfare in the treatment of a patient.

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The Texas State Board of Medical Examiners, the state agency that regulates physicians, physician assistants, surgical assistants and acupuncturists, provides consumer protection through licensure, investigation and disciplinary action. The Board, under President Lee S. Anderson, M.D., and Executive Director Donald W. Patrick, M.D., J.D., and mandated by Senate Bill 104 of the 78th Legislature, is strengthening and accelerating the disciplinary process for licensees who fail to meet the required standards of professional proficiency and behavior. Information on filing a complaint is on the agency web site at [www.tsbme.state.tx.us](http://www.tsbme.state.tx.us) or by calling (800) 201-9353.

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