

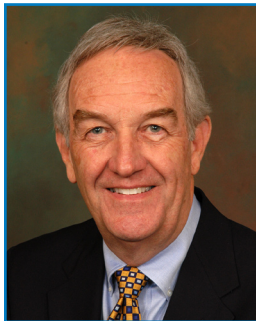
TEXAS MEDICAL BOARD

Bulletin

The Newsletter of the Texas Medical Board

Governor Appoints, Reappoints Board Members

Governor Rick Perry has made the following appointments and reappointments to the Board:



Mr. Baucom

David Baucom, of Sulphur Springs, is president of Baucom Insurance Services Inc., a member of the Independent Insurance Agents of Texas, a founding director of First American Mortgage Company and a past director of First American Bank.

He is also a past member of the Sulphur Springs City Council, past mayor of Sulphur Springs and president of the Sulphur River Basin Authority and he has served in the U.S. Army National Guard. Mr. Baucom received a bachelor's degree from Baylor University. He replaces Ms. Melinda Fredricks as a public member of the Board.

James "Scott" Holliday, D.O., of University Park, is an anesthesiologist at Pinnacle Partners in Medicine and chairman of the Arlington Memorial Hospital Department of Anesthesiology. He is a member of the American Society of Anesthesiologists, Texas Osteopathic Medical Association and Texas Medical Association. He is also an American Board of Anesthesiology Diplomate, and the Texas Society of Anesthesiologists District 2 State Delegate. Dr. Holliday received a bachelor's degree from



Dr. Holliday

the University of Texas at Austin and a doctorate of osteopathic medicine from Kansas City University of Medicine and Bioscience. He completed his anesthesiology residency at the University of Texas Health Science Center at San Antonio. He replaces Roberta Kalafut, D.O., on the Board.

Patrick J. Crocker, D.O., of Austin, is chief of emergency medicine for emergency service partners in the Emergency Department of Dell Children's Hospital, and an assistant clinical professor of emergency medicine for the University of Texas Medical Branch. He is a member of the Seton Board of Trustees and Take Heart Austin Steering Committee, and is a fellow of the American College of Emergency Physicians. He is also a member of the Travis County Medical Society and Texas Medical Association, and chair of the Austin/Travis County EMS Quality Assurance Board. Dr. Crocker served in the U.S. Army, and received a bachelor's degree and master's degree in nutrition from the University of California at Berkeley, and a doctorate of osteopathy from the University



Dr. Crocker

continued on page 2

IN THIS ISSUE

Agency News	3
Disciplinary Actions	3
Acupuncture News	5
Prescribing Guidelines	7
Chronic Kidney Disease	9
Rule Changes	11
PAs with Prescribing Authority	13
Formal Complaints	19
New Licensees	23

of Iowa Health Sciences College of Osteopathic Medicine and Surgery. He replaces Larry Price, D.O., on the board.

John D. Ellis Jr. is a Houston attorney. He was General Counsel for the Armed Forces Institute of Pathology in Washington, D.C., and has been an adjunct associate professor at the U.T. Houston Medical School since 1975. He was a Distinguished Military Graduate of The Citadel and served 10 years in the Army. He graduated from Southern Methodist University School of Law and George Washington Graduate/Medical School with a Masters of Science in Forensic Science, followed by an LLM in taxation. Mr. Ellis served on the State Bar of Texas Board of Directors and currently serves on the



Mr. Ellis

Houston Bar Association Board of Directors and the American Bar Association House of Delegates. The United States Department of State has appointed Mr. Ellis Consul General for the Republic of Malta. He is a member of the Development Council for the UTHSC-Houston and is a member of the Dean's Advisory Committee for U.T. Medical School. He is a member of the Board and Lifetime Vice President of the Houston Livestock Show & Rodeo. He replaces Ms. Annette Raggette of Houston.

Wynne M. Snoots, M.D., of Dallas, is an orthopedic surgeon and medical director of the Baylor Sammons

Bone Tumor Center at Baylor University Medical Center. He is a member of the American and Dallas County Medical associations, American Academy of Orthopedic Surgeons and the Texas Medical Foundation. He is also past president of the Texas Orthopedic Association. Dr. Snoots served in the U.S. Army and received two bachelor's degrees from Texas A&M University and a medical degree from the University of Texas Southwestern Medical School. He replaces Amanullah Khan, M.D., of Dallas.



Dr. Snoots

The Governor reappointed Manuel G. Guajardo, M.D., of Brownsville; Allan N. Shulkin, M.D., of Dallas; and Timothy J. Turner of Houston.

With Dr. Kalafut's departure from the Board, the Governor named Irvin E. Zeitler Jr., D.O., board president. Dr. Zeitler, who has a family practice in San Angelo, has served on the board since June, 2006.

Dr. Kalafut, who resigned in December of 2008, served on the board from January, 2002, and became the first woman president of the board in 2005. Ms. Fredricks, a public member from Conroe, served on the board from August, 2003, to November, 2008. Dr. Price has served on the board since 1997 and has been vice president of the board since 2003. Ms. Raggette and Dr. Khan have served on the board since 2003. The Board expresses gratitude to all the departing board members for their service, commitment and dedication to public protection. ♦

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MEDICAL BOARD BULLETIN
 Newsletter of the Texas Medical Board



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 Allan Shulkin, M.D., Dallas
 Wynne M. Snoots, M.D., Dallas
 Paulette B. Southard, Alice
 Timothy Webb, J.D., Houston
 George Willeford III, M.D., Austin

Mari Robinson, J.D., Executive Director
 Alan T. Moore, M.D., Medical Director
 Nancy Leshikar, J.D., Interim General Counsel
 Jane McFarland, Chief of Staff
 Jill Wiggins, Public Information Officer, Editor

Mission Statement

Our Board's mission is to protect and enhance the public's health, safety and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline and education.

Licensees must keep the board informed of their current address. Change of address forms are at <http://www.tmb.state.tx.us/professionals/hcpres/changeaddress.php>

Board Names Robinson Executive Director, Moore Medical Director

The Texas Medical Board named Mari Robinson, J.D., agency Executive Director effective March 1. Ms. Robinson had been serving as Interim Executive Director since September.

The board also named Alan T. Moore, M.D., as Medical Director of the agency, also effective March 1. Dr. Moore had been serving as Interim Medical Director since October. State law requires that, if the agency executive is a non-physician, a medical director be hired.

Ms. Robinson took over the executive director position after the retirement of Donald W. Patrick, M.D., J.D., who served TMB as executive director from September 2001 through August 2008. Ms. Robinson began her career at TMB as a litigation attorney in 2001 and has served as Director of Enforcement since 2006. She received her B.A. in government (cum laude) from Angelo State University and her J.D. from the University of Texas School of Law.

Dr. Moore graduated with honors from U.T. Austin and received his medical degree from the University of Texas Southwestern Medical School and completed his anatomic and clinical pathology residency at Parkland Memorial Hospital in Dallas, where he served as chief resident during his fourth year. He also completed a hematopathology fellowship at Parkland. He is board certified in anatomic pathology, clinical pathology and hematopathology. He has practiced in Austin for more than 20 years.

“Since TMB’s executive director has traditionally been a physician, this dual role is new for Texas and is used by most other state medical boards to bring administrative, legal, and medical expertise into leadership roles. We are very satisfied with the talent and skill both Ms. Robinson and Dr. Moore bring to these positions and look forward to the work they will do to fulfill the board’s mission of public protection,” said Irvin Zeitler, D.O., board president. ♦



Since the Fall 2008 issue of the *Medical Board Bulletin*, the Board has taken disciplinary action on 170 physicians and two surgical assistants. The Board issued two cease and desist orders for unlicensed practice. The following is a summary of those actions.

QUALITY OF CARE VIOLATIONS

Abou-Sleiman, Joseph E., Lic. #L9593, Houston TX

On December 12, 2008, the Board and Dr. Abou-Sleiman entered into an Agreed Order requiring that, within two years, Dr. Abou-Sleiman obtain 20 hours of continuing medical education as follows: five hours each in risk management, recordkeeping, ethics and weight-loss management. The action was based on Dr. Abou-Sleiman’s inappropriate prescribing, dispensing and management of a weight-loss patient.

Alaswad, Bashar, M.D., Lic. #K0597, Beaumont TX

On February 6, 2009, the Board and Dr. Alaswad entered into an Agreed Order requiring that he obtain 10 hours of continuing medical education in risk

management within 12 months and pay an administrative penalty of \$3,000. The action was based on his failure to review an X-ray prior to stomach surgery to determine if a tack swallowed by a child was still in the child’s stomach.

Arnold, Lloyd E., M.D., Lic. #D0031, Austin TX

On April 3, 2009, the Board and Dr. Arnold entered into an Agreed Order requiring that, within one year, Dr. Arnold take 10 hours of continuing medical education in medical recordkeeping, five hours of CME in prescribing psychopharmacological drugs, and five hours in the evaluation and treatment of psychiatric disorders. The action was based on Dr. Arnold’s prescribing Xanax and Miralax to a 10-year-old without proper exam, history or assessment.

Arzola, Fernando Luis, M.D., Lic. #L7274, Marshall TX

On December 12, 2008, the Board and Dr. Arzola entered into an Agreed Order requiring that Dr. Arzola contact the Texas A & M Health Science Center

continued on page 4

Rural and Community Health Institute (K-STAR) to schedule an assessment to determine whether Dr. Arzola should undergo an education plan, and that he complete and sign the written assessment from K-STAR within the time period specified by K-STAR or within 180 days from the date of the order and, if K-STAR recommends an education program, that he successfully complete the program. The action was based on Dr. Arzola's failure to properly manage, treat and prescribe to a patient with multiple symptoms and chronic pain and to adequately document his care of the patient, who showed indications of drug-seeking behavior.

Carroll, Lance, M.D., Lic. #K6448, Bastrop TX

On April 3, 2009, the Board and Dr. Carroll entered into an Agreed Order requiring that he pay an administrative penalty of \$500 within 60 days. The action was based on Dr. Carroll's allowing technicians to perform colonic hydrotherapy on two patients without providing complete orders.

Chavez-Rice, Eugenio, M.D. Lic. #F4789, El Paso TX

On December 12, 2008, the Board and Dr. Chavez-Rice entered into an Agreed Order requiring that, within one year, Dr. Chavez-Rice obtain 10 hours of continuing medical education in ethics and 10 hours in medical recordkeeping and pay a \$1,000 administrative penalty. The action was based on Dr. Chavez-Rice allowing employees of a day spa to perform procedures and administer and prescribe various treatments without supervision and sometimes without physical examination.

Childers, Cecil Adison, M.D., Lic. #C8922, Corpus Christi TX

On December 12, 2008, the Board and Dr. Childers entered into an Agreed Order requiring that Dr. Childers' medical records be reviewed by a chart monitor for one year. The action was based on the Board's determination that Dr. Childers did not have a documented patient evaluation or treatment plan for the diagnosis of bipolar depression to justify treatment and the medical basis for other medications he prescribed for a patient.

Chow, Clement, M.D., Lic. #E4253, Houston TX

On December 12, 2008, the Board and Dr. Chow entered into an Agreed Order requiring that, within one year, Dr. Chow take the University of California Physician Assessment and Clinical Education courses in medical recordkeeping and physician-patient communication and pay a \$2,000 administrative penalty. The action was based on the Board's finding that Dr.

Chow failed to inform the patient that she had a two-part lipoma, failed to discuss with the patient options for removing the two-part lipoma, and failed to document reasons for his decision to remove only one part of the lipoma rather than both parts.

Crowder, Felice Fay, D.O., Lic. #J9652, New Braunfels TX

On December 12, 2008, the Board and Dr. Crowder entered into an Agreed Order requiring that Dr. Crowder obtain 10 hours of continuing medical education in diagnosis and management of respiratory infections in infants and children. The action was based on Dr. Crowder's failure to properly treat a fever and respiratory infection in a 19-month old, resulting in the child's developing bilateral pneumonia that required a nine-day hospital stay.

Dalley, Albert Sean, M.D., Lic. #L5295, Cleburne TX

On December 12, 2008, the Board and Dr. Dalley entered into a two-year Agreed Order of public reprimand requiring that his medical records be reviewed by a chart monitor and, for each year of the order, that he obtain 10 hours of continuing medical education in risk management. The action was based on Dr. Dalley's failure to convey test results to a patient's primary physician, thereby delaying treatment for a metastatic adenocarcinoma.

Fulp, Ray R. "Trey," D.O., Lic. #J7963, McAllen TX

On December 12, 2008, the Board and Dr. Fulp entered into an Agreed Order requiring that Dr. Fulp's medical records be reviewed by a chart monitor and that he complete, within one year, 16 hours of continuing medical education in risk management with emphasis on patient education concerning surgery. The action was based on Dr. Fulp's failure to maintain adequate medical records with regard to surgical patients.

Gillett, David Paul, M.D., Lic. #L3659, Bryan TX

On February 6, 2009, the Board and Dr. Gillett entered into a three-year Agreed Order of public reprimand requiring that he obtain 10 hours of continuing medical education in emergent care and 10 hours of CME in patient communication for each year of the order. The action was based on Dr. Gillett's failure to properly evaluate and diagnose an emergency room patient who died from septic shock secondary to bowel perforation.

Gruchacz, Pamela Ann, M.D., Lic. #L2291, Juneau AK

On February 6, 2009, the Board and Dr. Gruchacz entered into an Agreed Order requiring that she not perform biliary surgery in Texas without approval from

Sue Chang and Linda Drain Appointed to Acupuncture Board

Gov. Rick Perry has appointed Suehing “Sue” Chiang of Sugar Land and Linda Wynn Drain of Lucas to the Texas State Board of Acupuncture Examiners for terms to expire January 31, 2015.



Ms. Chiang

Ms. Chiang is a retired elementary school teacher and current substitute teacher for the Fort Bend Independent School District. She is a past member of the Governor’s Commission for Women, and a member of the Sugar Land Parks and Recreation Advisory Board, Fort Bend County Judge

Citizen Advisory Committee and Fort Bend ISD Education Foundation Board of Directors. She is also a member of the Methodist Sugar Land Board

of Trustees. Ms. Chiang received a bachelor’s degree from the University of Houston. She replaces Sheng Chen of Austin.

Ms. Drain is a partner at Nolte, Drain and Rosenthal PLLC. She is a member of the Collin County Bar Association, Collin County Criminal Defense Lawyers Association, and Texas Bar Founda-



Ms. Drain

tion. She is also a founding member of the Collin County Bench/Bar Association and the CITY House Board of Directors. Ms. Drain received a bachelor’s degree from Texas Southern University and a law degree from South Texas College of Law. She replaces Pedro “Pete” Garcia of Frisco. ♦

the Board, and obtain 10 hours of continuing medical education in biliary surgery within one year. The action was based on her failure to meet the standard of care in gall bladder surgery in an 80-year-old patient, resulting in the patient’s death.

Gutierrez, Carlos Abraham, M.D., Lic. #F8501, El Paso TX

On February 19, 2009, the Board and Dr. Gutierrez entered into a Waiver of Informal Settlement Conference and Agreed Order which requires that Dr. Gutierrez pay an administrative penalty of \$1,000 within 60 days. The action was based on Dr. Gutierrez having prescribed two controlled substances for a family member for a period of 30 days when that person’s regular physician was temporarily unavailable.

Hancock, Joseph E., M.D., Lic. #H8676, Lubbock TX

On April 3, 2009, the Board and Dr. Hancock entered into a Mediated Agreed Order requiring that, within one year, he obtain 10 hours of continuing medical education in medical recordkeeping. The action as based on Dr. Hancock’s inadvertently placing a PEG tube in a patient who was not scheduled for one.

Hayes, Vernon Jack, D.O., Lic. #E7973, Fort Worth TX

On February 6, 2009, the Board and Dr. Hayes entered into an Agreed Order requiring that he obtain 20 hours of continuing medical education in pre-operative, operative and post-operative aspects of obstetric and gynecological surgery, including post-operative gynecological complications, and pay an administrative penalty of \$2,000 within 90 days. The action was based on Dr. Hayes’ failure to properly treat postoperative bleeding complications in a hysterectomy patient.

Heitkamp, Jeffrey Wade, M.D., Lic. #F4064, Arlington TX

On December 12, 2008, the Board and Dr. Heitkamp entered into a two-year Agreed Order requiring that Dr. Heitkamp’s medical records be reviewed by a chart monitor and that he obtain eight hours of continuing medical education in medical recordkeeping, eight hours in risk management and eight hours in lumbar surgery complications and outcomes. The action was based on Dr. Heitkamp’s failure to adequately document history and examination that would justify

continued on page 6

surgical intervention in a patient with back and leg pain, nor did he adequately document discussions of alternatives to surgery.

Iglehart, Sharon L., M.D., Lic. #H4832, Houston TX

On April 3, 2009, the Board and Dr. Iglehart entered into an Agreed Order of public reprimand requiring she have a practice monitor for two years; that, within one year, she take and pass the Texas Medical Jurisprudence Examination; and within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education program. The action was based on Dr. Iglehart's recreating medical records for psychiatric patients significantly later than the time she had provided examination, diagnosis and treatment to the patients.

LeCompte, Brian Eric, M.D., Lic. #G9615, Kingwood TX

On February 6, 2009, the Board and Dr. LeCompte entered into a Mediated Agreed Order requiring that Dr. LeCompte complete the professional boundaries course offered by Vanderbilt University or an equivalent, and obtain 20 hours of continuing medical education in pain management. The action was based on Dr. LeCompte's prescribing multiple narcotics without adequate medical records and his failure to demonstrate sound clinical judgment in recording treatment objectives for a patient he sometimes saw outside the office setting.

Nguyen, Thuan Trong, Lic. #J2237, Houston TX

On February 6, 2009, the Board and Dr. Nguyen entered into an Agreed Order requiring that within one year Dr. Nguyen complete 10 hours of continuing medical education in risk management. The action was based on Dr. Nguyen's taking 70 days to notify a patient of the very serious nature of CT and MRI results.

Nix, Darryl D., D.O., Lic. #F9883, Fort Worth TX

On April 3, 2009, the Board and Dr. Nix entered into an Agreed Order requiring that, within one year, Dr. Nix obtain eight hours of continuing medical education in ophthalmic emergencies/trauma. The action was based on Dr. Nix's failure to perform a complete eye examination on a patient with an eye injury or, alternatively, refer the patient to an ophthalmologist.

Patel, Kanubhai A., M.D., Lic. #G4373, McKinney TX

On June 27, 2008, the Board and Dr. Patel entered into an Agreed Order requiring Dr. Patel to complete a Board-approved educational course in the areas of patient boundaries and communication and pay an

administrative penalty of \$1,000. The action was based on Dr. Patel's having administered a medical test requiring a female patient to expose her upper body without a female chaperone present in the exam room.

Punjabi, Narendra S., M.D., Lic. #G7865, Austin TX

On December 12, 2008, the Board and Dr. Punjabi entered into a one-year Agreed Order requiring that Dr. Punjabi's medical records be reviewed by a chart monitor; that he obtain 10 hours of continuing medical education in medical recordkeeping and 10 hours in pharmacy rules and regulations for prescribing; and that he take and pass the Texas Medical Jurisprudence Examination within three attempts. The action was based on Dr. Punjabi's dispensing Phentermine to one patient and lack of records including rationale for treatment, monitoring of vital signs or discussion of possible side effects.

Reddy, Sunil K., M.D., Lic. #J4984, Conroe TX

On February 6, 2009, the Board and Dr. Reddy entered into an Agreed Order requiring that within one year Dr. Reddy obtain eight hours of continuing medical education in medical recordkeeping and within 90 days pay an administrative penalty of \$1,500. The action was based on Dr. Reddy's failure to properly document reasons for performing a colonoscopy on a 91-year-old patient so quickly after the initial consult; not waiting for the results of less risky treatment recommendations; not being as anxious to address the stone visualized in the common bile duct as he was to treat a diagnosis of constipation; and not using any screening labs such as CBC, stool guaiac, prior to the colonoscopy.

Redfield, James Earl, M.D., Lic. #H2713, Nacogdoches TX

On December 12, 2008, the Board and Dr. Redfield entered into a two-year Agreed Order of public reprimand requiring that his surgical cases be reviewed by a chart monitor; that he obtain 10 hours of continuing medical education in managing surgical complications and 10 hours CME in post-operative management and care; and that he pay an administrative penalty of \$20,000 within 12 months. Dr. Redfield is also ordered not to perform bariatric surgeries or elective surgeries on children under 24 months. The action was based on Dr. Redfield's failing to demonstrate appropriate expertise and judgment in surgery on a three-month old infant's umbilical hernia, resulting in necrosis and ultimately the death of the infant; failure to address multiple post-surgical complications in two gastric

Guidelines for prescribing pain meds, scheduled drugs

In several Texas counties, more than half of all DWI and controlled substance arrests are based on recreational use of prescription medications, according to the Jefferson County sheriff's office.

The National Association of Drug Diversion Investigators identifies 57 prescription drugs that are commonly diverted. Some of the most frequently diverted/abused pharmaceutical drugs sought by drug-seekers include Vicodin, Vicodin ES, Lortab, Lorcet, Lorcet Plus, Norco, Tylenol #3, Tylenol #4, Diazepam, Xanax, Stadol (NS), Valium, Phenergan with Codeine, Tussionex, OxyContin, Ultram, Ultracet, and Soma.

In Texas, the favored combination is OxyContin, Hydrocodone, Soma and Xanax. The street value of Hydrocodone, or Vicodin, is \$4-6 per pill; Soma is \$1-2, and OxyContin goes for about \$1 per milligram, according to the U. S. Drug Enforcement Agency.

Prescription drug diversion falls into two categories:

- The diverting of legally obtainable drugs into illegal channels.
- The acquiring or obtaining of a controlled substance by an illegal method.

Methods of diversion include doctor shopping, stealing prescription pads, prescription fraud and unlawful possession.

Methods of forgery include altering a legitimate prescription; altering the number of refills on a prescription; stealing a blank prescription and forging from scratch; even stealing whole prescription pads. A blank prescription is like blank check to a drug seeker.

Because these are legal drugs manufactured and provided for legitimate purposes, it may sometimes be difficult to recognize and prevent their potential for misuse.

The Federation of State Medical Boards provides guidelines for physicians on evaluating the use of controlled substances for pain control. They include the following:

- Evaluating a patient for drug treatment;
- Writing the treatment plan;
- Obtaining informed consent and agreement for treatment;
- Reviewing the course of treatment periodically;

- Consulting with other health care professionals;
- Keeping accurate medical records; and
- Complying with controlled substances laws and regulations.

The Texas Medical Board's rules, Chapter 169, Authority of Physicians to Supply Drugs, and Chapter 170, Pain Management, provide guidance and direction for physicians in prescribing dangerous drugs and controlled substances. The complete rules may be found at <http://www.tmb.state.tx.us/rules/rules/bdrules.php>

Chapter 169 spells out ways physicians may dispense dangerous drugs for "immediate need." It also spells out proper dispensing of pharmaceutical samples. The chapter concludes with this policy:

§169.8. Policy.

It is the policy of the board to encourage physicians to issue prescriptions for drugs and remedies, unless supplying the drug is necessary to meet the patient's immediate medical needs and the drug is reasonably unavailable from licensed pharmacies in the existing circumstances, or unless the physician determines that the patient's prescribed treatment regimen requires that pharmaceutical samples should be supplied to the patient.

Chapter 170 states:

(3) The board is charged by the Legislature with the responsibility to assure that drugs are used in a therapeutic manner. A license to practice medicine gives a physician legal authority to prescribe drugs for pain. The physician has a duty to use that authority to help, and not to harm patients and the public.

(4) Harm can result when a physician does not use sound clinical judgment in using drug therapy. If the physician fails to apply sufficient drug therapy, the patient will likely suffer continued pain and may demonstrate relief-seeking behavior, known as pseudoaddiction. On the other hand, non-therapeutic drug therapy may lead to or contribute to abuse, addiction, and/or diversion of drugs. Physicians must be well informed of and carefully assess the risks and the benefits as they apply to each case.

Chapter 170 provides these definitions:

continued on page 8

- **Addiction:** a primary, chronic, neurobiological disease characterized by craving and compulsive use of drugs. Addiction is often characterized by impaired control over drug use, including taking more drugs more often than prescribed by a physician. It may also be characterized by continued use despite harm to oneself or others.
- **Pseudo-addiction:** the iatrogenic syndrome resulting from the misinterpretation of relief seeking behaviors as though they are drug-seeking behaviors that are commonly seen with addiction. The relief seeking behaviors resolve upon institution of effective analgesic therapy.
- **Tolerance:** a physiological state resulting from regular use of a drug in which an increased dosage is needed to produce a specific effect, or a reduced effect is observed with a constant dose over time. Tolerance does not

necessarily occur during opioid treatment and does not, alone, indicate addiction.

- **Physical dependence:** A state of adaptation that is manifested by drug class-specific signs and symptoms that can be produced by abrupt cessation, rapid dose reduction, decreasing blood level of the drug, and/or administration of an antagonist. Physical dependence, alone, does not indicate addiction.

In this as in all other aspects of medical practice that TMB regulates, it is essential that physicians follow proper procedures for creating and maintaining medical records, including documentation of evaluation, diagnosis, treatment plan, anticipated results and possible side effects. The rule also recommends an agreement for treatment of chronic pain.

See Page 13 for additional information about prescribing, including information for mid-level practitioners who have prescribing authority. ♦

bypass patients who died; and failure to meet the standard of care in treating post-operative complications of a laparoscopic surgery on an incisional hernia in a patient who also died.

Rivera, Antonio F., M.D., Lic. #M4475, Dallas TX

On April 3, 2009, the Board and Dr. Rivera entered into an Agreed Order requiring that, within one year, he obtain 40 hours of continuing medical education, including 20 hours in the management of pediatric emergencies, 10 hours in the approach and management of seizures in infants and children, and 10 hours in pediatric resuscitation. The action was based on Dr. Rivera's intubating an 18-month-old patient 48 minutes after paramedics had sedated the child with Versed, which was not warranted at the time he performed the intubation.

Rodriguez, Ricardo Mateo, M.D., Lic. #E8858, Lubbock TX

On February 6, 2009, the Board and Dr. Rodriguez entered into an Agreed Order requiring that within one year Dr. Rodriguez obtain 10 hours of continuing medical education in risk management and 10 hours in medical recordkeeping and within 90 days pay an administrative penalty of \$1,000. The action was based on Dr. Rodriguez's failure to properly document x-ray findings and failure to properly diagnose a neck injury in a patient.

Rogoff, Thomas M., M.D., Lic. #E7724, Dallas TX

On April 3, 2009, the Board and Dr. Rogoff entered into an Agreed Order requiring that he pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Rogoff's delay in the performance of an endoscopic procedure in a patient who required the removal of a piece of food tightly impacted in her esophagus.

Ross, John M., M.D., Lic. #J7169, Palestine TX

On April 3, 2009, the Board and Dr. Ross entered into an Agreed Order requiring that he pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Ross' prescribing narcotics, pain medications and other dangerous drugs to a family member.

Sitomer, Charles I., M.D., Lic. #G7341, Katy TX

On February 6, 2009, the Board and Dr. Sitomer entered into an Agreed Order requiring that within one year Dr. Sitomer obtain 10 hours of continuing medical education in medical recordkeeping; that within 60 days he submit written office protocols for patient identification and verification and procedure verification for in-office procedures. The action was based on Dr. Sitomer's performing a vasectomy on the wrong patient.

Chronic Kidney Disease Affects Millions of People

Chronic kidney disease, known as CKD, is a serious health condition that affects an estimated 26 million people in the United States and more than 500 million worldwide. Texas is reported to have the second highest prevalence of CKD and the highest incidence of end-stage renal disease (ESRD) in the country.

Early detection and management of CKD can delay the disease's progress and reduce adverse outcomes, but CKD remains under-diagnosed and under-treated. Untreated, CKD can progress to kidney failure but more often results in premature death due to cardiovascular disease, according to officials at the Texas Department of State Health Services.

The knowledge and evidence-based clinical practice guidelines to prevent, delay, manage and treat CKD are available but often are not consistently applied throughout physician practices and health care systems. Studies designed to assess variability in guideline adherence consistently identify two major barriers: lack of awareness or familiarity with the disease and difficulty translating complex guidelines into daily practice.

CKD is defined as a glomerular filtration rate (GFR) <60 ml/min/1.73 m² for ≥ 3 months, with or without kidney damage, or structural damage for ≥ 3 months with or without low GFR.

Publication in 2002 of the National Kidney Foundation Kidney Disease Outcomes Quality Initiative Clinical Practice Guidelines focused increased attention on the growing CKD problem. The NKF; National Kidney Disease Education Program, an initiative of the National Institutes of Health; the U.S. Centers for Disease Control and Prevention and several states are working to increase awareness and use of the K/DOQI guidelines among clinicians.

The guidelines provide evidence-based strategies to treat and manage CKD at each of its five stages as classified by level of estimated GFR.

CKD by Stage and Recommended Action

Stage	Description	GFR	Action
	Normal kidney function	≥ 60	Prevent chronic diseases
	Increased risk	≥ 60 (with CKD risk factors)	Screen for CKD risk factors Treat/manage CKD risk factors
1	Kidney damage with normal or increased GFR	≥ 90	Screen for CKD Diagnose/treat to slow progression Screen for CVD Educate patient on disease management Prevent/manage comorbid conditions
2	Kidney damage with mild decrease in GFR	60-89	Estimate progression Treat comorbid conditions
3	Moderate decrease in GFR	30-59	Evaluate/treat complications Refer to nephrologist
4	Severe decrease in GFR	15-29	Educate patient on kidney replacement options Prepare for renal replacement therapy
5	Kidney failure	<15	Kidney replacement by dialysis or transplant

continued on page 10

The guidelines also offer the following recommended minimum standards of patient care:

Determine patient risk:

- Diabetes
- Hypertension
- Cardiovascular disease (CVD)
- Family history
- Age 60 and above

Screen at-risk patients:

- Spot urine albumin to creatinine ratio to detect albuminuria
- Serum creatinine to estimate GFR – use prediction equation which factors in serum creatinine, age, gender, weight, race

Look for CKD markers:

- Albuminuria – >30mg of urinary albumin per gram of urinary creatinine
- GFR – <60 ml/min/1.73 m²
- Structural damage (discerned from imaging)

Diagnose:

- Evaluate for markers of kidney damage and for level of kidney function per GFR
- Determine underlying cause, comorbid conditions, disease severity, complications, stage
- Develop clinical action plan to slow progression

Treat/Manage:

- Prescribe ACE inhibitor and/or angiotensin receptor blocker to protect kidney function (monitor creatinine and phosphorous levels)
- Maintain blood pressure control: <130/80 mmHg
- Maintain strict glycemic control: A1c <7% for patients with diabetes
- Manage CVD risk factors
- Refer for medical nutrition therapy
- Encourage patient self-management
- Assess progression, adjust medications to current GFR
- Manage/treat comorbidities (CVD, diabetes, hypertension)
- Manage/treat complications (hypertension, anemia, dyslipidemia, mineral and bone disease)

Manage with nephrology:

- Consult at stage 1 if hematuria or significant proteinuria present
- Consult at stage 2 if GFR declines >4mL/min/year
- Refer at stage 3 or if GFR <30ml/min/1.73 m²
- Prepare for renal replacement therapy (RRT) in stage 4
 - Educate patient on RRT options
 - Prepare arteriovenous (AV) fistula at least 6 weeks to several months prior to hemodialysis
- Provide ongoing primary care

For more information about the Kidney Disease Outcomes Quality Initiative Clinical Practice Guidelines go to www.kidney.org/professionals/KDOQI/. ♦

RULE CHANGES

The board adopted the following rule changes that were published in the Texas Register (board rules are available at <http://www.tmb.state.tx.us/rules/rules/bdrules.php>):

Chapter 162, Supervision of Medical School and Physician Assistant Students: rule review and amendments to §162.1, Supervision of Medical Students.

Chapter 163, Licensure: amendments to §163.5, Licensure Documentation.

Chapter 165, Medical Records: amendments to §165.1, Medical Records; §165.5, Transfer and Disposal of Medical Records.

Chapter 166, Physician Registration: amendments to §166.2, Continuing Medical Education; and §166.6, Exemption from Registration Fee for Retired Physician Providing Voluntary Charity Care.

Chapter 169, Authority of Physicians to Supply Drugs: amendments to §169.7, Record Keeping.

Chapter 171, Postgraduate Training Permits: repeal of §171.7, Inactive Status.

Chapter 172, Temporary and Limited Licenses: amendments to §172.4, State Health Agency Temporary License, regarding duration of license.

Chapter 173, Physician Profiles: amendments to §173.1, Profile Contents.

Chapter 175, Fees, Penalties and Forms: amendments to §175.1, Application Fees; §175.3, Penalties.

Chapter 178 Complaints: Rule Review with amendments to §178.1, Purpose and Scope.

Chapter 179, Investigations, Rule Review with amendments to §179.1, Purpose and Scope; §179.4, Request for Information and Records from Physician; §179.6, Time Limits.

Chapter 180, Rule Review with amendments to §180.1, Rehabilitation Orders.

Chapter 182, Use of Experts, Rule Review with amendments to §182.1, Purpose; §18.5, Expert Panel; §18.8, Expert Physician Reviewers.

Chapter 183, Acupuncture: rule review with amendments to §183.2, Definitions; §183.4, Licensure; §183.10, Patient Records; §183.20, Continuing Acupuncture Education.

Chapter 185, Physician Assistants: amendments to §185.2, Definitions, revises the definition of a supervising physician to define and “unrestricted medical license.”

Chapter 187, Procedural Rules: §187.3, Computation of Time; §187.4, Agreement to be in Writing, §187.13, Informal Board Proceedings Relating to Licensure Eligibility; §187.14, Informal Resolution of Disciplinary Issues Against a Licensee; §187.18, Informal Show Compliance Proceeding and Settlement Conference Based on Personal Appearances; §187.24, Pleadings; §187.29, Mediated Settlement Conferences; §187.59, Evidence; §187.70, Purposes and Construction; §187.71, Hearing Before Panel of Board Representatives; §187.72, Decision of the Panel; §187.73, Termination of Suspension.

Chapter 189, Compliance Program: rule review and amendments to §189.1, Purpose and Scope; §189.2, Definitions; §189.4, Limitations on Physician Probationer’s Practice.

Chapter 190, Disciplinary Guidelines, Rule Review with amendments to §190.1, §190.14, Disciplinary Sanction Guidelines. Proposed §190.8, Violation Guidelines, was withheld for clarification and will be republished.

Chapter 192, Office Based Anesthesia, Rule Review with amendments to §192.2, Provision of Anesthesia Services in Outpatient Settings. ♦

Continued from page 8

Vu, Tammy, M.D., Lic. #L9537, Houston TX

On April 3, 2009, the Board and Dr. Vu entered into a two-year Agreed Order requiring that, for each year of the order, Dr. Vu obtain 20 hours of continuing medical education in high-risk obstetrics and that she pay an administrative penalty of \$2,000 within 90 days. The action was based on Dr. Vu’s failure to follow

up on tests ordered and to review tests results for an obstetrical patient whose ultrasound demonstrated intrauterine fetal growth retardation and whose fetus ultimately expired.

Wells, Terry L., M.D., Lic. #J1587, Lufkin TX

On April 3, 2009, the Board and Dr. Wells entered

continued on page 12

into an Agreed Order requiring that she have a chart monitor for one year. The action was based on Dr. Wells' failure to properly treat and document care of a diabetic patient over nine years.

Wallace, Brent Holmes, M.D., Lic. #F2093, Cleburne TX

On December 12, 2008, the Board and Dr. Wallace entered into a two-year Agreed Order requiring that Dr. Wallace's medical records be reviewed by a chart monitor; that he obtain an auditor to provide a practice review; that he obtain 10 hours of continuing medical education in medical recordkeeping and 10 hours in risk management; and that he pay an administrative penalty of \$5,000 within 180 days. The action was based on Dr. Wallace's failure to review documents of a colonoscopy and a barium enema of an anemic patient who was ultimately diagnosed with metastatic adenocarcinoma.

Ward, Phillip Andrew, D.O., Lic. #L6710, Anahuac TX

On February 6, 2009, the Board and Dr. Ward entered into an Agreed Order requiring that he have a practice monitor for one year and obtain 16 hours of continuing medical education in risk management, 16 hours of CME in office-based procedures, and eight hours of CME in medical recordkeeping. The action was based on his improper treatment of an ankle injury and his failure to release records for the patient.

Wright, Mark Lee, M.D., Lic. # H4810, Lewisville TX

On February 6, 2009, the Board and Dr. Wright entered into a Mediated Modified Agreed Order of public reprimand requiring that he abstain from prohibited substances; have a practice monitor for two years; continue care and treatment of a psychiatrist; complete the Annual Advances in Internal Medicine course offered by the University of California San Francisco; notify the Board if he wishes to change his practice responsibilities; attend Alcoholics Anonymous; obtain a mobile drug and formulary reference device; and pay an administrative penalty of \$5,000 within 300 days. The action was based on Dr. Wright's failure to meet the standard of care in treating seven patients while impaired by alcohol in 2001 and 2002.

Zertuche, Benjamin S., M.D., Lic. #L2066, Denton TX

On February 6, 2009, the Board and Dr. Zertuche entered into a three-year Agreed Order requiring that, for any high-risk obstetric patients, Dr. Zertuche obtain a consultation from a licensed Texas physician who is board certified in obstetrics and gynecology; that for one year he have a chart monitor with expertise in obstetrics; and that within one year he obtain 10 hours of continuing medical education in high-risk

obstetrics. The action was based on Dr. Zertuche's failure to meet the standard of care in treatment of a pre-term labor obstetrical patient who ultimately suffered placental abruption and resulting fetal demise. The order was effective March 30, 2009.

UNPROFESSIONAL CONDUCT VIOLATIONS

Baird, Kenneth E., M.D., Lic. #H5658, Plano TX

On April 3, 2009, the Board and Dr. Baird entered into an Agreed Order requiring that, within one year, he complete the professional boundaries course offered by Vanderbilt University or the University of California San Diego Physician Assessment and Clinical Education program; that for each of the next two years he obtain 10 hours of continuing medical education in ethics; and that within 180 days he pay an administrative penalty of \$10,000. The action was based on Dr. Baird's having had a sexual relationship with a patient.

Campbell, Odette L., M.D., Lic. #H9609, Denton TX

On April 3, 2009, the Board and Dr. Campbell entered into an Agreed Order requiring that, within 60 days, she pay an administrative penalty of \$1,000. The action was based on her responsibility in securing a cabinet from which 15 boxes of Fentanyl sublingual tablets were taken.

Davies, Dale Curtis, M.D., Lic. #K1409, Sherman TX

On February 6, 2009, the Board and Dr. Davies entered into a Mediated Agreed Order requiring that Dr. Davies pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Davies' not appropriately responding to a question on his license renewal registration regarding his arrest for driving while intoxicated.

Facello, James Anthony, D.O., Lic. #K3723, Marshall TX

On February 6, 2009, the Board and Dr. Facello entered into an Agreed Order of public reprimand requiring that Dr. Facello enroll in and successfully complete the professional boundaries course offered by Vanderbilt Medical Center for Professional Health or the similar course offered by the University of California San Diego Physician Assessment and Clinical Education ("PACE") program; obtain an independent medical evaluation within 90 days; remain in the care of a treating psychiatrist; and pay an administrative penalty of \$5,000 within 180 days. The action was based on Dr. Facello's having a consensual sexual relationship with a patient while continuing to treat and prescribe to the patient.

continued on page 14

Information for Physician Assistants with Prescriptive Authority

Effective September 1, 2008, state law requires that all prescriptions for controlled substances include the prescriber's controlled substance registration number issued by the Texas Department of Public Safety in addition to the United States Drug Enforcement Administration number. Physician assistants with prescriptive authority must put both DPS and DEA numbers on all prescriptions for controlled substances in Schedules III through V. Additional information is available on the DPS web site: http://www.txdps.state.tx.us/criminal_law_enforcement/narcotics/LegislativeUpdates.pdf

Physician assistants must have the name of their current delegating physician authorizing prescriptive authority on file with DPS. If a physician assistant does not notify the DPS of a new physician within 60 days of a supervision/delegation termination, the physician assistant's DPS number will be terminated.

- If you need to change or add delegating physicians on file with the DPS, this can be done on a modification form from the DPS website at: <http://www.txdps.state.tx.us/forms/index.htm#narcotics> This form *cannot* be used to renew your DPS registration.
- Updating your supervising physician with the TMB can be done on a form available on the TMB website at: <http://www.tmb.state.tx.us/professionals/physicianassist/licensed/pasupreg.php>

The following information from the Texas Administrative code, Title 37, Part 1, Chapter 13, Subchapter F, Rule §13.132 is available at: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac)

(g) Mid-level practitioners.

(1) each mid-level practitioner must have a supervisory physician delegating prescriptive authority as required by the Act, §481.002(39)(D). Each physician must certify the authorizing delegation on the mid-level practitioner's application and include the physician's:

- (A) name;
- (B) Texas Medical Board license number;
- (C) DPS registration number;

- (D) signature; and
- (E) date of signature.

(2) Effect of signature. A physician who signs a mid-level practitioner's application as the supervising physician assumes responsibility for ensuring that the mid-level practitioner practices under the laws of this state related to controlled substances prescribing activities. A physician who fails to properly monitor the mid-level practitioner's activities is subject to disciplinary action.

(3) Registration and License Status. A supervising physician must have an unrestricted and active DPS registration and Texas Medical Board license number.

(4) Change of Delegating Physician.

(A) A change of delegating physician must be submitted in writing as required in §13.208 of this title (relating to Requirements to Update Information).

(B) A delegating physician shall notify the director in writing to terminate delegation with a mid-level practitioner.

(5) Limitations. The physician is limited to the extent and number of mid-level practitioners that the physician delegated as outlined in Chapter 157, Occupations Code.

The following information from the Texas Administrative code, Title 37, Part 1, Chapter 13, Subchapter F, Rule §13.30 is available at: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac)

(e) Mid-level practitioner. Upon dissolution of a professional relationship between a mid-level practitioner and the delegating physician, the mid-level practitioner has no authority to distribute, prescribe, possess, or dispense a controlled substance. If the mid-level practitioner does not have a new delegating physician certifying delegation within 60 days after the dissolution of such relationship, the director may terminate the registration of the mid-level practitioner.

Prescription Information

Effective September 1, 2008, all prescriptions for Schedule II-V controlled substances must contain the information below (provided by the DPS) to be considered valid and, subsequently, filled:

- quantity of the substance prescribed (written as both a number and as a word);

continued on page 14

- date of issue (cannot be postdated);
 - name, address, and date of birth or age of patient;
 - name and strength of the controlled substance prescribed;
 - directions for the use of the controlled substance;
 - intended use of the substance prescribed unless the practitioner determines the furnishing of this information is not in the best interest of the patient;
 - printed or stamped name, address, DEA registration number, and telephone number
- of the practitioner's usual place of business;
 - the signature of the prescribing practitioner, unless the prescription is called in to the pharmacy
 - the practitioner's current and valid DPS registration number for practitioners licensed in Texas. The DPS registration number *must belong to the practitioner issuing the prescription*; the prescribing practitioner may be a properly registered physician assistant or an advanced practice nurse on Schedules III-V prescriptions. ♦

Gomez, Minerva Pinon, M.D., Lic. #H3677, Dallas TX

On February 6, 2009, the Board and Dr. Gomez entered into a three-year Agreed Order of public reprimand requiring that Dr. Gomez take and pass the Texas Medical Jurisprudence Examination within one year; limit her practice to a group or institutional setting; obtain 32 hours of continuing medical education in family practice and 10 hours in medical record-keeping within one year; obtain 50 hours of Category I continuing medical education in years two and three; and revise her physician profile to indicate that she is not board certified. The action was based on Dr. Gomez's operating an unlicensed retail pharmacy, providing and/or charging patients for medications from her office practice location.

Gross, Rickey L., M.D., Lic. #H1096, Brownsville TX

On April 3, 2009, the Board and Dr. Gross entered into an Agreed Order requiring that, within one year, Dr. Gross obtain 10 hours of continuing medical education in risk management; take and pass the Texas Medical Jurisprudence Examination; and pay an administrative penalty of \$1,000 within 180 days. The action was based on Dr. Gross' failure to respond to Board requests for medical records and his failure to notify the Board of his change of address.

Hamilton, Timothy T., M.D., Lic. #L2921, Las Vegas NV

On February 6, 2009, the Board and Dr. Hamilton entered into an Agreed Order requiring that he pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Hamilton's writing a prescription for a co-worker in the name of someone he had never met or treated.

McLean, Paul Eugene, M.D., Lic. #E2719, Midland TX

On December 12, 2008, the Board and Dr. McLean entered into an Agreed Order of public reprimand requiring that, within one year, Dr. McLean take and pass the Texas Medical Jurisprudence Examination within three attempts. The action was based on Dr. McLean's making a false entry in a medical record stating he saw an emergency room patient whom he did not see.

Isern, Reuben A., M.D., Lic. # E8585, Beaumont TX

On February 6, 2009, the Board and Dr. Isern entered into an Agreed Order requiring that within one year he obtain 30 hours of continuing medical education in ethics or risk management and that he take and pass the Texas Medical Jurisprudence Examination. The action was based on Dr. Isern's failure to provide medical records and failure to cooperate with Board staff.

Lloyd, Alan T., M.D., Lic. #J6160, San Antonio TX

On February 6, 2009, the Board and Dr. Lloyd entered into an Agreed Order of public reprimand requiring that, within one year, Dr. Lloyd successfully complete either the professional boundaries course offered by the Vanderbilt Center for Professional Health or the similar course offered by the University of Southern California San Diego Physician Assessment and Clinical Education course; take and pass the Texas Medical Jurisprudence Examination within three attempts; and within 90 days pay an administrative penalty of \$10,000. The action was based on Dr. Lloyd's having a sexual relationship with a patient and inappropriately prescribing dangerous drugs or controlled substances to that patient.

Okonji, Catherine Uchechukwu, M.D., Lic. #L7507, Houston TX

On December 12, 2008, the Board and Dr. Okonji entered into an Agreed Order requiring that, within one year, she take and pass the Texas Medical Jurisprudence Examination within three attempts; that she obtain 10 hours of continuing medical education in ethics; and that she pay an administrative penalty of \$500. The action was based on Dr. Okonji's allowing a health care services company to use her Medicare number fraudulently.

Price, Clinton C., M.D., Lic. #L4657, Seguin TX

On February 19, 2009, the Board and Dr. Price entered into an Agreed Order requiring that within one year Dr. Price enroll in an anger management course and a Prevention and Management of Aggressive Behavior course and pay an administrative penalty of \$500 within 180 days. The action was based on Dr. Price's striking an adolescent psychiatric patient who had spit on him and kicked him.

Torres, Richard R., M.D., Lic. #K6943, Rockwall TX

On April 3, 2009, the Board and Dr. Torres entered into an Agreed Order requiring that, within 180 days, he take the anger management course of the University of California San Diego Physician Assessment and Clinical Education program. The action was based on Dr. Torres' verbal abuse and physical intimidation towards hospital personnel in the Dallas Regional Medical Center Emergency Room in March, 2008.

Waller, Stephen Frank, M.D., Lic. #F8724, Conroe TX

On February 6, 2009, the Board and Dr. Waller entered into an Agreed Order requiring that within one year Dr. Waller obtain 20 hours of continuing medical education in medical recordkeeping; within one year he take and pass the Texas Medical Jurisprudence Examination; and within 60 days he pay an administrative penalty of \$2,500. The action was based on Dr. Waller's failure to provide medical records in response to a Board subpoena and failure to cooperate with a Board investigation.

VIOLATION OF PROBATION OR PRIOR ORDER

Green, Demetris A., M.D., Lic. #J4168, Houston TX

On April 3, 2009, the Board and Dr. Green entered into an Agreed Order requiring that, within 30 days, he begin paying drug testing company First Advantage at least \$300 per month. All other provisions of his August 16, 2002, Agreed Order remain in effect. The action was based on Dr. Green's violation of a 2007

modification order requiring him to pay his debt to First Advantage down to zero by September 1, 2008.

King, Clarence G. Jr, M.D., Lic. #E1883, San Antonio TX

On April 3, 2009, the Board and Dr. King entered into a Mediated Agreed Order extending his June 6, 2006, Agreed Order for an additional three years, to June 6, 2015, without opportunity to request early termination. The action was based on Dr. King's testing positive for a banned substance in a drug screen.

Kornell, Bernard, M.D., Lic. #F2308, Duncanville TX

On April 3, 2009, the Board and Dr. Kornell entered into a Mediated Agreed Order by which his license is revoked for 90 days, after which the revocation will be stayed and probated; that within 90 days Dr. Kornell enroll in the University of California San Diego Physician Assessment and Clinical Education program; and that within one year he take and pass the Texas Medical Jurisprudence Examination. The action was based on Dr. Kornell's failure to implement practice improvements recommended by a chart monitor required in his previous order.

Werner, Timothy H., D.O., Lic. #G4508, Dallas TX

On December, 12, 2008, the Board and Dr. Werner entered into an Agreed Order of Suspension, suspending Dr. Werner's medical license for at least 12 months. The action was based on Dr. Werner's failure to comply with provisions of previous Board orders related to his impairment.

Williams, Michael D., D.O., Lic. #H2907, Midlothian TX

On April 3, 2009, the Board and Dr. Williams entered into a two-year Mediated Agreed Order requiring that he pay outstanding billing owed to his chart monitor; that he limit procedures in his office or performed on an outpatient basis to those requiring only local anesthesia and no IV anesthesia; that he not perform surgical cosmetic procedures until he has completed a surgical resident training program approved by the American College of Graduate Medical Education; that he obtain at least 10 hours of continuing medical education in management of outpatient sedation and anesthetic drugs, at least 20 hours in any combination of medical recordkeeping, professional boundaries and medical ethics with at least five hours taken in each category; that he maintain adequate medical records and continue to have a chart monitor. The action was based on Dr. Williams' noncompliance with a February 3, 2006, Agreed Order.

continued on page 16

ACTIONS BASED ON ACTION BY ANOTHER STATE OR ENTITY

Alhassan, Abdul-Aziz, M.D., Lic. #K6794, Texas City TX

On April 3, 2009, the Board and Dr. Alhassan entered into a five-year Agreed Order requiring a chart monitor and requiring Dr. Alhassan to obtain 10 hours of continuing medical education in recognizing, diagnosing and treating substance abuse. The action was based on Dr. Alhassan's entering into a Consent Order with the Louisiana Board of Medicine based on allegations of nontherapeutic prescribing.

Bafitis, Harold, D.O., Lic. #F9155, Wellington FL

On December 12, 2008, the Board and Dr. Bafitis entered into an Agreed Order requiring that he take 10 hours of continuing medical education in ethics and pay an administrative penalty of \$1,000 within 60 days. The action was based on action by the Florida Board of Osteopathic Medicine because of Dr. Bafitis' using on himself and giving to staff members unapproved botulinum neurotoxin type A.

Bernauer, Robert Dale, M.D., Lic. #E2465, Lake Charles LA

On December 12, 2008, the Board and Dr. Bernauer entered in an Agreed Order of Voluntary Surrender in which Dr. Bernauer permanently and voluntarily surrendered his Texas medical license. The action was based on action by the Louisiana State Board of Medical Examiners' regarding Dr. Bernauer's lengthy medical malpractice history.

Estlund, Gregory John, M.D., Lic. #E4322, Baldwin WI

On December 12, 2008, the Board and Dr. Estlund entered in an Agreed Order requiring that he comply with any terms and conditions imposed by the Medical Examining Board of the state of Wisconsin. The action was based on a reprimand by the Wisconsin Medical Examining Board for Dr. Estlund's failing to meet the standard of care in the treatment of a patient in a VA hospital in Wisconsin.

Gilmore, Kathleen Mary, M.D., Lic. #M4094, Plymouth MI

On February 6, 2009, the Board and Dr. Gilmore entered into an Agreed Order requiring that Dr. Gilmore pay an administrative penalty of \$1,000. The action was based on the Illinois Department of Financial and Professional Regulation's action against Dr. Gilmore for allowing a prescription to be issued under her name to a patient she did not see.

Hyman, Miles D., M.D., Lic. #D0920, Franklin NC

On April 3, 2009, the Board and Dr. Hyman entered into an Agreed Order requiring that, within one month, Dr. Hyman request in writing that the North Carolina Medical Board provide a report regarding his compliance with the terms of a 2008 Consent Order. The action was based on action by the North Carolina Medical Board.

Kobs, Darcey Gus Jr., M.D., Lic. #D2565, Hattiesburg MS

On February 6, 2009, the Board and Dr. Kobs entered into an Agreed Order of voluntary surrender. The action was based on action by the Mississippi State Board of Medical Licensure.

Liu, James H., M.D., Lic. #K0898, San Gabriel CA

On April 3, 2009, the Board and Dr. Liu entered into an Agreed Order of public reprimand requiring that, within 30 days, he pay an administrative penalty of \$1,000 and that he provide written notice to the Board 90 days beforehand if he decides to return to Texas to practice.

Newman, Robert C., M.D., Lic. #G6979, Gainesville FL

On April 3, 2009, the Board and Dr. Newman entered into an Agreed Order requiring that, within 60 days, he pay an administrative penalty of \$1,000. The action was based on action by the Florida Department of Health after he failed to remove a portion of a stent during a nephrectomy, resulting in the patient's second surgery. The problem was recognized while the patient was in the recovery room, and it was immediately addressed.

Rea, Gary Lynn, M.D., Lic. #E6576, Columbus OH

On February 6, 2009, the Board and Dr. Rea entered into an Agreed Order requiring him to pay an administrative penalty of \$1,000 within 90 days. The action was based on action taken by the North Carolina Board based on a malpractice settlement in Ohio.

Starkey, Thomas David, M.D., Lic. #G3814, Christiansted VI

On March 9, 2009, the Board and Dr. Starkey entered into an Agreed Order of indefinite term which requires that Dr. Starkey not practice medicine in Texas until such time as he can provide clear and convincing evidence to the Board that he can safely resume the practice of medicine in this state. The evidence must include, at minimum, documents and records related to any surgical patients and/or surgeries performed within the two-year period prior to the request. The action was based on an adverse malpractice verdict in

a Wisconsin surgery case involving a patient who died. As a result of the decision, Dr. Starkey agreed to a voluntary surrender of his Wisconsin license to resolve pending disciplinary proceedings before the Wisconsin Medical Board.

Thompson, Marcel D., D.O., Lic. #L7220, Round Rock TX

On April 3, 2009, the Board and Dr. Thompson entered into an Agreed Order requiring that within one year he take the professional boundaries course of the University of California San Diego Physician Assessment and Clinical Education program. The action was based on action taken by the military.

INADEQUATE MEDICAL RECORDS

Allen, Joe Daniel M.D., Lic. #C8879, Port Neches TX

On December 12, 2008, the Board and Dr. Allen entered into an Agreed Order requiring that, within one year, Dr. Allen obtain eight hours of continuing medical education in medical recordkeeping. The action was based on his medical records being illegible and inadequate for one patient.

Badea-Mic, Daniela, M.D., Lic. #J6863, Corpus Christi TX

On February 6, 2009, the Board and Dr. Badea-Mic entered into an Agreed Order requiring that Dr. Badea-Mic obtain eight hours of continuing medical education in medical record-keeping and eight hours of CME in diagnosing psychiatric disorders. The action was based on Dr. Badea-Mic's failure to properly document diagnoses and her medical reasoning for the drugs and dosages she prescribed for three psychiatric patients.

Blackwell, Michael Lee, M.D., Lic. #J3695, Tomball TX

On December 12, 2008, the Board and Dr. Blackwell entered into an Agreed Order requiring that Dr. Blackwell obtain five hours of continuing medical education in medical recordkeeping and five hours in risk management within one year and pay an administrative penalty of \$1,000. The action was based on Dr. Blackwell's failure to provide adequate documentation in support of treatments and procedures provided to one surgery patient.

Beasley, George M., D.O., Lic. #H7882, Fort Worth TX

On December 12, 2008, the Board and Dr. Beasley entered into a Mediated Agreed Order requiring that Dr. Beasley's medical records be reviewed by a chart monitor for six months and that he pay an administrative penalty of \$500. The action was based on Dr.

Beasley's failure to provide adequate documentation of the history and examination of one patient.

Callahan, Robert G., M.D., Lic. #K8046, Carthage TX

On April 3, 2009, the Board and Dr. Callahan entered into an Agreed Order requiring that, within one year, he obtain 10 hours each of continuing medical education in physician-patient communication and medical recordkeeping. The action was based on poor documentation and communications regarding treatment of several members of a family injured in an automobile accident.

Crouch, Mark C., D.O., Lic. #H6139, Hamilton TX

On February 6, 2009, the Board and Dr. Crouch entered into an Agreed Order requiring that he have a practice monitor for six months; obtain 10 hours of continuing medical education in risk management and 10 hours in medical recordkeeping within one year; and pay an administrative penalty of \$1,000 within 60 days. The action was based on Dr. Crouch's failure to have proper documentation to support his prescribing a diuretic to, and discussing the risks of low potassium levels as a possible side effect of diuretic use with, a weight management patient.

Crowder, Janice R., M.D., Lic. #H9059, Webster TX

On April 3, 2009, the Board and Dr. Crowder entered into a one-year Agreed Order requiring that she maintain accurate and adequate medical records; that her practice be monitored for one year; and that she obtain five hours of continuing medical education in ethics and 10 hours in medical recordkeeping. The action was based on her incomplete and untimely medical records and her suspension from one hospital because of her delinquent records.

Fontenot, William Lindsey, M.D., Lic. # L0176, Lawrenceburg TN

On December 12, 2008, the Board and Dr. Fontenot entered into an Agreed Order requiring that Dr. Fontenot pay a \$5,000 administrative penalty. The action was based on Dr. Fontenot's failure to maintain adequate medical records.

Geralde, Renato A., D.O., Lic. #M0728, San Antonio TX

On April 3, 2009, the Board and Dr. Geralde entered into an Agreed Order requiring that, within one year, Dr. Geralde obtain 10 hours of continuing medical education in medical recordkeeping. The action was based on medical records that were inadequate regarding documentation of patient evaluations and treatment for allergic rhinitis in two patients.

Hinshaw, Luke Ruch, M.D., Lic. #L8077, Lubbock TX

On December 12, 2008, the Board and Dr. Hinshaw entered into an Agreed Order requiring that, within one year, Dr. Hinshaw obtain 10 hours of continuing medical education in medical recordkeeping. The action was based on Dr. Hinshaw's failure to properly document a hospital patient's physical, history, synopsis of stay, review of diagnostics and care, discharge medications or discharge summary.

Khan, Rashid, M.D., Lic. #K4470, Houston TX

On April 3, 2009, the Board and Dr. Khan entered into an Agreed Order requiring that, within one year, Dr. Khan obtain 10 hours of continuing medical education in medical recordkeeping. The action was based on Dr. Khan's failure to document an abdominal examination and a cervical spine x-ray in a patient who had been in an auto accident.

Leytham, Thomas J., M.D., Lic. #J9161, San Antonio TX

On April 3, 2009, the Board and Dr. Leytham entered into an Agreed Order requiring that, within one year, he obtain 10 hours of continuing medical education in psychiatric evaluations for the family practitioner and five hours of CME in medical recordkeeping. The action was based on Dr. Leytham's failure to document histories, physicals, follow-ups, diagnoses, treatment plans and justification for use of pain medicines and other drugs.

Nolen, Ann H., D.O., Lic. #G1494, Georgetown TX

On April 3, 2009, the Board and Dr. Nolen entered into an Agreed Order requiring that she have a practice monitor for one year; that within one year she obtain 15 hours of continuing medical education in medical recordkeeping; and that within 60 days she pay an administrative penalty of \$500. The action was based on insufficient office records, proper evaluation, physical examination, cranial nerve examination, history, diagnosis, imaging studies, or consideration of alternative treatments relating to headaches for which a patient required long-term daily Bupap therapy.

Pallares, Victor, M.D., Lic. #J3867, Harlingen TX

On April 3, 2009, the Board and Dr. Pallares entered into a Mediated Agreed Order requiring that, within one year, he obtain 10 hours each of continuing medical education in risk management/ethics, treatment of chronic pain, and medical recordkeeping; and that within 180 days he pay an administrative penalty of \$5,000. The action was based on inadequate documentation of multiple injections administered for pain treatment.

Pittard, Carlton D., M.D., Lic. #C6476, Grapevine TX

On April 3, 2009, the Board and Dr. Pittard entered into an Agreed Order requiring that, within one year, Dr. Pittard obtain eight hours of continuing medical education in medical recordkeeping and that he pay an administrative penalty of \$500 within 60 days. The action was based on inadequate medical records regarding increasing the dose of Adderall prescribed for a patient.

Snow, Robert Glenn, D.O., Lic. #H8420, Hurst TX

On February 6, 2009, the Board and Dr. Snow entered into an Agreed Order requiring that Dr. Snow attend the University of Southern California San Diego Physician Assessment and Clinical Education medical recordkeeping course or 20 hours of continuing medical education in medical recordkeeping. The action was based on Dr. Snow's failure to properly document postoperative care in a Lap-Band surgery patient.

Trester, Elliot J., M.D., Lic. #F3364, Austin TX

On December 12, 2008, the Board and Dr. Trester entered into a one-year Agreed Order requiring that, within one year, Dr. Trester obtain 10 hours of continuing medical education in risk management and 10 hours CME in medical recordkeeping. The action was based on Dr. Trester's failure to adequately document oxygen saturation levels and discussion of options for treatment for a patient with chronic obstructive pulmonary disease and respiratory failure.

Yusuf, Qaiser Jamal, M.D., Lic. #J1818, Baytown TX

On February 6, 2009, the Board and Dr. Yusuf entered into an Agreed Order requiring that he pay an administrative penalty of \$2,000 within 60 days, while keeping all provisions of his December 8, 2008, Agreed Order. The action was based on Dr. Yusuf's failure to document justification for EMGs on one patient.

Zarcone, Gregory S., D.O., Lic. #L8252, Pittsburg TX

On April 3, 2009, the Board and Dr. Zarcone entered into an Agreed Order requiring that, within one year, he obtain eight hours each of continuing medical education in management of chronic pain and medical recordkeeping. The action was based on Dr. Zarcone's prescribing excessive amounts of pain medication without adequate review of previous records and treatment and on his failure to adequately track quantities of narcotics he was prescribing.

FORMAL COMPLAINTS

Formal Complaints have been filed with the State Office of Administrative Hearings regarding the licensees listed below. Formal Complaints are public documents and are posted on physician profiles on the TMB web site.

The Texas Occupations Code, Medical Practice Act, defines a Formal Complaint as follows: Sec. 164.005. INITIATION OF CHARGES; FORMAL COMPLAINT.

... “formal complaint” means a written statement made by a credible person under oath that is filed and presented by a board representative charging a person with having committed an act that, if proven, could affect the legal rights or privileges of a license holder or other person under the board’s jurisdiction...

“...A formal complaint must allege with reasonable certainty each specific act relied on by the board to constitute a violation of a specific statute or rule.”

These cases were unresolved at the time of publication.

Name	License No.	Date filed	Allegations
Bashar Alaswad, M.D.....	K0597.....	12/19/08.....	Failure to practice consistent with public health and welfare; nontherapeutic prescribing.
Joel Alvear, M.D.	L1514.....	1/9/09.....	Unprofessional conduct by engaging in sexual conduct with a patient and sexually inappropriate behavior and behaving in an abusive manner toward a patient.
Isam N. Anabtawi, M.D.	D5588.....	3/11/09.....	Violations of board rules related to medical records and pain medication guidelines; unprofessional conduct; nontherapeutic prescribing.
Robert M. Battle, M.D.....	D2355.....	1/28/09.....	Failure to meet the standard of care; violation of Board Rule 200 regarding Complementary and Alternative Medicine; providing medically unnecessary services
Stuart A. Bergman Jr., M.D.....	D5914.....	11/17/08.....	Failure to practice consistent with public health and welfare; unprofessional conduct; nontherapeutic prescribing; failure to meet the standard of care; inability to practice due to intemperate use of alcohol or drugs.
Michael H. Bertino, M.D.....	D4928.....	3/17/09.....	Inadequate medical records; nontherapeutic prescribing; improper billing; failure to meet the standard of care in treatment of multiple patients.
Sebastian A. Bourgeois, M.D.....	BP1-001066710/31/08.....		Unprofessional conduct; disciplinary action by peers.
C.C. Chase, M.D.	K5080.....	10/29/08.....	Unprofessional conduct; improper billing.
Phillip D. Cochran, M.D.....	L0092.....	4/24/09.....	Unprofessional conduct; improperly providing medication samples; violating patient confidentiality; inadequate medical records; providing false information

continued on page 20

		to the board; engaging in a sexual relationship with a patient; nontherapeutic prescribing.	
Brent J. Coleman, D.O.....	G3241	4/1/09	Failure to comply with a board order; inability to practice because of excessive use of drugs, narcotics or other substances; unprofessional conduct.
Daniel A. Crain, D.O.	J4063	3/17/09	Violation of Board rule requiring physician to be responsible for medical records after leaving practice and to release medical records upon proper request; unprofessional conduct.
Rodney N. Dotson, M.D.....	D9988	11/3/08	Failure to practice consistent with public health and welfare; failure to meet the standard of care; unprofessional conduct; nontherapeutic prescribing; violation of a previous order; inadequate medical records.
Denise R. Greenwood, M.D.....	J7977	10/23/08	Unprofessional conduct (failure to cooperate with board staff); action by other states.
Walid H. Hamoudi, M.D.....	K7027	3/6/9	Failure to practice consistent with public health and welfare; unprofessional conduct; nontherapeutic prescribing; inadequate medical records.
James M. Henderson, M.D.	E4398	4/20/09	Unprofessional conduct; failure to adequately supervise; failure to maintain adequate medical records.
Mircea I. Lengyel, M.D.....	D2805	4/24/09	Unprofessional conduct; failure to meet the standard of care; inadequate medical records; nontherapeutic prescribing.
Rodolfo M. Lozano, M.D.....	L1927	4/17/09	Unprofessional conduct, failure to meet the standard of care; negligence; failure to disclose alternative treatments; nontherapeutic prescribing; failure to maintain adequate medical records.
Brian D. Rappe, D.O.....	J4981	12/19/08	Unprofessional conduct; failure to release medical records and notify patients of closing his practice; failure to cooperate with board staff.
Rudulfo L. Rivera, M.D.....	E6894	2/13/09	Failure to practice consistent with public health and welfare; failure to properly delegate drug management; failure to meet the standard of care; nontherapeutic prescribing; aiding and abetting the unlicensed practice of medicine; improper delegation.
James C. Rorig, M.D.	L9586	12/30/08	Failure to practice consistent with public health and welfare; negligence in performing medical services; inadequate medical records.
Gustav R. Schmiede Jr., M.D.....	F5036	4/20/09	Failure to maintain adequate medical records.
Ricky Allen Siewert, D.O.....	G2576	1/9/09	Failure to practice consistent with public health and welfare; unprofessional conduct; nontherapeutic prescribing; failure to comply with drug guidelines.
Lorenzo Spratt, M.D.....	F9031	11/15/09	Inability to practice with reasonable skill and safety due to excessive use of alcohol or drugs; violation of probation; unprofessional conduct.
John A. Standefer, M.D.....	F2038	2/21/09	Failure to practice consistent with public health and welfare; failure to meet the standard of care; false advertising; inadequate medical records.

Jorge E. Tijmes, M.D.	E3784	11/7/08	Failure to practice consistent with public health and welfare; unprofessional conduct; nontherapeutic treatment.
John P. Walker, M.D.	G0254	4/20/09	Unprofessional conduct; failure to meet the standard of care; aiding and abetting the unlicensed practice of medicine; failure to properly supervise.
Robert G. Wilkerson Jr., M.D.	D4359	1/24/09	Violation of board rules regarding treatment of pain and maintenance of medical records; improper delegation; failure to meet the standard of care; nontherapeutic prescribing; unprofessional conduct.
James C. Womack, M.D.	C7834	10/28/08	Failure to practice consistent with public health and welfare; failure to meet the standard of care; unprofessional conduct; violation of the law related to the practice of medicine, inadequate medical records; nontherapeutic prescribing; inadequate medical records.
James R. Young, M.D.	K4616	10/29/08	Unprofessional conduct (disruptive behavior adversely impacting patient care); disciplinary action by peers.
Jorge C. Zamora-Quezada, M.D. ...	J0739	10/28/08	Failure to practice consistent with public health and welfare; failure to meet the standard of care; unprofessional conduct; providing medically unnecessary services; excessive and improper billing; nontherapeutic prescribing; inadequate medical records.

Continued from page 18

IMPAIRMENT DUE TO ALCOHOL OR DRUGS OR MENTAL/PHYSICAL CONDITION

Borders, Rebecca, M.D., Permit #BP10023545, Houston TX

On December 12, 2008, the Board and Dr. Borders entered into a one-year Agreed Order requiring that she abstain from prohibited substances; be subject to random alcohol and drug screens; and continue to see her treating psychiatrist. The action was based on Dr. Borders' intemperate use of drugs and alcohol.

Bowers, Robert M., M.D., Lic. #H9808, Tyler TX

On April 3, 2009, the Board and Dr. Bowers entered into a 15-year Agreed Order requiring that Dr. Bowers abstain from consuming prohibited substances and participate in the Board's drug-testing program. The action as based on his abuse of hydrocodone and other drugs.

Coleman, Brent J., D.O., Lic. #G3241, Laguna Vista TX

On January 21, 2009, after notice and hearing, the Board entered an Automatic Suspension Order for an indefinite period against Brent J. Coleman, D.O., for violations of a 2008 Agreed Order, which required, among other provisions, that Dr. Coleman submit to random alcohol and drug screenings to ensure abstinence. The immediate suspension of Dr. Coleman's

license was based on his violation of the 2008 order as evidenced by positive tests, some of which were at extremely high levels, for EtG (an alcohol metabolite) on eight occasions within an approximate six-week period from December 2008 through early January 2009.

ADVERTISING VIOLATION

Carter, Richard Alan, D.O., Lic. #G6913, Arlington TX

On February 6, 2009, the Board and Dr. Carter entered into an Agreed Order requiring that Dr. Carter revise and clarify his advertising to remove false, misleading, unsubstantiated or exaggerated claims, and pay an administrative penalty of \$5,000. The action was based on Dr. Carter's deceptive advertisements for a weight-loss product and claims that he is "America's weight-loss doctor" and one of the most "successful bariatric surgeons in the nation."

NONTHERAPEUTIC PRESCRIBING

Anderson, Charles P., M.D., Lic. #E1801, San Marcos TX

On April 3, 2009, the Board and Dr. Anderson entered into an Agreed Order requiring that he have a practice monitor for three years; prohibiting him from prescribing drugs with potential for abuse unless

continued on page 22

medically indicated; requiring that he obtain five hours of continuing medical education in medical record-keeping and 10 hours of CME in pain management; that he take and pass the Texas Medical Jurisprudence Examination; and that he pay an administrative penalty of \$1,000 within 180 days. The action was based on his lack of adequate medical records and overlooking indications of drug-seeking behavior in a patient.

Gibson, Donald, II, M.D., Lic. #H5209, Houston TX

On November 18, 2008, the Board and Dr. Gibson entered into a five-year Agreed Order of public reprimand that required Dr. Gibson to surrender DEA and DPS prescribing certifications for Schedule II and III controlled substances, become educated on all federal and state laws for prescribing controlled substances and dangerous drugs, have his medical records reviewed by a chart monitor and, for each year of the order, obtain 10 hours of continuing medical education in medical recordkeeping and 10 hours of CME in ethics. The action was based on Dr. Gibson's nontherapeutic prescribing and inadequate medical record documentation in four patient cases.

Bui, Tony T., M.D., Lic. #K2314, Dallas TX

On April 3, 2009, the Board and Dr. Bui entered into an Agreed Order requiring that, within one year, Dr. Bui take and pass the Texas Medical Jurisprudence Examination; within two years he take 10 hours of continuing medical education in ethics; that he have a practice monitor for two years; and that he pay an administrative penalty of \$4,000 by September 15. The action was based on Dr. Bui's prescribing Jinotropin, a non-FDA approved human growth hormone, and on a disputed positive drug screen while Dr. Bui was under a previous Agreed Order.

Esparza, Gina M., M.D., Lic. #L2237, San Antonio TX

On April 3, 2009, the Board and Dr. Esparza entered into an Agreed Order requiring that, within one year, she complete five hours of continuing medical education in medical recordkeeping at the University of California San Diego Physician Assessment and Clinical Education program and 10 hours of the PACE professional boundaries CME. The action was based on Dr. Esparza's prescribing anabolic steroids and other controlled substances to a patient with whom she was in a personal relationship.

Kloeris, Steven P., M.D., Lic. #F6828, Webster TX

On April 3, 2009, the Board and Dr. Kloeris entered into a three-year Agreed Order of public reprimand requiring that his practice be monitored; that within

one year he obtain 24 hours of continuing medical education, including at least eight hours each in medical recordkeeping, pain management and risk management; and that he pay an administrative penalty of \$15,000 within 60 days. The action was based on his failure to meet the standard of care with regard to pain management prescribing for three patients.

McCall, Norman J., M.D., Lic. #E6137, Fort Worth TX

On April 3, 2009, the Board and Dr. McCall entered into an Agreed Order requiring that, within 30 days, he submit names of treating psychiatrists for himself and begin recommended care and treatment within 60 days after approval of a treating psychiatrist; surrender his DPS and DEA controlled substances registration for five years; and not treat his immediate family members or prescribe dangerous drugs or controlled substances with addictive potential to his immediate family. The action was based on Dr. McCall's fraudulently prescribing controlled substances for a family member without legitimate medical purpose.

Shaughnessy, Dennis M., M.D., Lic. #F7913, Midland TX

On April 3, 2009, the Board and Dr. Shaughnessy entered into an Agreed Order of public reprimand restricting him from supervising or delegating to physician assistants or advanced practice nurses or supervising a surgical assistant; prohibiting him from treating chronic pain patients; requiring that he surrender his DEA and DPS controlled substances registration; provide a copy of the order to any employer; and pay an administrative penalty of \$5,000 within 180 days. The action was based on Dr. Shaughnessy's nontherapeutic prescribing of Lortab, methadone, Soma, Oxycontin and other drugs to multiple patients.

Watkins, Ulysses Wesby, M.D., Lic. #F8727, Houston TX

On December 12, 2008, the Board and Dr. Watkins entered into a three-year Agreed Order of public reprimand requiring that Dr. Watkins' medical records be reviewed by a chart monitor and that, within one year, he take and pass the Texas Medical Jurisprudence Examination within three attempts. The action was based on Dr. Watkins' failure to comply with Board rules relating to pain management practice; nontherapeutic prescribing; a repeated practice of improperly prescribing for persons who he should have known were abusers of such drugs; and a pattern of prescribing such drugs without first establishing a proper professional relationship with the patients.

New Physician Licenses Issued, December 2008-April 2009

The Texas Medical Board issued or reissued licenses to 1,467 physicians between December 12, 2008, and April 3, 2009. The board congratulates the following new Texas licensed physicians:

Aashish, Anunaya, MD * Abad, John Daniel, MD * Abair, Christine Hansum, MD * Abalihi, Carol Ngozi, MD * Abdalrahman, Ihab Babiker, MD * Abdulla, Cedela, MD * Abdulla, Zainab, MD * Abele, Travis Austin, MD * Abraham, Kianne, MD * Abraham, Reeni Ann, MD * Abraham, Selwin John, MD * Acevedo Espinoza, Sonia Maria, MD * Aderholdt, Karen Gale, MD * Adetona, Olutola Olugbenga, MD * Adeyinka, Adebayo, MD * Adhvaryu, Amita, MD * Aftab, Lalaruh Khan, MD * Agadi, Satish, MD * Agbo, Osmund Ugochukwu, MD * Agersborg, Sally Suzanne, MD * Agim, Onyinye Amara, MD * Aguayo Orozco, Alberto, MD * Aguirre, Vincent, MD * Ahluwalia, Manmeet Singh, MD * Ahmad, Nabil, MD * Ahmad, Waqar, MD * Ahmed, Ibrahim Abdel Kader Sayed, MD * Ahmed, Shahnaz, MD * Ahmed, Moiz, MD * Aitelli, Cristi Lynn, DO * Aizpuru, Richard Neal, MD * Akahara, Obidike Richard, MD * Akinlawon, Akintayo Oluwatoshin, MD * Albitar, Mohammad Fares, MD * Ales, Noel Cristin, DO * Aleti, Venkata Saikrishna, MD * Alexander, Ronda Ebony, MD * Alhazim, Dina, MD * Ali, Rafeeq Adnan, MD * Ali, Kamran Babar, MD * Alizadeh Naderi, Amir Said, MD * Alleman, David George, MD * Allen, Jason Wells, MD * Allen, Robert Arthur, MD * Allen, Andrew Winchester, DO * Almidani, Mazen Alkahwaji, MD * Almonte-Gonzalez, Jennifer Melissa, MD * Almounajjed, Azzam, MD * Alonso, Guy Todd, MD * Alprin, Clifford Neil, MD * Alvares, Michael Louis, MD * Alvarez, Aixa Lymarie, MD * Amajoh, Nwanyieze Ivana, MD * Amer, Aaliya Islam, MD * Amos, Lindsey Dickerson, MD * An, Young C., MD * Anand, Vishal Sunil, MD * Anand, Suwarna, MD * Anandam, Joselin Leelavathy, MD * Anderson, Glenn Brian, MD * Anderson, Christopher Todd, MD * Andrews, Gordon Ted, MD * Anekwe, Emmanuel Chukwuemeka, MD * Ang-Ermocilla, Beatriz Lao, MD * Angulo Pernet, Freddy, MD * Antonelli, Elena, MD * Anunobi, Endaline Amaka, MD * Arabolu, Sashi Venkat, MD * Araj, Faris, MD * Aranda Jaimes, Jorge Fernando, MD * Arazi, Teofilo Juan Carlos, MD * Arenivas, Lova Tiana, MD * Arizpe, Nicholas, MD * Arnold, Jennifer Lynn, MD * Arora, Rohit, MD * Arora, Rashmi, MD * Arsenault, Todd Michael, MD * Artme, Carlos Alejandro, MD * Arya, Monisha, MD * Asfour, Abedelrahim, MD * Asham, Emad Hakeem, MD * Ashraf, Syed Saud, MD * Asrabadi, Adib, DO * Athar, Haris, MD * Atieh, Samir Rafiq, MD * Atkinson, Brandon Scott, DO * Attia, Engi Farouk, MD * Augustin-Wheeler, Rosie, MD * Aung, Myo, MD * Austin, Shannon, MD * Ayers, Karyn Marie Jester, MD * Aziz, Sameh, MD * Aziz, Asif, MD * Babaria, Namrata, MD * Babber, Bhavana, MD * Bailey, Alden Gregory, MD * Bains, Leigh Anne, MD * Baker, Ashley Ann, MD * Balachandra, Shivaiah, MD * Baldi, Tiffany, MD * Balic, Ivana, MD * Balldin, Bjorn Christian, MD * Banchs, Jose, MD * Bancroft, Gregory Nelson, MD * Bansal, Vivek, MD * Bansal, Shweta, MD * Bao, Shipping, MD * Bapna, Vini, MD * Barker, Luke Anthony, MD * Barnhill, Mary Anne, MD * Bartels, Diane Gouge, MD * Bashir, Qaiser, MD * Basiouni, Basiouni M, DO * Baskin, Joel Reed, MD * Batra, Sukhpreet S., MD * Batts, Travis Carlos, MD * Baum, Laura Marie, MD * Beadle, Beth Michelle, MD * Bean, Gregg William, MD * Beatty, William Coombs, MD * Bechtold, Olga V, MD * Beckwith, Stephen Reed, MD * Bediako, Ebenezer Sampong, MD * Bedoya, Joseangel Damian, MD * Beeson, James Harold, MD * Beizai, Pouneh, MD * Bell, Atiba Eugene, MD * Bell Matesoi, Diana, MD * Belsha, Jerissa, MD * Benedetti, Philip Frank, MD * Benson, Clayne, MD * Benson, Emily Suzanne, MD * Berg, Anthony Park, MD * Bergeson, Ryan Kirkhus, MD * Berry, Paul Anthony, MD * Berry, John Nathan, MD

* Bertles, Ann Marie, MD * Bessler, Robert Aaron, MD * Bhojani, Rehal Abbas, MD * Bhora, Milapchand Ajaykumar, MD * Bienen, Thomas, MD * Bilhartz, Teri Noel, DO * Billingsley, Travis Allen, MD * Bishara, Mark Allen, MD * Black, Thomas Daniel, MD * Blackwelder, John Timothy, MD * Blackwelder, Genevieve Jimenez, MD * Blackwell, Kissi Rosabel, MD * Blaue, Barrett Randall, MD * Bledsoe, Christopher Shaun, MD * Blond, Liesa Greer, MD * Blueitt, Damond, MD * Bobba, Madhuri, MD * Bogitch, Ray Michael, MD * Bokhari, Malak, MD * Boland, Pamela Gray, MD * Bolar, Sudhir Narayana, MD * Bollineni, Srinivas, MD * Boltan, Lindsay Elizabeth, MD * Bong, Jeffrey Soon, DO * Bosquez, Elizabeth Lee, MD * Boudjenah, Djillali, MD * Boudreaux, Bridget Ann, MD * Bowers, Eve Nichole, MD * Bowman, Erin Marie Kellogg, MD * Boya, Gushyalatha, MD * Bradford, Jason Clark, MD * Bramlett, Jason Lee, MD * Braxton, Brian Eric, MD * Bray, David Wayne, MD * Breedlove, Rachel Leigh, MD * Brener, Seth Adam, MD * Briggs, Emily D, MD * Bright, Jeana A., DO * Bronstein, Yulia, MD * Brooks, Heather Dawn, MD * Brouha, Brook Lucien, MD * Brouha, Sharon Sudarshan, MD * Brown, Steven Wallace, MD * Brown, Theresa Poth, DO * Brown, Travis Gregory, MD * Brown, William Ross, MD * Brown, Aaron Reed, MD * Browne, Catherine P., DO * Bruner, Terrence Weston, MD * Brunetti-Pierri, Nicola, MD * Buehler, Greg Bennett, MD * Bulczak, Dariusz Piotr, MD * Burns, Paul Aaron, MD * Burri, Manjula Vani, MD * Burrows, Patricia Elizabeth, MD * Burton, Russell Keith, MD * Butt, Salman Saeed, MD * Buzenas, Darius Alexander, MD * Byrd, Callie Anne, MD * Cadena Zuluaga, Jose A, MD * Cahill, Daniel Patrick, MD * Cairo Lavado, Javier Benito, MD * Cameron, Todd Elliot, DO * Cameron, Susan Michelle, MD * Campbell, Melinda Ann, MD * Campbell, Christopher Alan, MD * Campbell, Lynn Renee, MD * Camrud, Marissa Ann, MD * Cannon, Dean M., MD * Capecci, Kendall Louis, MD * Capocyan, Lorelei Cabrera, MD * Capps, Erin F, MD * Carling, Nicholas Patrick, MD * Carlson, Blake Arnett, MD * Carpenter, Becky Lynn Murray, MD * Carroll, Amy, MD * Cartaya, Ezequiel Bernard, MD * Carter, Brett Wilson, MD * Carter, Jason Daniel, MD * Casanova, Edward, MD * Castellanos, Mario Eduardo, MD * Castillo, Brian, MD * Castro, Mary Jane Sunga, MD * Caughron, Justin Derek, MD * Chaiyarat, Walailuk, MD * Chamarthi, Malathi, MD * Chan, Joanna, MD * Chander, Ajay, MD * Chandrasekaran, Obulakshmi Priya, MD * Chandy, Binoy Mathew, MD * Chang, Shiliang, MD * Charnsangavej, Nalinda, MD * Chau, Lieu Ngoc, DO * Chavez Valdez, Raul, MD * Cheema, Faisal Nawaz, MD * Chen, Kenneth, MD * Chen, Qi Xin, MD * Chen, Jeffrey, MD * Cheng, Sam Siu Lun, MD * Chennareddygar, Swapna, MD * Chiang, Melissa Phyllis, MD * Chilvers, Rebecca Ann, MD * Chintala, Deepa, MD * Chiou, Peter Y, MD * Cho, Derrick Hyoung-Jin, MD * Choi, Lorraine, MD * Chong, Edward Ming-Tai, MD * Chou, Michael Li-Chien, MD * Choudhry, Vineet, MD * Choudry, Rabia Bano, MD * Chukwu, Ikedieze Igwe, MD * Chumley, Christopher Ray, MD * Chung, Andy Tuan Anh, MD * Chung, Hui-Yong, MD * Chung, Stephanie Therese, MD * Ciurea, Stefan Octavian, MD * Clark, Perrin Christopher, MD * Clark, Clarence Edward, MD * Cler, Leslie Ryan, MD * Cockrill, Tonya Christine, MD * Coff, Philip Matthew, MD * Cohen, Karen H, MD * Cohen, Steven Mark, MD * Coimbra, Maria De Lourdes Moutta Calado, MD * Coleman-Laster, Nichelle Diane, MD * Collier, Trenton Randall, MD * Colmener, Heather, MD * Colombo, Stacy Marie, MD * Colque, Molly Joy, MD * Colvin, Julie Xindaris, MD * Cook, Patrick Russell, DO * Cooke, Jonathan Edward, MD * Cooper, Christopher Royce, MD * Cordero, Luis, MD * Cordes, Brett McCormack, MD * Cornett, Joseph Edward, MD * Cotton, Bryan Alan, MD * Craenen, Geert, MD * Craig, Jason Allen, MD * Craigmiles, Laura Ann, DO * Crandall, Eric Bringhurst, MD * Creekmore, Tina Lynn, MD * Creel, Bradley, MD * Crisp-Han, Holly Diane, MD * Crouch, John, MD * Crownover, Richard Lynn, MD * Crusier, Daniel Lawrence, MD * Crutchley, Teresa Ann, MD *

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Kamal, DO * Shah, Nirav Jitendra, MD * Shah, Dar Bharat, MD *
Shah, Neeraj Bhagwan, MD * Shah, Shilpa, DO * Shakouri, Alireza

Allen, MD * Shama, Zareena, MD * Shanina, Elena, MD * Sharma, Meenu, MD * Sharma, Naginder, MD * Sharma, Pooja Bhawana, MD * Sharma, Devesh, MD * Sharp, Hadley Jean, MD * Shchelochkov, Oleg Anatolyevich, MD * Sheely, Christina Marie, DO * Sheikh, Sarah Hussain, DO * Sheikh, Kazim Ali, MD * Shelton, Kevin James, MD * Shelton, Gregory Scott, MD * Sheppard, Lisa M, MD * Shet, Prakash Shivaram, MD * Shirodkar, Alka, MD * Siddiqua, Tahrin, MD * Siddiqui, Reaz Mahmood, MD * Siemens, Richard Lee, MD * Silverblatt, Nancy Sue, MD * Simmons, John Franklin, MD * Simpkins, Nicole, MD * Simpson, Corey Brooke, MD * Singh, Punita, MD * Singh, Lakhwant, DO * Singh, Prachi, MD * Singleton, Terrica Rochelle, MD * Sirsi, Deepa, MD * Siskowski, Matt Robert, MD * Smith, Craig Anthony, MD * Smith, Oluwatosin Urowoli, MD * Smith, Kyle Preston, DO * Smith, Nathan Michael, MD * Smith, Benjamin David, MD * Smith, Chad Richard, MD * Smith, Tessa Evelt, MD * Smith, Sharon Althea, MD * Smith, Justin Ray, MD * Smith-Knuppel, Teresa Kay, MD * Smith-Sham, Stephanie Dee, MD * Sodhi, Jagdeep Singh, MD * Sokol, Matthew Peter, MD * Soto, Efrain E, MD * Soudan, Khaldoun, MD * Speidel, Francis Xavier, MD * Spillman, Monique Ann, MD * Spinks, Shaun Robert, MD * Splenser, Andres Efrain, MD * Sreenath Nagamani, Sandesh Chakravarthy, MD * Srivastava, Neeraj, MD * Stacey, Joanna, MD * Stahl, Benjamin, MD * Steigman, Carmen Kay, MD * Stephens, Robert Paul, MD * Stocco, Amber Jo, MD * Stone, Adam, MD * Stoos, Autumn Eve, DO * Stroope, Shannon O'neal, MD * Styrvoky, Ann Elizabeth, MD * Subbaraman, Aparna, MD * Subhan, Alia, MD * Suede, Charles Alan, MD * Sugalski, Aaron Jon, DO * Sugar, Scott Louis, MD * Sule, Norbert, MD * Sullivan, Patrick Philip, MD * Sum Ping, Sam Thio, MD * Sun, Qiang, MD * Sun-Wright, Amie Mao, MD * Supaswud, Tingnong, MD * Surovik, Jamie Goodall, MD * Swanson, Megan Ann, MD * Syed, Nayyar Tauheed, MD * Szeto, Douglas Bryan, MD * Tabaczewski, Piotr H, MD * Tadjali, Azita Kazemini Monfared, MD * Takahashi, Guy Hideo, MD * Talavera, Julie Marie, MD * Tamirisa, Aparna, MD * Taneja, Vibha, MD * Tanner, Dennis James, MD * Taquet, Sybil Jane, MD * Tarakji, Muhammad Anas, MD * Tasneem, Zareen, MD * Tasneem, Tehmina, MD * Tavee, Winston Danai, MD * Taylor, Peter Andrew, DO * Taylor, Myiesha Draon Nancy, MD * Taylor, Shane Rollin, DO * Taylor, Shakaala Rhakel, MD * Tee, Ronald George, MD * Teff, Richard John, MD * Terlecki, Theresa Marosi, MD * Terry, Jill Rachel, DO * Thestrup, Lars, MD * Thibodeau, Bryan Christopher, MD * Thomas, Vanessa, MD * Thomas, Winifred Nancy, MD * Thomas, Judy Lynn, MD * Thomas, Patrick Bruce, MD * Thomas, Nathan Truett, MD * Thompson, Corey Adam, MD * Thompson, Alexander Wesley, MD * Thornton, Nathan Lee, MD * Tibrewal, Anil Kumar, MD * Tidroski, Christopher, DO * Tigel, Phillip David, MD * Tilleros, Elisabeth Anne, MD * Tilley, Molly Ann, MD * Tinkler, Brandon Allen, MD * Tipirneni, Samatha, MD * Tison, Brian Edward, MD * Todaro, Matthew Anthony, MD * Todd, Michael Shannon, DO * Tolin, Fredrik Paul, MD * Tomacruz, Yvette Corinne, MD * Torkelson, Nina Lee, MD * Toro, Maria Teresa, MD * Torres, Monica, MD * Torres, Victor Jesus, MD * Torres, Miriam Marleny, MD * Torres, Francisco Javier, MD * Torres, Saul, MD * Tran, Mai Thi, MD * Tran, Phuong Huynh, MD * Tran, Hien Thien-Hai, MD * Trappey, George Joseph, MD * Trazzera, Melissa Lillyan, DO *

Trenschel, Robert John, DO * Troiano, Robert Michael, MD * Trotter, James Ford, MD * Truong, Tiep Buu, MD * Trussell, Joshua Kyle, MD * Tudi, Savitha Reddy, MD * Tunstall, Stanley Ray, MD * Tyler, Tana Corliisha, MD * Uddin, Muhammad Moin, MD * Uddin, Fatema Sultana, MD * Uduebo, Jerry Ainene, MD * Um, Se Young, MD * Umber, Afia, MD * Unzueta-Hernandez, Mary Richelle, MD * Urs, Niveditha, MD * Uyesugi, Walter Yutaka, DO * Vachhani, Shital, MD * Vaillant, Brian David, MD * Vallejo-Manzur, Jose Federico, MD * Van Arsdall, Melissa Renee, MD * Van Buren, Peter Noel, MD * Van Delden, Ellen Swann, MD * Van Zandt, Bryan Lee, MD * Vanden Berge, Kevin Marinus, MD * Varadarajan, Shruti, MD * Varav, Kalle, MD * Vardhini, Kumudini, MD * Vargas, Daniel, MD * Varghees, Sunita Elizabeth, MD * Vasek, James Vencil, MD * Vasudevan, Madhuri Mukhopadhyay, MD * Vayner, Oleg, MD * Vedati, Durga Prasad, MD * Vega Dulanto, Ivanoe Jose Antonio, MD * Vegi, Srivalli, MD * Vegunta, Ravindra Kumar, MD * Velagapudi, Shanti, MD * Velan, Prabhu Mani, MD * Velazco, Jorge Francisco, MD * Velazquez, Francisco Ramon, MD * Velez-Martinez, Mariella, MD * Ver Halen, Jon Peter, MD * Viator, Mickey James, MD * Vidaurri, Lytorre Denise, MD * Villamil, Miguel A, MD * Vineyard, Joseph Carmichael, MD * Vinh, Baominh Philip, MD * Viswam, Gita, MD * Vohra, Sameera, MD * Voskuhl, Gene Wayne, MD * Vossoughi, Faranak, MD * Vu, Julie Khanh, MD * Vu, Khang Nguyen, MD * Wageneck, Robert Allan, DO * Wagner, Tara Tilicek, MD * Wai, Shannon San San, MD * Walker, Angela Fields, MD * Walker, Bettina Bridgford, MD * Walker, Eric Alfred, MD * Walker Ellis, Danya Khalilah, MD * Wall, Mark Burnette, MD * Wang, David William, MD * Wang, Wei-Lien Billy, MD * Ward, Jennifer Elaine, DO * Warren, Lezlie Rene, MD * Warthan, Molly Mae, MD * Waruingi, Wambui, MD * Washington, Evelyn T, MD * Watson, Scott Karl, MD * Watson, Clay Conrad, MD * Watts, Greta Yvonne, MD * Webb, Heather Rebecca, MD * Weingarten, Marvin Jacob, MD * Weissensee, Anne Marjorie, MD * Weiss, Katherine Jean, MD * Whitaker, Gary Laurence, MD * Whitaker, Duane Cole, MD * Wiese, Don Edward, MD * Wieser, Beth Renee, DO * Wild, Jeffrey Layman, MD * Williams, Nathan Edward, MD * Williams, Michael Brandon, MD * Willoughby, Vickie, DO * Wilson, Benjamin Scott, MD * Wilson, Frederic Jean-Francoise, MD * Wimberly, Jennifer Markusic, MD * Winslow, Heather Hahn, MD * Witherspoon, Scott Robert, MD * Witte, Katherine Elizabeth, MD * Wittenberg, Keith Hunt, MD * Wohlwend, John, MD * Woitalla, Finbar Francis, DO * Wold, Peter Brandford, MD * Wolff, James Daniel, MD * Wong, Adrian Alexander, MD * Wong, Robert William, MD * Woods, Amy Powers, MD * Woolard, Robert, MD * Wright, Russell W, MD * Wynn, Andrew Joseph, MD * Wynne, Abigail Flores, MD * Yallampalli, Sasidhar, MD * Yaltho, Toby C, MD * Yang, Fan, MD * Yang, Eric Yota, MD * Yarbrough, Shannon, MD * Yau, Peter, MD * Yazbeck, Moussa Fouad, MD * Yerger, Nathan Kody, MD * Yoo, Sonja Lee, DO * Yoon, Caroline Kun, MD * Yoon, Hooby Pius, DO * Young, Angeline An, MD * Young, Amber Elizabeth, MD * Youssef, Emad Fouad, MD * Yue, Joyce Won-Kai, MD * Zahn, Jennifer Hayden, MD * Zehr, Kenton James, MD * Zelisko, Michael Blaine, MD * Zem, Carlos Henrique, MD * Zinn, Brandon Keith, DO * Zolfoghary, Miriam Christine, MD

Continued from page 22

PEER REVIEW ACTIONS

Rodriguez-Salinas, Filiberto, M.D., Lic. #G4201, McAllen TX

On April 3, 2009, the Board and Dr. Rodriguez-Salinas entered into an Agreed Order requiring that within 60 days he write a letter of apology to "C.M."; that within one year he take the anger management course of the

University of California San Diego Physician Assessment and Clinical Education program; that he notify the Board of any complaint against him about his behavior at any hospital where he has privileges; and that within 90 days he pay an administrative penalty of \$5,000. The action was based on his disruptive behavior toward hospital personnel.

continued on page 28

Santos, Alejandro, M.D., Lic. #H1725, Dallas TX

On April 3, 2009, the Board and Dr. Santos entered into an Agreed Order requiring that, within one year, he obtain 10 hours of continuing medical education in risk management and 10 hours CME in managing surgical complications; and pay an administrative penalty of \$1,000 within 60 days. The action was based on Methodist Health System's decision not to renew his clinical privileges.

FAILURE TO PROPERLY SUPERVISE OR DELEGATE

Blais, Robert E., M.D., Lic. #J5080, Austin TX

On April 3, 2009, the Board and Dr. Blais entered into an Agreed Order requiring that, within one year, he take and pass the Texas Medical Jurisprudence Examination and that he pay an administrative penalty of \$3,000 within 90 days. The action was based on Dr. Blais' failure to adequately supervise clinical staff of a laser tattoo removal business acting under his supervision.

De Hoyos, Julia, D.O., Lic. #K5088, New Braunfels TX

On December 12, 2008, the Board and Dr. De Hoyos entered into an Agreed Order requiring that, within one year, she take and pass the Texas Medical Jurisprudence Examination within three attempts and that she pay an administrative penalty of \$1,000. The action was based on Dr. De Hoyos' hiring and use of a consultant and a physician who was not licensed in Texas to teach Dr. De Hoyos and an associate a facial suspension lift surgery.

Meyerrose, Gary Eugene, M.D., Lic. #J4921, Lubbock TX

On December 12, 2008, the Board and Dr. Meyerrose entered into an Agreed Order requiring him to pay a \$1,000 administrative penalty within 90 days. The action was based on his signing blank records when he was aware that a cardiology fellow under his supervision had failed to complete patient rounds diagnosis records in a timely fashion, and allowing the fellow to submit them after Dr. Meyerrose signed them.

CRIMINAL CONVICTIONS

De Carvalho, Guaracy, M.D., Lic. #E3677, Corpus Christi TX

On April 3, 2009, the Board and Dr. De Carvalho entered into an Agreed Order revoking Dr. Carvalho's Texas medical license. The action was based on Dr. Carvalho's conviction of a Class D federal felony.

Maynard, Daniel, D.O., Lic. #E1669, Dallas TX

On April 3, 2009, the Board entered a final order revoking Dr. Maynard's license. The action was based on his plea of no contest to a second-degree felony of delivery of a prescription or a prescription form without a valid medical purpose. The physician may file a motion for rehearing within 20 days of the order. If a motion 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.

Patel, Jayshree H., M.D., Lic. #F6300, Sugar Land TX

On April 3, 2009, the Board and Dr. Patel entered into an Agreed Order of voluntary revocation of her Texas medical license. The action was based on her felony conviction on 10 counts of healthcare fraud.

Tschen, Luis Fernando, M.D., Lic. #K7405, Angleton TX

On December 12, 2008, the Board and Dr. Tschen entered into an Agreed Order revoking Dr. Tschen's license, staying the revocation and placing him on probation for 10 years. In addition, the order requires that he abstain from prohibited substances; submit to the Board's drug and alcohol testing program; receive care from a treating psychiatrist; continue receiving care from his treating psychologist; pay his outstanding drug-testing balance; limit his practice to an in-office group practice with his current group; not treat his immediate family; surrender his DPS and DEA controlled substance permits; participate in Alcoholics Anonymous; and not delegate prescriptive authority to mid-level practitioners. In addition, a practice partner must submit monthly progress reports during the first six months of the order. The action was based on Dr. Tschen's plea of no contest to a felony aggravated assault with a deadly weapon charge for which he received six years of deferred adjudication stemming from his May 2007 arrest for assaulting his wife with a knife.

Van Wormer, Mark Edward, M.D., Lic. #H5986, Clayton NM

On February 6, 2009, the Board issued a Final Order revoking Dr. Van Wormer's license. The action was based on findings by an Administrative Law Judge at the State Office of Administrative Hearings that Dr. Van Wormer was found guilty of a felony, misbranding a drug, and he was incarcerated in a federal correction facility. Dr. Van Wormer had 20 days to file a Motion for Rehearing. He did not file a Motion for Rehearing. Therefore, the order is final and Dr. Van Wormer's license is revoked effective March 3, 2009.

Winkler, David C., M.D., Lic. #L3876, Kerrville TX

On April 3, 2009, the Board and Dr. Winkler entered into an Agreed Order of voluntary surrender of his Texas medical license. The action was based on Dr. Winkler's conviction of a federal felony for possession of child pornography.

REVOCATIONS/SURRENDERS

Crandall, Dora Busby, M.D., Lic. #G5884, New Braunfels TX

On February 6, 2009, the Board and Dr. Crandall entered into an Agreed Order of voluntary surrender of her license. The action was based on Dr. Crandall's desire to avoid further investigations, hearings, and the expense and inconvenience of litigation.

Henderson, Harold C., M.D., Lic. #G3937, Dallas TX

On April 3, 2009, the Board and Dr. Henderson entered into an Agreed Order of voluntary revocation of Dr. Henderson's Texas medical license. The action was based on his inability to practice medicine safely due to his mental and physical condition.

Hoyt, Thomas Alan, M.D., Lic. #G7234, Bryan TX

On December 12, 2008, the Board and Dr. Hoyt entered into an Agreed Order of Voluntary Surrender in lieu of further disciplinary proceedings related to his failure to obtain required continuing medical education.

McIntosh, Alice M., D.O., Lic. #H2071, San Antonio TX

On April 3, 2009, the Board and Dr. McIntosh entered into an Agreed Order of voluntary surrender of her medical license. The action was based on her surrendering her DPS controlled substance registration, her physical impairment and her wish to no longer practice medicine.

Perez-Rodriguez, Enrique Rafael, Lic. #K2172, San Antonio TX

On April 3, 2009, the Board entered a Default Order against Dr. Perez-Rodriguez, revoking his license. Dr. Perez-Rodriguez had been placed on drug-related felony deferred adjudication in 2006, but failed to timely notify the Board as required. After Dr. Perez-Rodriguez notified the Board in 2008, the Board inquired for further information, but he also failed to notify the Board of a change in his practice address as required, and the request was undeliverable. The Board also learned Dr. Perez-Rodriguez missed his deferred adjudication appearances from July through September 2007. The Board then filed a Complaint with the State Office of Administrative Hearings. All facts alleged in the complaint were therefore deemed admitted, and

Dr. Perez-Rodriguez's medical license was revoked by default order.

Pope, Donald Delmer, M.D., Lic. #F4386, Brownwood TX

On February 6, 2009, the Board and Dr. Pope entered into an Agreed Order of voluntary revocation of Dr. Pope's license. The action was based on Dr. Pope's plea of guilty to felony charges of aggravated sexual assault of a child.

Rao, Narasimha S., M.D., Lic. #E7716, Marion IL

On February 6, 2009, the Board and Dr. Rao entered into an Agreed Order of voluntary surrender of his Texas medical license. The action was based on adverse action reports to the National Practitioner Data Bank based on the Veteran's Affairs Medical Center in Marion, IL, revoking Dr. Rao's medical privileges.

Shanti, Ihsan, M.D., Lic. #K4562, Houston TX

On December 12, 2008, the Board and Dr. Shanti entered into a five-year Agreed Order of Surrender. The action was based on Dr. Shanti's deception and fraud in his medical billing practices and his related entry of guilty pleas, and placement on deferred adjudication, for criminal charges stemming from these practices.

Shin, James Young-Jin, M.D., Lic. #J0794, Fort Worth TX

On December 12, 2008, the Board and Dr. Shin entered into an Agreed Order of Voluntary Surrender. The action was based on Dr. Shin's plea agreement with federal prosecutors related to possession of child pornography.

Wheeler, Douglas Wayne, M.D., Lic. #F8731, Glenmora LA

On February 6, 2009, the Board and Dr. Wheeler entered into an Agreed Order in which he permanently and voluntarily surrendered his Texas medical license. The action was based on Dr. Wheeler's noncompliance with previous orders and findings that he is unable to practice medicine with reasonable skill and safety due to his medical condition.

TEMPORARY ACTIONS

Anderson, Eli T., M.D., Lic. #E6214, Houston TX

On November 14, 2008, a Disciplinary Panel of the Board entered a Temporary Suspension Order With Notice of Hearing against Dr. Anderson's medical license. The action was based on evidence that Dr. Anderson tested positive for a cocaine metabolite in June, 2008, while undergoing drug testing required as a condition of his placement on five years deferred ad-

continued on page 30

judication probation for possession of cocaine, a third degree felony, in Clay County, Texas, in June, 2005. In 2007, Dr. Anderson was again arrested in Lubbock for possession of drug paraphernalia. In addition, at the temporary suspension hearing, Dr. Anderson admitted on the judicial record that he had used cocaine since 2002, and as recently as November, 2008.

Henderson, Harold Clay, M.D., Lic. #G3937, Dallas TX

On October 27, 2008, a Disciplinary Panel of the Board entered an Order of Temporary Suspension Without Notice of Hearing against Dr. Henderson's medical license. The action was based on evidence that Dr. Henderson may be physically and/or mentally impaired as the result of a 1997 brain injury, that his medical condition has subsequently deteriorated, that he has been self-prescribing dangerous drugs, and that he has been non-compliant with recommended medical therapy. In addition, the Board also found evidence that Dr. Henderson aided and abetted the practice of medicine by a physician he employed after he knew the physician's license was suspended by the Board.

McFarland, Bruce, M.D., Lic. #H3353, Corpus Christi TX

On March 16, 2009, the Board entered an Automatic Suspension Order against Dr. McFarland after determining that he had violated a previous disciplinary order by testing positive for the consumption of alcohol in late December 2008. The November 30, 2007, Agreed Order required, among other provisions, that Dr. McFarland submit to random alcohol and drug screenings to ensure abstinence from alcohol and other prohibited substances, and provided that any violation could result in an automatic suspension of his license. The automatic suspension will remain in effect until the Board takes further action.

Perry, John Edward III, M.D., Lic. #L1430, Conroe TX

On December 9, 2008, a Disciplinary Panel of the Board entered an Order of Temporary Restriction With Notice of Hearing against Dr. Perry's medical license. The action was based on violations on the standard of care, nontherapeutic prescribing, prescribing to persons engaged in substance abuse or diversion, and failing to adequately supervise the activities of persons operating under his supervision. These findings were made as the result of a criminal investigation involving patients who had obtained narcotics prescriptions from clinics under Dr. Perry's medical direction. The order temporarily restricts Dr. Perry from prescribing any Schedule II or III controlled

substances and further restricts him from supervising or delegating any prescriptive authority to physician assistants or advance practice nurses.

Pigott, Shirley, M.D., Lic. #F7054, Victoria TX

On March 24, 2009, the Board temporarily suspended Dr. Pigott's license. The action was based on Dr. Pigott's failure to comply with a previous Board order, unprofessional and dishonorable conduct, and impaired mental status. The suspension remains in effect until the Board takes further action.

Ramahi, Randy, D.O., Lic. #J4462, Arlington TX

On March 11, 2009, the Board suspended Dr. Ramahi's license without notice, and on March 23, 2009, the Board entered an order of temporary suspension with notice. The actions were based on evidence that Dr. Ramahi—who has a history of prescribing controlled substances to himself and/or family members; being under psychiatric care for addiction-related issues; and having been disciplined by the Board—had prescribed narcotics for himself and/or family members in September 2008. In January 2009, Dr. Ramahi again prescribed controlled substances for a family member, and without a valid DEA or DPS certifications for prescribing such drugs. The suspension remains in effect until the Board takes further action.

CONTINUING MEDICAL EDUCATION VIOLATIONS

Campo, Jose, M.D., Lic. #E1524, Boca Raton FL

On February 6, 2009, the Board and Dr. Campo entered into an Agreed Order requiring that he obtain all required continuing medical education, including ethics, for the March 1, 2006, through February 28, 2008, renewal period within 90 days. The action was based Dr. Campo's failure to obtain required CME, including two hours of ethics, during that period.

Guerra, Jose de Jesus, M.D., Lic. #C7622, Austin TX

On December 12, 2008, the Board and Dr. Guerra entered an Agreed Order requiring that, within 90 days, Dr. Guerra obtain 29 hours of continuing medical education, two of which must be in ethics. The action was based on Dr. Guerra's failure to complete required CME.

Gabier, Wendell, D.O., Lic. #D2006, Splendora TX

On December 12, 2008, the Board and Dr. Gabier entered an Agreed Order requiring that, within 90 days, Dr. Guerra obtain two hours of continuing medical education in ethics. The action was based on Dr. Gabier's failure to complete required CME.

ADMINISTRATIVE AGREED ORDERS

Hammerick, John M., M.D., Lic. #D7073, Corpus Christi TX

On April 3, 2009, the Board and Dr. Hammerick entered into an Agreed Order requiring that, within 60 days, he pay an administrative penalty of \$1,000. The action was based on his failure to provide a patient with contact information for the Board upon request, while instead providing the number of the local county medical society, and his failure to display the proper Texas Medical Board complaint procedure notification in his office as required by law.

Hughes, Mark R., M.D., Lic. #H4426, Grosse Pointe MI

On December 12, 2008, the Board and Dr. Hughes entered an Administrative Agreed Order requiring that Dr. Hughes pay a \$2,500 administrative penalty. The action was based on Dr. Hughes' failing to provide the Board with documentation to show completion of the continuing medical education when the Board requested the information for the period June 2005 through May 2006.

Mickish, Alan Bart, M.D., Lic. #E1059, Eastland TX

On December 12, 2008, the Board and Dr. Mickish entered an Administrative Agreed Order requiring that Dr. Mickish pay a \$1,000 administrative penalty. The action was based on Dr. Mickish's failure to properly supervise office staff who did not make a correction to a called-in prescription upon request of a patient.

VIOLATION OF A BOARD RULE

Pandya, Rajanikant P., M.D., Lic. #J7619, Midland TX

On April 3, 2009, the Board and Dr. Pandya entered into a one-year Agreed Order in which Dr. Pandya will have a practice monitor. The action was based on Dr. Pandya's providing free samples of hydrocodone to a new patient in quantities beyond the patient's immediate needs. Dr. Pandya purchased and repackaged the hydrocodone; it was not provided to him free of charge nor prepackaged by the original manufacturer. Dr. Pandya is not authorized to operate a pharmacy in Texas.

MODIFICATIONS TO PREVIOUS ORDERS

Boyles, Rick Allen, M.D., Lic. #J6345, Jasper TX

On February 6, 2009, the Board and Dr. Boyles entered into an Agreed Order requiring that he remain in the Board's drug-testing program until August 25, 2016; abstain from consuming all prohibited substances; continue to participate in Alcoholics Anonymous and Narcotics Anonymous; not treat his immediate family or prescribe drugs with addictive potential to

himself or family members. In addition, the order lays out conditions for his possession and prescribing of dangerous drugs and controlled substances. He is allowed to practice outside an institutional setting but must notify the Board of any change in practice setting; he may delegate to a surgical assistant, physician assistant or advanced practice nurse. The action was based on his compliance with a previous order and his need to change practice setting.

Cartwright, Gregory Bryan, M.D., Lic. #H7544, Arlington TX

On December 12, 2008, the Board and Dr. Cartwright entered into an Agreed Order modifying a previous order to allow Dr. Cartwright to see his treating psychiatrist no less than twice a month, and after six months he may reduce the frequency to once a month. The action was based on his compliance with a 2004 order.

Loya, Juan Francisco, M.D., Lic. #J4309, El Paso TX

On December 12, 2008, the Board and Dr. Loya entered into a Modified Agreed Order modifying a previous order to allow Dr. Loya to reapply for his DEA and DPS controlled substances registration. The action was based on his compliance with a 2004 order.

Rhodes, Ernesto Philip, M.D., Lic. #J3886, Midland TX

On February 6, 2009, the Board and Dr. Rhodes entered into a Mediated Agreed Order modifying prior order staying Dr. Rhodes' automatic suspension order of January 15, 2008, and extending his Agreed Order of August 13, 2004, 15 years from the date of this order; requiring that he obtain 10 hours of continuing medical education in obstetrics and gynecology within 90 days; observe gynecological surgery once a week for a period of 90 days; receive an independent medical evaluation by a board certified psychiatrist who is also an addictionologist; abstain from consumption of prohibited substances; participate in the Board's drug-testing program; and pay an administrative penalty of \$1,000 within 180 days. The action was based on his compliance with the terms of his temporary suspension order.

Ruggiero, Michael F., D.O., Lic. #H9144, Bryan TX

On December 12, 2008, the Board and Dr. Ruggiero entered into an Agreed Order Modifying Prior Order changing the amount of continuing medical education to a total of 45 hours, including 15 hours in medical recordkeeping, 15 hours in risk management and 15 hours in pain management. The action was based on Dr. Ruggiero's difficulty in finding sufficient CME to satisfy requirements of the prior order.

continued on page 32

Sauceda, Francisco B., M.D., Lic. #H8375, Benavides TX

On April 3, 2009, the Board and Dr. Saucedo entered into an Agreed Order allowing Dr. Saucedo to reapply for DEA and DPS controlled substances registration and requiring that he maintain a logbook of all dangerous drugs and controlled substances that he prescribes. The action was based on Dr. Saucedo's employment in a rural, federally funded clinic, and his being able to bill Medicare and receive drug samples would be a benefit to patients and the public.

White, Stephen, M.D., Lic. #L3183, Longview TX

On December 12, 2008, the Board and Dr. White entered into a Modified Agreed Order staying his suspension and placing him on probation for 15 years under certain terms and conditions, including the following: that he limit his practice to a residency or mini-residency; abstain from consuming prohibited substances; participate in the Board's drug-testing program; continue participation in Alcoholics Anonymous and Narcotics Anonymous; see a treating psychiatrist no less than once a month; and not treat himself or his immediate family. The action was based on an Agreed Order entered by the Board August 29, 2008, allowing Dr. White to request that his suspension be stayed or lifted if he provided evidence that he is physically and mentally competent to practice.

Tran, Hoa Dinh, M.D., Lic. #G6034, Winchester VA

On December 12, 2008, the Board and Dr. Tran entered into an Order Granting Modification of Agreed Order limiting Dr. Tran's medical practice of ophthalmology to a group or an institutional setting and requiring that his medical records be reviewed by a chart monitor. The action clarified provisions of an order entered April 11, 2008.

REINSTATEMENT AFTER TERMINATION

Golden, Mitchell K., M.D., Lic. #H7151, Mount Vernon TX

On April 3, 2009, the Board and Dr. Golden entered into an Agreed Order requiring that, for an indefinite period, Dr. Golden not be involved in practice that includes direct patient care or the prescription of drugs and that he limit his practice to non-clinical administrative medicine; that he surrender his DEA and DPS controlled substances registration certifications; and that he not supervise physician assistants, advanced

nurse practitioners or surgical assistants. The action was based on Dr. Golden's not having practiced medicine since July 2005 because of a medical disability.

Twenty-nine licensees agreed to enter into administrative orders with the Board for minimal statutory violations.

CEASE AND DESIST ORDERS

Baughman, Liz, Austin TX

On December 12, 2008, the Board and Ms. Baughman, who does not hold a current license to practice medicine in Texas, entered into an Agreed Cease and Desist Order. The order was based on Ms. Baughman, acting as Health Director of the Austin Internal Health Center, providing colonic hydrotherapy to persons presenting to AIHC without a prescription for such treatment from a licensed medical doctor, which is required by state law. The order requires Ms. Baughman to immediately halt all such activity.

Yollo, Agnes V., M.D., Humble TX

On February 6, 2009, the Board and Dr. Yollo, who does not hold any current license to practice medicine or practice as a physician assistant in Texas, entered into an Agreed Cease and Desist Order. The order was based on Dr. Yollo having engaged in the unlicensed practice of medicine and/or the unlicensed practice as a physician assistant, as an employee of Superior Wellness, P.A., located in Houston, where she performed physical examinations and filled out prescriptions for patients and provided medical services that are only authorized to be performed by a person properly licensed by the State of Texas.

SURGICAL ASSISTANTS

Cassles, David Dale, Lic. #SA00112

On February 6, 2009, the Board and Mr. Cassles entered into an Agreed Order of voluntary surrender of his surgical assistant's license. The action was based on Mr. Cassles' desire to avoid further investigations, hearings, and the expense and inconvenience of litigation.

Kellett, Richard, Lic. #SA00126, Burleson TX

On April 3, 2009, the Board and Mr. Kellett entered into an Agreed Order requiring that, within one year, Mr. Kellett enroll in and successfully complete the Vanderbilt University professional boundaries course. The action was based on Mr. Kellett's touching and inappropriate behavior toward a female coworker. ♦