

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE
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Medical Board Disciplines 187 Doctors and Issues 88 Licenses

Since its June 3-4 board meeting, the Texas Medical Board has taken disciplinary action against 187 licensed physicians.

The actions included 33 violations based on quality of care; eight actions based on unprofessional conduct; 11 actions based on inadequate medical records violations; 14 voluntary surrenders; five revocations/suspensions; one action based on peer review actions; one based on failure to properly supervise or delegate; four actions based on violation of probation or prior order; one action based on a criminal conviction; six actions against physician assistants; one rules violation order; one informed consent violation; one impairment due to alcohol, drugs or a medical condition order; one cease and desist order; four orders based on other state's actions; three terminations of suspension; and 25 corrective orders. The board issued 74 orders for minor statutory violations.

At its Aug. 25-27 meeting, the board also issued 88 physician licenses.

RULE CHANGES ADOPTED

The board adopted the following rule changes that were previously published as proposed in the *Texas Register*. They will be published in their final form in the *Texas Register* in September:

Chapter 161. General Provisions: Amendment to **§161.5, Meetings**. Provides that adoption of committee minutes are to be approved by the full board rather than by the individual committees.

Chapter 163. Licensure: §163.6 Examinations Accepted for Licensure. Amendment clarifies that if an applicant takes multiple types of licensure examinations, attempts at comparable sections shall be combined to determine eligibility for licensure. Language is currently under a different subsection, and the language is being moved to be clearer on its application.

Chapter 165. Medical Records: Amendment to §165.1 Medical Records provides that physicians, who receive medical records from other practitioners in relation to the

treatment of a specific patient, must only keep those records that are salient to the patient's treatment.

Chapter 172, Temporary and Limited Licenses: Subchapter C. Limited Licenses. Amendment to §172.2, Construction and Definitions, adds definitions for controlled substances and dangerous drugs. . Amendment to §172.3, Distinguished Professors Temporary License, clarifies that applicants for a distinguished professor temporary license must complete all provisions of an application for a full license and updates the name of the American Osteopathic Association Commission on Osteopathic College Accreditation. Amendment to §172.5, Visiting Physician Temporary Permit (VPTP), creates a category for visiting physician temporary permits for those who are enrolled in the Texas A&M KSTAR program. § 172.12, Out-of-State Telemedicine License. Renames Special-Purpose Telemedicine licenses to Out-of-State Telemedicine licenses and limits their scope to the interpretation of diagnostic testing and reporting results to a physician fully licensed and located in Texas or for the follow-up of patients where the majority of patient care was rendered in another state. Amendment to §172.16, Provisional Licenses for Medically Underserved Areas, amends language to be consistent with Texas Occupations Code §155.101. New §172.17, Limited License for Practice of Administrative Medicine, establishes the criteria for obtaining a limited license for the practice of administrative medicine. The creation of this type of license permits applicants to practice administrative medicine under this license, rather than applying for full licensure and having their practice limited to administrative medicine under a disciplinary order even though the applicants only issue is not actively practicing clinical medicine in one of the two years prior to the date of application for licensure.

Chapter 174, Telemedicine: § 174.1, Purpose. Adds statutory authority for the chapter and exempts out-of-state telemedicine license holders, federally qualified health centers, and health insurance help-lines from the chapter. §174.2, concerning Definitions, defines distant site provider, established medical site, face-to-face visit, patient site location, patient site presenter; amends the definitions for physician-patient e-mail, telemedicine medical services; and deletes the definition for telepresenter. The amendment will establish uniform definitions for those who practice telemedicine in Texas. § 174.3, Telemedicine Medical Services. Deletes reference to the Telecommunications Infrastructure Fund Board (TIFB). § 174.4, Use of the Internet in Medical Practice. Repeal of section and moves it to Chapter 164 as a new Section 164.6. § 174.5, Notice of Privacy Practices. Provides that physicians who communicate electronically with patients and provide telemedicine medical services, must provide notice to patients of privacy practices, limitations of telemedicine, when in-person evaluations are necessary, and how to file complaints with the Board. § 174.6, Delegation to and Supervision of Telepresenters. Repeals Section 174.6 and add new language for rules relating to Telemedicine Medical Services Provided at an Established Medical Site.

New §174.7, concerning Telemedicine Medical Services Provided at Sites other than an Established Medical Site, establishes under what conditions a distant site provider may

provide telemedicine medical services at sites other than an established medical site, such as a patient's home. The new section will establish standards for the use of telemedicine medical services at non-medical sites. The proposed rules will accommodate the developing trends in health care delivery not authorized under existing rules as well as changes in the Health and Human Services Commission's (HHSC) rules for Medicaid telemedicine reimbursement. Also the proposed changes expand the current rules to authorize a majority of the types of telemedicine that are currently being practiced in Texas in both rural and urban areas.

New § 174.8, Evaluation and Treatment of the Patient. Establishes standards for physicians who use telemedicine medical services for the evaluation and treatment of patients. New §174.9, concerning Technology and Security Requirements, establishes requirements relating to technology and security regarding the provision of telemedicine medical services and physician-patient communications through e-mail. The proposed rule establishes standards for the provision of telemedicine medical services at established medical sites. New § 174.10, Medical Records for Telemedicine Medical Services. Establishes the requirements for the maintenance of medical records for telemedicine medical services and what documents are considered part of the medical records.

New §174.11, concerning On-call Services, establishes that physicians in the same specialty who provide reciprocal services may provide on-call telemedicine medical services for each other's patients. The proposed rule allows for the use of telemedicine medical services through on-call services when a patient's distant site provider is not available. New § 174.12, State Licensure, Provides that persons who treat and prescribe through advanced communications technology are engaged in the practice of medicine and must have appropriate licensure unless otherwise exempt.

Chapter 177. Certification Of Non-Profit Health Organizations: §177.13, Complaint Procedure Notification, updates the name of the Texas Medical Board as used in this chapter.

Chapter 179. Investigations: §179.4, Requests for Information and Records from Physicians, clarifies that this section applies in all respects to licensure applicants.

Chapter 180. Texas Physician Health Program and Rehabilitation Orders: §§180.2 - 180.4 The amendment to §180.2, concerning Definitions, adds that the Texas Physician Health and Rehabilitation Committee shall also be referred to as the TXPHP Advisory Committee. The amendment to §180.3, concerning Texas Physician Health Program (PHP), amends language to be consistent with the proposed amendments to §180.2. The amendment to §180.4, concerning Operation of Program, provides that the drug vendor used by the PHP must be approved by the Texas Medical Board, and establishes standards for processing referrals, requiring evaluations, settings terms for agreements with participants, and facilitating interventions.

Chapter 185, Physician Assistants: The amendment to **§185.4**, relating to Procedural Rules for Licensure Applicants, deletes inaccurate language and provides clarifying

language that the rule applies to determinations on active practice. The amendment to **§185.7**, relating to Temporary License, provides that the PA Board may revoke a temporary license when necessary. The amendment to **§185.16**, relating to Employment Guidelines, deletes language based on recent statutory changes, and clarifies that a physician may supervise more than five physician assistants if granted a waiver by the Texas Medical Board. The amendment to **§185.22**, relating to Impaired Physician Assistants, establishes requirements for probable cause hearings relating to physical or mental impairment examinations, and applies Chapter 180 to physician assistants in relation to rehabilitation orders and the Texas Physician Health Program. New **§185.27**, relating to Duty to Report Certain Conduct to the Board, sets out requirements for physician assistants to report certain events to the PA Board within 30 days of their occurrence.

Chapter 187, Procedural Rules: §§187.27, 187.81 The amendment to §187.27, concerning Written Answers in SOAH Proceedings and Default Orders, corrects an incorrect citation. The amendment to §187.81, concerning Reports on Imposition of Administrative Penalty, requires that disciplinary orders that impose administrative penalties related to the delivery of health care services must be reported to the National Practitioner Data Bank.

Chapter 190. Disciplinary Guidelines, Subchapter B: Amendment to §190.8, Violation Guidelines, provides that (1) a physician-patient relationship is not necessary when a physician prescribes medications to a patient's family members if the patient has an illness determined to be pandemic; and (2) unprofessional conduct includes contacting a member of a peer review body for purposes of intimidation in relation to a board investigation.

Chapter 193. Standing Delegation Orders: Amendment to §193.6, Delegation of the Carrying Out or Signing of Prescription Drug Orders to Physician Assistants and Advanced Practice Nurses, clarifies that certified registered nurse anesthetists (CRNAs) who only sign or carry out prescription drug orders are not required to register with the Board.

PROPOSED RULE CHANGES

The following proposed rule changes will be published in the *Texas Register in September* for public comment at the Board's October 29, 2010 meeting:

Chapter 164, Physician Advertising: Amends §164.4, Board Certification, to clarify that physicians may advertise that they are board certified if they hold certification by the American Board of Medical Specialties (ABMS), the American Osteopathic Association Bureau of Osteopathic Specialties (BOS), or the American Board of Oral and Maxillofacial Surgery; physicians who are not board certified by those above mentioned entities may advertise that they are board certified if they apply with the Medical Board and demonstrate that they hold certification from a board that the Medical Board has determined has substantially similar requirements to that of the

ABMS or BOS including completion of postgraduate training accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and that training included substantial and identifiable supervised training of comprehensive scope in the specialty or subspecialty certified; and that physicians who are currently certified and that certification was granted prior to 9-1-10 and the certifying board was approved by the Medical Board for advertising purposes prior to 9-1-10 may state that they are board certified.

Chapter 172, Temporary and Limited Licenses: Amends §172.5, Visiting Physician Temporary Permit (VPTP), to provide the board greater discretion in determining eligibility for a permit to participate in the Texas A&M KSTAR program

Chapter 175. Fees And Penalties: Amends §175.1 Application Fees, to eliminate application fees for regular temporary licenses and distinguished professor temporary licenses and adds the fee amount for a regular temporary license to the application fee for full licensure, provisional licenses, telemedicine licenses, reissuance of licenses following revocation, and administrative license.

Chapter 185, Physician Assistants: The amendment to **§185.4**, relating to Procedural Rules for Licensure Applicants, deletes inaccurate language and provides clarifying language that the rule applies to determinations on active practice. The amendment to **§185.7**, relating to Temporary License, provides that the PA Board may revoke a temporary license when necessary. The amendment to **§185.16**, relating to Employment Guidelines, deletes language based on recent statutory changes, and clarifies that a physician may supervise more than five physician assistants if granted a waiver by the Texas Medical Board. The amendment to **§185.22**, relating to Impaired Physician Assistants, establishes requirements for probable cause hearings relating to physical or mental impairment examinations, and applies Chapter 180 to physician assistants in relation to rehabilitation orders and the Texas Physician Health Program. New **§185.27**, relating to Duty to Report Certain Conduct to the Board, sets out requirements for physician assistants to report certain events to the PA Board within 30 days of their occurrence, **including changes of address, certain felony and misdemeanor convictions, and certain violations of federal and state drug laws.**

DISCIPLINARY ACTIONS

Open records requests for orders may be made to openrecords@tmb.state.tx.us.

Media contact: Leigh Hopper at (512) 305-7018 or leigh.hopper@tmb.state.tx.us.

Orders are posted on the TMB web site at

http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp about 10 days after the board meeting.

QUALITY OF CARE

Andrus, Carol Herbert, M.D., Lic. No. K0057, Roundup MT

On August 27, 2010, the Board and Carol Herbert Andrus, M.D., entered into a five-year

Mediated Agreed Order publicly reprimanding Dr. Andrus and requiring Dr. Andrus to limit her medical practice to a group or institutional setting approved in advance by the Executive Director of the Board; refrain from the practice of pain management of chronic pain for seven years; refrain from prescribing or refilling controlled substances except as medically necessary to treat an acute medical condition or to treat patients in a long-term skilled nursing facility; have her practice monitored by a physician for 12 consecutive monitoring cycles; within one year complete 10 hours of CME in pharmacology of psychoactive medications. The Order was based on action taken by Dr. Andrus's peers, who suspended her from the staff of Kimble Hospital in San Angelo; as well as Dr. Andrus's failure to practice medicine in an acceptable manner consistent with public health and welfare; failure to use professional diligence; prescribing dangerous drugs to a known abuser of narcotic drugs; and nontherapeutic prescribing.

Bekker, Alex, M.D., Lic. No. K3986, Dallas TX

On August, 27, 2010, the Board and Alex Bekker, M.D., entered into an Agreed Order requiring Dr. Bekker to complete within one year 15 hours of CME in general emergency room care and 15 hours in trauma care. The Order was based upon Dr. Bekker's failure to meet the standard of care and exercise professional diligence when he did not adequately examine or diagnose injuries to the spleen and kidney in a patient who ultimately required emergency surgery.

Bernstein, Basil, M.D., Lic. No. F3043, Fort Worth TX

On August 27, 2010, the Board and Basil Bernstein, M.D., entered into an Agreed Order requiring Dr. Bernstein to complete within one year 24 hours of CME including eight hours in the treatment of mood disorders, eight in the treatment of substance abusers and eight in medical record-keeping; and pay an administrative penalty of \$2,000 within 60 days. The Order was based upon Dr. Bernstein's failure to meet the standard of care and nontherapeutic prescribing for a patient with depression and substance abuse issues.

Boland, Howard L., M.D., Lic. No. G3166, Dickinson TX

On August, 27, 2010, the Board and Howard L. Boland, M.D., entered into an Agreed Order requiring Dr. Boland to have his practice monitored by a physician for two years; complete within one year the pain management course offered by the University of California San Diego Physician Assessment and Clinical Education program; and complete within one year 10 hours of CME in medical record-keeping. The Order was based upon Dr. Boland's failure to practice medicine in an acceptable, professional manner; failure to safeguard against potential complications; and failure to disclose reasonable alternative treatments for a patient with chronic pain.

Clark, Kristi Gayle, M.D, Lic. No. 2190, San Antonio TX

On August 27, 2010, the Board and Kristi Gayle Clark, M.D., entered into an Agreed Order that requires Dr. Clark to complete within one year 10 hours of CME in risk management. The Order was based upon Dr. Clark's failure to practice medicine in an acceptable, professional manner when she did not follow up on a patient's CT scan that

showed a potential problem. The patient was not referred to an oncologist until a year later, at which time the patient was diagnosed with lung cancer.

Comeaux, Tamyra Y., M.D., Lic. No. L0096, Houston TX

On August, 27, 2010, the Board and Tamyra Y. Comeaux, M.D., entered into an Agreed Order requiring Dr. Comeaux to complete within one year 20 hours of CME with 10 hours in medical record-keeping and 10 hours in risk management; pass within one year the Medical Jurisprudence Exam within three attempts; and pay an administrative penalty of \$1,000 within 60 days. The Order was based upon Dr. Comeaux's failure to maintain adequate medical records; failure to practice medicine in an acceptable, professional manner; and failure to supervise adequately those acting under her supervision when Dr. Comeaux failed to contact a patient and notify her of an abnormal Pap test.

Dewitt, Robert David, M.D., Lic. No. H1950, Alvin TX

On August 27, 2010, the Board and Robert David Dewitt, M.D., entered into an Agreed order that requires Dr. Dewitt to complete within one year 10 hours of CME in medical record-keeping and 10 hours in risk management. The Order was based upon Dr. Dewitt's failure to use proper diligence in his professional practice and failure to maintain adequate medical records for one patient.

Fraser, Michael Patrick, D.O., Lic. No. H8051, Dallas TX

On August, 27, 2010, the Board and Michael Patrick Fraser, D.O., entered into an Agreed Order requiring Dr. Fraser to complete within one year 30 hours of CME including 15 in the treatment and management of psychiatric disorders, 10 in medical record-keeping and five in risk management; and pay an administrative penalty of \$1,500 within 60 days. The Order was based upon Dr. Fraser's inadequate medical records, failure to meet the standard of care and nontherapeutic prescribing when he prescribed narcotic pain medication in an amount that far exceeded a patient's needs.

Gelman, Lawrence Richard, M.D., Lic. No. G6511, Edinburg TX

On August 27, 2010, the Board and Lawrence Richard Gelman, M.D., entered into an Agreed Order requiring Dr. Gelman to complete within one year 20 hours of CME including 10 hours, in-person, in the topic of pre-operative evaluations in anesthesiology, five hours in risk management and five hours in medical record-keeping. The Order was based upon Dr. Gelman's failure to maintain adequate medical records or practice medicine in an acceptable, professional manner in his evaluation of one patient.

Hankinson, Barbara Sue, M.D., Lic. No. J6664, Denton TX

On August 27, 2010, the Board and Barbara Sue Hankinson, M.D., entered into an Agreed Order publicly reprimanding Dr. Hankinson and requiring Dr. Hankinson to take within one year and pass within three attempts the Special Purpose Examination as promulgated by the Federation of State Medical Boards; complete within one year 40 hours of CME including 10 hours in the diagnosis and treatment of diabetes, 10 hours in pain management, 10 hours in medical record-keeping and 10 hours in the diagnosis

and treatment of thyroid disorders. The Order was based upon Dr. Hankinson's failure to meet the standard of care, inappropriate prescription of dangerous drugs or controlled substances to family members, improper billing and nontherapeutic prescribing.

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

On August 27, 2010, the Board and Laurie Greenslade Harris, D.O., entered into a five-year Agreed Order publicly reprimanding Dr. Harris and restricting her from treating any chronic pain complaints or supervising or delegating prescriptive authority to any physician extenders. In addition, Dr. Harris is required to have a physician monitor her practice; surrender her DEA and DPS certificates for prescribing controlled substances; complete within one year eight hours of CME in ethics and eight hours in medical record-keeping; pass within one year and within three attempts the Special Purpose Examination as promulgated by the Federation of State Medical Boards and the Medical Jurisprudence Examination given by the Texas Medical Board; complete at least 40 hours of CME in pain management before reapplying for her DEA and DPS registrations; and pay an administrative penalty of \$14,000 within six months. The Order was based upon Dr. Harris's inadequate medical records regarding treatment of chronic pain; failure to meet the standard of care; submitting an improper billing statement; nontherapeutic prescribing; and dispensing dangerous drugs in a manner inconsistent with public health and welfare.

Inman, William Buford, M.D., Lic. No. G8191, Austin TX

On August 27, 2010, the Board and William Buford Inman, M.D., entered into an Agreed Order requiring Dr. Inman to complete 16 hours of CME including eight hours in medical record-keeping, four hours in physician-patient communication and four hours in the treatment of geriatric patients. The Order was based upon Dr. Inman's inadequate medical records and his failure to obtain informed consent before performing tests, treatments or procedures for one patient in an assisted living facility.

Key, James David, Sr., M.D., Lic. No. E3339, Brownsville TX

On August, 27, 2010, the Board and James David Key, Sr., M.D., entered into an Agreed Order requiring Dr. Key to contact within 30 days the Texas A&M Health Science Center Rural and Community Health Institute (K-STAR) for the purposed of scheduling an assessment of Dr. Key's practice of medicine and determining whether he should undergo an education plan. In addition, the Order requires Dr. Key to pass within one year the Medical Jurisprudence Exam within three attempts and pay an administrative penalty of \$1,000 within 90 days. The Order was based upon Dr. Key's failure to use proper diligence in his professional practice when he did not appropriately diagnose and treat a patient's post-operative complications in a timely manner.

Klott, Carlo Lee, M.D., Lic. No. H1294, Bastrop TX

On August 27, 2010, the Board and Carlo Lee Klott, M.D., entered into an Agreed Order requiring Dr. Klott to complete within one year 36 hours of CME including 20 hours in the subject of disruptive physicians, eight hours in the subject of treating obstetrical emergencies and eight hours in the use and reading of sonograms. The Order was

based upon Dr. Klott's failure to meet the standard of care in his treatment of a patient with pregnancy complications and his unprofessional and disruptive behavior toward hospital staff.

Malone, Mark Thomas, M.D., Lic. No. G3580, Round Rock TX

On August, 27, 2010, the Board and Mark Thomas Malone, M.D., entered into an Agreed Order requiring Dr. Malone to complete within one year eight hours of CME in medical record-keeping; pay an administrative penalty of \$500 within 60 days; and submit to the Board within 45 days a corrective action plan addressing the appropriate manner in which to incorporate Dr. Malone's direct participation in patient care with physician extenders as well as detail proper documentation of Dr. Malone's treatment decisions. The Order was based upon Dr. Malone's failure to practice medicine in an acceptable, professional manner in his treatment of a pain patient.

Mann, Cheri Lyn, D.O., Lic. No. L1656, Allen TX

On August 27, 2010, the Board and Cheri Lyn Mann, D.O., entered into an Agreed Order requiring Dr. Mann to pass within one year the Medical Jurisprudence Examination within three attempts; complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education program; complete within one year 10 hours of CME in medical record-keeping and five in risk management; and pay an administrative penalty of \$2,500 within 90 days. The Order was based upon Dr. Mann's inappropriate prescription of controlled substances to someone with whom she had a close personal relationship, without creating an adequate medical record and in the absence of immediate need.

McCrary, Beau Lawson, M.D., Lic. No. K7823, Abilene TX

On August 27, 2010, the Board and Beau Lawson McCrary, M.D., entered into an Agreed Order publicly reprimanding Dr. McCrary and requiring Dr. McCrary to complete within one year 32 hours of CME including eight hours in treating pain, eight hours in treating anxiety, eight hours in treating sleep disorders and eight hours in risk management; and pay an administrative penalty of \$3,000 within 90 days. The Order was based upon Dr. McCrary's treatment of six patients in the context of a retainer practice and his failure to document a chronic pain treatment plan and failure to discuss with a patient the risks and benefits of using a controlled substance to treat chronic pain; failure to meet the standard of care; nontherapeutic prescribing; and becoming financially or personally involved with a patient in an inappropriate manner.

Mullane, Geraldine Frances, M.D., Lic. No. L3759, Brownsville TX

On August 27, 2010, the Board and Geraldine Frances Mullane, M.D., entered into an Agreed Order requiring Dr. Mullane to complete within one year 16 hours of CME including eight hours in diagnosing and treating neurologic emergencies and eight hours in medical record-keeping. The Board found that Dr. Mullane failed to meet the standard of care and safeguard against potential complications in her treatment of a patient with vision loss and headache.

Myers, Darryn Lancaster, M.D., Lic. No. L9381, Dallas TX

On August 27, 2010 the Board and Darryn Lancaster Myers, M.D., entered into an Agreed Order requiring Dr. Myers to complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in risk management and eight hours in the subject of dealing with difficult patients; and pay an administrative penalty of \$1,500 within 60 days. The Order was based upon Dr. Myers' failure to use proper diligence in his professional practice in his treatment of a patient with a hand injury.

Patrick, Joseph J., M.D., Lic. No. G7864, Houston TX

On August 27, 2010, the Board and Joseph J. Patrick, M.D., entered into an Agreed Order publicly reprimanding Dr. Patrick and placing him under the following permanent and non-modifiable terms and conditions: Dr. Patrick will restrict his practice to the hospital emergency room or group practice only, and any group practice must be one that does not practice pain management; Dr. Patrick will not prescribe any Schedule II drug for any purpose, except in the ER setting, or prescribe any controlled substance, dangerous drug or pain medicine in greater quantity than needed for a period of 72 hours. In addition, Dr. Patrick shall not prescribe approval of refills of controlled substances, dangerous drugs or pain medicines for any patient, including patients he has seen in the ER. The Order was based upon Dr. Patrick's use of prohibited pre-signed prescriptions for controlled substances, non-therapeutic prescribing, failure to supervise adequately those acting under his supervision and failure to practice medicine in an acceptable, professional manner.

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

On August, 27, 2010, the Board and Darey Allen Philbrick, M.D., entered into an Agreed Order requiring Dr. Philbrick to have his practice monitored by another physician for two years; complete within one year 10 hours of CME in the management of difficult orthopedic procedures, five hours in medical record-keeping and five hours in risk management. The Order was based upon Dr. Philbrick's negligence in performing medical services; failure to meet the standard of care; and failure to keep adequate medical records for surgery on a patient's shoulder, resulting in complications.

Pinkerton, Jody L., M.D., Lic. No. J7791, Houston TX

On August 27, 2010, the Board and Jody L. Pinkerton, M.D., entered into an Agreed Order requiring Dr. Pinkerton to complete within one year 24 hours of CME including eight hours in gynecological malignancies, eight hours in reproductive endocrinology and eight hours in risk management; and pay an administrative penalty of \$2,000 within 60 days. The Order was based upon Dr. Pinkerton's failure to meet the standard of care for one patient and failure to supervise those acting under her supervision.

Qureshi, Parvez A., M.D., Lic. No. K5384, Houston TX

On August 27, 2010, the Board and Parvez A. Qureshi, M.D., entered into an Agreed Order requiring Dr. Qureshi to complete within one year 16 hours of CME including eight hours in geriatric nephrology and eight hours in patient communications; file with within 60 days a written protocol establishing procedures to ensure proper

communication between Dr. Qureshi and facilities where he provides medical services as well as patients and patients' caretakers. The Order was based upon Dr. Qureshi's failure to meet the standard of care in his treatment of one patient.

Rappe, Brian D., D.O., Lic. No. J4981, San Angelo TX

On August 27, 2010, the Board and Brian D. Rappe, D.O., entered into an Agreed Order requiring Dr. Rappe to take and pass within three attempts the Special Purpose Examination as promulgated by the Federation of State Medical Boards within one year; take and pass within one year a Pediatric Advanced Trauma Life Support course (ATLS) and obtain ATLAS certification within one year; complete within one year a board certification review course for family medicine sponsored by the American Academy of Family Physicians; and within one year complete eight hours of CME in medical record-keeping. The Order was based upon Dr. Rappe's failure to meet the standard of care in his treatment of two pediatric patients.

Reeves, William John, Jr., M.D., Lic. No. D6523, Houston TX

On August 27, 2010, the Board and William John Reeves, Jr., M.D., entered into a Mediated Agreed Order subjecting Dr. Reeves to the following terms and conditions for three years: pass the Medical Jurisprudence Exam given by the Texas Medical Board within one year or face immediate suspension of his license; surrender his controlled substance certificates; and refrain from supervising or delegating prescriptive authority to physician extenders. The Order was based upon Dr. Reeves' failure to follow Board guidelines for the treatment of pain, failure to meet the standard of care, prescribing narcotics to a known abuser of drugs, nontherapeutic prescribing and prescribing in a manner inconsistent with public health and welfare.

Reyes, Jose, M.D., Lic. No. H6540, San Antonio TX

On August, 27, 2010, the Board and Jose Reyes, M.D., entered into an Agreed Order indefinitely restricting Dr. Reyes from performing or interpreting echocardiograms. In addition, Dr. Reyes must complete within one year eight hours of CME in physician-patient communication. The Order was based upon Dr. Reyes's failure to treat a patient according to the standard of care, nontherapeutic prescribing and unprofessional conduct when he misdiagnosed the condition of a patient's heart, leading to unnecessary medical follow-up.

Rolon, Juan Carlos, M.D., Lic. No. E7254, El Paso TX

On August 27, 2010, the Board and Juan Carlos Rolon, M.D., entered into an Agreed Order requiring Dr. Rolon to have another physician monitor his practice for eight chart monitoring cycles; complete within one year 16 hours of CME including eight hours in the subject of obstetric and gynecological emergencies and eight hours in medical record-keeping; and pay an administrative penalty of \$5,000 within 60 days. The basis for the Board's action was Dr. Rolon's failure to meet the standard of care and maintain a complete, contemporaneous and legible medical record.

Rowley, Raymond Douglas, M.D., Lic. No. K7602, Sweetwater TX

On August 27, 2010, the Board and Raymond Douglas Rowley, M.D., entered into an

Agreed Order requiring Dr. Rowley to take within one year and pass within three attempts the Medical Jurisprudence Exam given by the Texas Medical Board; complete 40 hours of CME including 10 hours in high-risk obstetrics; 10 hours in obstetrical and gynecological emergencies, 10 hours in medical record-keeping, five hours in physician-patient communication and five hours in ethics; and pay an administrative penalty of \$5,000 within 60 days. The Order was based upon Dr. Rowley's temporary suspension of hospital privileges; unprofessional conduct; behaving in an abusive or assaultive manner to a patient; inadequate medical records; and failure to meet the standard of care.

Siddiqui, Nihal U., M.D., Lic. No. K2592, The Woodlands TX

On August, 27, 2010, the Board and Nihal U. Siddiqui, M.D., entered into an Agreed Order requiring Dr. Siddiqui to have another physician monitor his practice for two years; complete within one year 10 hours of CME in medical record-keeping; and complete within one year the pain management course offered by the University of California San Diego Physician Assessment and Clinical Education program. The Order was based upon Dr. Siddiqui's failure to maintain adequate medical records and failure to meet the standard of care with respect to his treatment provided to two patients.

Stevens, James Edward, D.O., Lic. No. E8937, Dallas TX

On August 27, 2010, the Board and James Edward Stevens, D.O., entered into an Agreed Order requiring Dr. Stevens to complete within one year 24 hours of CME including eight hours in immunology, eight hours in endocrinology and eight hours in medical record-keeping; and pay an administrative penalty of \$3,000 within 60 days. The Order was based upon Dr. Stevens' failure to practice medicine in an acceptable, professional manner consistent with public health and welfare, nontherapeutic prescribing of dangerous drugs for a patient with fibromyalgia and chronic fatigue syndrome.

Wengroff, Sean Daryl, M.D., Lic. No. L4167, Galveston TX

On August 27, 2010, the Board and Sean Daryl Wengroff, M.D., entered into an Agreed Order publicly reprimanding Dr. Wengroff and requiring Dr. Wengroff to have his practice monitored by another physician for eight monitoring cycles; take within one year and pass within three attempts the Medical Jurisprudence Examination; complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; complete within one year five hours of CME in ethics; and pay an administrative penalty of \$10,500 in four payments as stipulated by the Board. The Order was based on Dr. Wengroff's inadequate medical records; noncompliance with Board guidelines for the treatment of chronic pain; prescribing dangerous drugs or controlled substances without first establishing a proper professional relationship with the patient; and failure to adequately supervise physician extenders.

Wilkerson, Robert G., Jr., M.D., Lic. No. D4359, Houston TX

On August 27, 2010, the Board and Robert G. Wilkerson, Jr., M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Wilkerson and requiring Dr. Wilkerson

to have another physician monitor his practice for three years; complete within one year 20 hours of CME including 10 hours in risk management and 10 hours in ethics; and pay an administrative penalty of \$7,500 within 90 days. In addition, Dr. Wilkerson may not supervise a physician assistant, advanced practice nurse or surgical assistant for three years. The Order was based upon Dr. Wilkerson's failure to maintain adequate medical records, failure to follow Board guidelines for the treatment of pain, failure to treat patients according to the generally accepted standard of care, his prescription of dangerous drugs or controlled substances without first establishing a proper professional relationship with the patient and failure to supervise adequately those acting under his supervision.

Wilson, Ronald Thomas, M.D., Lic. No. F6173, Denton TX

On August 27, 2010, the Board and Ronald Thomas Wilson, M.D., entered into an Agreed Order requiring Dr. Wilson to complete within one year 15 hours of CME including 10 hours in Lyme disease (coursework must be sponsored by the Infectious Disease Society of America) and five hours in ethics; and pay an administrative penalty of \$2,000 within 60 days. The Order was based upon Dr. Wilson's failure to meet the standard of care in the diagnosis and treatment of Lyme disease for one patient; nontherapeutic prescribing to the Patient; and his unprofessional conduct of receiving a percentage of profits for a vitamin supplement that he recommended the Patient purchase during her treatment.

SUSPENSION/REVOCAATION

Elder, Christopher L., M.D., Lic. No. L6872, Houston TX

On August 23, 2010, the Texas Medical Board automatically suspended the medical license of Christopher L. Elder, M.D. after he was convicted for of nine felony violations of the federal Controlled Substances Act by the United States District Court for the Western District of Missouri. These convictions gave rise to violations of the Texas Medical Practice Act. Because the criminal conduct violated statutory provisions the Medical Practice Act and other statutes connected to the practice of medicine, Dr. Elder was found to have engaged in unprofessional and dishonorable conduct likely to deceive, defraud, or injure the public.

Cavender, Lundy Eldridge, Jr., M.D., Lic. No. H7711, Burleson TX

On August 27, 2010, the Board and Lundy Eldridge Cavender, Jr., M.D., entered into an Agreed Order that suspends his license for a minimum of six months and requires Dr. Cavender to undergo an independent medical evaluation by a board-certified psychiatrist approved by the Board, and comply with recommended treatment and participate in the activities of the Tarrant County Physician Health and Rehabilitation Committee. The Order was based upon Dr. Cavender's inability to practice medicine with reasonable skill as a result of a mental or physical condition and behaving in a disruptive manner toward medical personnel or others that interferes with medical care.

Isern, Rueben, M.D., Lic. No. E8585, Winnie TX

On August 27, 2010, the Board entered a Default Order against Rueben Isern, M.D.,

which revoked his medical license. This follows a February 3, 2010, filing by the Board of a complaint with the State Office of Administrative Hearings (SOAH) in case no. 503-10-2534, which alleged that Dr. Isern violated his 2009 Agreed Order by failing to comply with its terms and conditions, failing to communicate with Board staff, and failing to maintain current contact information with the Board. When Dr. Isern was duly and timely-noticed of an Informal Settlement Conference hearing on September 24, 2009, to address these issues, he failed to respond or appear. Likewise, after being duly-noticed at his address of record, Dr. Isern further failed to file any answer to the SOAH complaint within the allowed time, and subsequently, on March 11, 2010, a Determination of Default was issued by the Board. Again, Dr. Isern was duly-noticed and failed to respond within 20 days, after which the Board's allegations were deemed admitted, and Dr. Isern's license was revoked by Default Order.

Mohamed, Shaffin Ali, M.D., Lic. No. J7589, Houston, TX

On August 27, 2010, the Board entered a Default Order against Shaffin Ali Mohamed, M.D., which revoked his medical license. This follows a November 3, 2009, filing by the Board of a complaint with the State Office of Administrative Hearings (SOAH) in case no. 503-10-1139, which alleged that Dr. Mohamed failed to comply with a subpoena for medical records, requested for investigation of standard of care issues. When Dr. Mohamed was duly and timely-noticed of an Informal Settlement Conference hearing on February 27, 2009, to address this issue, he failed to respond or appear. Likewise, after being duly-noticed at his address of record, Dr. Mohamed further failed to file any answer to the SOAH Complaint within the allowed time, and subsequently, on May 26, 2010, a Determination of Default was issued by the Board. Again, Dr. Mohamed was duly-noticed and failed to respond within 20 days, after which the Board's allegations were deemed admitted, and Dr. Mohamed's license was revoked by Default Order.

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

On August 27, 2010, the Board and Alan Dale Shiller, M.D., entered into an Agreed Order of Suspension, suspending Dr. Shiller's license for nine months and thereafter until he requests in writing to have the suspension stayed or lifted and personally appears before the Board and provides convincing information that he is physically, mentally and otherwise competent to practice medicine. In addition, Dr. Shiller must undergo an independent medical examination by an approved forensic psychiatrist; participate in the Board's drug screening program; attend 90 Alcoholics Anonymous meetings in 90 days; and abstain from prohibited substances including alcohol in any form, dangerous drugs and controlled substances. The Order was based on Dr. Shiller's inability to practice medicine with reasonable skill and safety to patients; failure to meet the standard of care; and dishonorable conduct that is likely to injure the public.

TERMINATION OF SUSPENSION

Guerrero, Teresa Trumble, M.D., Lic. No. H8471, The Woodlands, TX

On August 27, 2010, the Board entered a Termination of Suspension Granted and Entry of Agreed Order with regard to Teresa Trumble Guerrero, M.D.'s 2008 Agreed Order of Suspension which suspended Dr. Guerrero's license following violations of a four-year

2007 Order that had been imposed for substance abuse. The 2008 Order required that Dr. Guerrero show evidence that she could competently return to the safe practice of medicine, and it also required she abstain from prohibited substances and submit to random alcohol and drug screens, see a psychiatrist, and attend Alcoholics Anonymous (AA). The Board found that Dr. Guerrero has over two year's sobriety, has complied with all requirements of the 2008 Order, and has a new employment opportunity. Accordingly, the Board terminated her 2008 suspension and entered a new 10-year Order that requires: a psychiatric evaluation and continuing treatment as needed; abstinence from prohibited substances; alcohol and drug screening; continuation in AA; restriction from re-registering for DEA/DPS prescribing authorizations; and restriction to an institutional or group practice setting.

Silva, Sergio, M.D., Lic. No. J8773, Austin TX

On August 27, 2010, the Board entered a Termination of Suspension Granted and Entry of Agreed Order with regard to Sergio Silva, M.D.'s 2007 Agreed Order of Suspension, issued due to substance abuse, which suspended his medical license until such time as he could provide clear and convincing evidence that he could resume safe practice. The 2007 Order resulted from substance abuse, and it followed an earlier temporary suspension. The 2007 Order also required that Dr. Silva obtain a 96-hour psychiatric evaluation and that he could not petition for the suspension to be terminated until at least May 2008. The Board found that Dr. Silva has almost three years of sobriety, and has fully complied with the 2007 Order terms. Accordingly, the Board terminated his 2007 suspension and entered a new 10-year Order that requires: abstinence from prohibited substances; alcohol and drug screening; continuation in Alcoholic Anonymous; ongoing psychiatric oversight; a practice restricted to adult patients in a group or institutional setting; and restrictions on his prescribing and delegation authority.

Stoeckel, Mark David, M.D., Lic. No. L3845, Round Rock TX

On August 27, 2010, the Board entered a Termination of Suspension Granted and Entry of Agreed Order with regard to Mark David Stoeckel, M.D.'s 2008 Agreed Order of Suspension that was entered due to a substance abuse relapse while under a 10-year 2007 Confidential Non-Public/Non-Disciplinary Agreed Rehabilitation Order based on substance abuse. The 2008 Order suspended Dr. Stoeckel's license until such time as he could provide clear and convincing evidence to the Board that he could safely resume the practice of medicine. The Board found that Dr. Stoeckel has demonstrated two years of sobriety, has a strong commitment to recovery, and has been voluntarily enrolled in an alcohol and drug screening program. Accordingly, the Board terminated his 2008 suspension and entered a new 10-year Order that requires: abstinence from prohibited substances; attendance at Alcoholics Anonymous and Caduceus; ongoing psychiatric oversight; restriction to a group or institutional practice settings; and restrictions on his prescribing and delegation authority.

IMPAIRMENT DUE TO ALCOHOL, DRUGS OR MEDICAL CONDITION

Fairweather, Lisa Diane Alloju, D.O., Lic. No. L6256, Fort Worth TX

On August 27, 2010, the Board and Lisa Diane Alloju Fairweather, D. O., entered into a Mediated Agreed Order that publicly reprimands Dr. Fairweather and extends her 2003 Order from seven years to 10 years; restricts her from prescribing most Schedule II, III and IV drugs; significantly changes the provisions of previous Board orders requiring drug testing, continuing psychiatric treatment and AA participation; requires Dr. Fairweather to pay an administrative penalty of \$5,000 within three years; limits her from practicing medicine more than 35 hours per week; and requires that she have a physician monitor her practice. A violation based on drug and alcohol screening may result in immediate revocation of Dr. Fairweather's license. The Order was based upon Dr. Fairweather's use of alcohol or drugs in an intemperate manner and her failure to comply with her 2003 Order.

INFORMED CONSENT VIOLATION

Rea, William James, M.D., Lic. No. D2294, Dallas TX

On August 27, 2010, the Board and William James Rea, M.D., entered into a Mediated Agreed Order requiring Dr. Rea to present a revised informed consent form to patients undergoing injections for chemical/environmental sensitivity that states that the injections contain only the "electromagnetic imprint" of the agents in question, the therapy is "not FDA approved," and the therapeutic value of the therapy is disputed. In addition, Dr. Rea shall not start using any formulations that contain any amounts of substances classified as hazardous or carcinogenic by the EPA. The Order was based upon Dr. Rea's failure to obtain informed consent from five patients diagnosed with chemical sensitivity and/or environmental sensitivity before performing tests, treatments or procedures.

UNPROFESSIONAL OR DISHONORABLE CONDUCT

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

On August 27, 2010, the Board and Bruce Edward Cox, M.D., entered into a Mediated Agreed Order requiring Dr. Cox to undergo an evaluation by a board-certified psychiatrist and follow all recommendations for continued care and treatment, which will be monitored by the Board; and complete within one year 10 hours of CME in anger management and 10 hours in risk management. The Order was based upon Dr. Cox's sexually inappropriate behavior and comments directed toward a patient and his behaving in an abusive or assaultive manner towards patients and a patient family member.

Heydemann, Jacob Samuel, M.D., Lic. No. F4077, El Paso TX

On August 27, 2010, the Board and Jacob Samuel Heydemann, M.D., entered into an Agreed Order requiring Dr. Heydemann to complete within one year 12 hours of CME in anger management. The Order was based upon Dr. Heydemann's disruptive behavior toward hospital personnel during a procedure.

Mayo, Carlos O., M.D., Lic. No. K3329, Houston TX

On August, 27, 2010, the Board and Carlos O. Mayo, M.D., entered into an Agreed Order that publicly reprimands Dr. Mayo, suspends his license, stays the suspension and places him on probation. In addition, the Order requires that Dr. Mayo's practice be monitored by another physician for a period of eight monitoring cycles; that within one year Dr. Mayo pass the Special Purpose Examination as promulgated by the Federation of State Medical Boards and pass the Medical Jurisprudence Exam given by the Texas Medical Board within three attempts; that within one year Dr. Mayo complete 48 hours of CME including 16 hours in ethics, 16 hours in medical record-keeping and 16 hours in coding and billing; and pay an administrative penalty of \$50,000 within 90 days. The Order was based upon Dr. Mayo's aiding and abetting the practice of medicine by persons not licensed to practice medicine; improper billing practices; dishonorable conduct; knowingly presenting or causing to be presented a Medicaid claim for a service rendered by a person not licensed to provide the service; and failing to adequately supervise those acting under his supervision.

McBath, J. Mark, MD., Lic. No. G8265, Houston TX

On June 30, the Board and J. Mark McBath, MD, entered into an Agreed Order requiring Dr. McBath to complete within one year four hours of CME in medical record-keeping and four hours in risk management; and pay an administrative penalty of \$2,000 within 60 days. The action was based on Dr. McBath's failure to maintain adequate medical records, unprofessional or dishonorable conduct and his providing false information to the board regarding a patient who developed complications after laparoscopic surgery and subsequently died.

Morbias, Pradip J., M.D., Lic. No. H6898, Port Arthur TX

On August, 27, 2010, the Board and Pradip J. Morbias, M.D., entered into an Agreed Order requiring Dr. Morbias to complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education program, or an equivalent course approved in advance. The Order was based upon Dr. Morbias's unprofessional conduct in his completion of a cardio-pulmonary examination for a female patient.

Roman, Ernest T., M.D., Lic. No. H6938, Cleveland TX

On August, 27, 2010, the Board and Ernest T. Roman, M.D., entered into an Agreed Order publicly reprimanding Dr. Roman and requiring him to pass within one year the Medical Jurisprudence Exam within three attempts; complete within one year 10 hours of CME including five hours in risk management and five hours in ethics; and pay an administrative penalty of \$2,000 within 90 days. The Order was based upon Dr. Roman's associating in the practice of medicine with a physician whose license was revoked.

Russo, John Edward, M.D., Lic. No. G7713, Farmers Branch TX

On August 27, 2010, the Board and John Edward Russo, M.D., entered into a five-year Mediated Agreed Order that requires Dr. Russo to provide the Board with a copy of his monthly controlled substances prescribing and activity report from the Department of

Public Safety; maintain a logbook of all prescriptions written by Dr. Russo or his physician extenders; not serve as physician for his immediate family or prescribe controlled substances to family members; abstain from the consumption of prohibited substances including alcohol, dangerous drugs or any agent that may cause a positive drug or alcohol test; participate in the Board's drug testing program; within one year pass the Medical Jurisprudence Examination within three attempts; and have a physician monitor his practice. The Order was based on Dr. Russo's inappropriate diversion of a family member's prescribed dangerous drugs or controlled substances to himself, disciplinary action taken by his peers, unprofessional conduct, and failure to keep complete and accurate records of purchases and disposals of controlled substances.

Scarborough, Kyle Lee, M.D., Lic. No. H8380, Conroe TX

On August 27, 2010, the Board and Kyle Lee Scarborough, M.D., entered into an Agreed Order requiring Dr. Scarborough to take within one year and pass within three attempts the Medical Jurisprudence Examination given by the Texas Medical Board; complete 20 hours of CME including 15 hours in physician-patient boundaries, and five hours in ethics; and pay an administrative penalty of \$3,000 within 90 days. The Order was based upon Dr. Scarborough's inappropriate prescription of dangerous drugs and unprofessional conduct when he became personally involved with a patient in an inappropriate manner.

INADEQUATE MEDICAL RECORDS

Anderson, James Mark, M.D., Lic. No. H4128, Irving TX

On August 27, 2010, the Board and James Mark Anderson, M.D., entered into an Agreed Order requiring Dr. Anderson to complete within one year eight hours of CME in medical record-keeping; and pay an administrative penalty of \$1,000 within 90 days. The Order was based upon Dr. Anderson's inadequate medical records for one patient.

Avila, Fernando T., M.D., Lic. No. G2899, San Antonio TX

On August, 27, 2010, the Board and Fernando T. Avila, M.D., entered into a two-year Agreed Order that requires Dr. Avila to have a physician monitor his practice. The Order was based upon Dr. Avila's failure to maintain adequate medical records.

Bernstein, Howard Robert, M.D., Lic. No. E9536, Houston TX

On August 27, 2010, the Board and Howard Robert Bernstein, M.D., entered into a Mediated Agreed Order requiring that Dr. Bernstein complete 20 hours of CME in risk management and medical record-keeping within one year; and pay an administrative penalty of \$1,000 within 60 days. The Order was based upon Dr. Bernstein's failure to maintain adequate medical records for two patients.

Browne, Lewis Austin, M.D., Lic. No. F6485, Longview TX

On August, 27, 2010, the Board and Lewis Austin Browne, M.D., entered into an Agreed Order requiring Dr. Browne to complete within one year eight hours of CME in medical

record-keeping. The Order was based upon Dr. Browne's inadequate record-keeping in the case of a patient with deep vein thrombosis.

Currie, William Alexander, M.D., Lic. No. G7189, Katy TX

On August 27, 2010, the Board and William Alexander Currie, M.D., entered into an Agreed Order requiring Dr. Currie to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent course approved in advance; and pay an administrative penalty of \$2,000 within 60 days. The Order was based upon Dr. Currie's failure to maintain adequate medical records and failure to use proper diligence in his medical practice, resulting in one patient's delayed referral to a colorectal surgeon.

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

On August 27, 2010, the Board and Jorge R. Guevara, M.D., entered into an Agreed Order requiring Dr. Guevara to complete within one year eight hours of CME in medical record-keeping and four hours in HIPPA-related issues. The Order was based upon Dr. Guevara's inadequate medical records for one patient.

Gray, Andy John, M.D., Lic. No. H3061, Lubbock TX

On August 27, 2010, the Board and Andy John Gray, M.D., entered into an Agreed Order requiring Dr. Gray to complete within one year 19 hours of CME including eight hours in medical record-keeping, eight hours in the subject of dealing with difficult patients, and three hours in the subject of evaluating and treating diabetes and metabolic syndrome; and pay an administrative penalty of \$1,500 within 60 days. The basis for action was Dr. Gray's failure to maintain adequate medical records for a patient.

Imtiaz, Farhina Khan, M.D., Lic. No. L0293, Houston TX

On August 27, 2010, the Board and Farhina Khan Imtiaz, M.D., entered into an Agreed Order that requires Dr. Imtiaz to complete within one year eight hours of CME in medical record-keeping. The basis for the Order was Dr. Imtiaz' failure to keep adequate medical records for one patient.

Kikuchi, Kerry L., M.D., Lic. No. L8766, Seabrook TX

On August 27, 2010, the Board and Kerry L. Kikuchi, M.D., entered into an Agreed Order requiring Dr. Kikuchi to complete within one year five hours of CME in medical record-keeping and pay an administrative penalty of \$3,000 within 60 days. The Order was based on Dr. Kikuchi's inadequate medical records for one patient.

Lewitton, Michael, M.D., Lic. No. K1236, Houston TX

On August 27, 2010, the Board and Michael Lewitton, M.D., entered into an Agreed Order requiring Dr. Lewitton to complete within one year eight hours of CME in medical record-keeping. The action was based on Dr. Lewitton's inadequate medical records for one patient.

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

On August 27, 2010, the Board and Alan Dale Shiller, M.D., entered into an Agreed Order requiring Dr. Shiller to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent program approved in advance; and pay an administrative penalty of \$5,000 within 60 days. The Order was based upon Dr. Shiller's failure to maintain adequate medical records for 21 ophthalmology patients and for prescribing to himself without maintenance of medical records and not for immediate need.

CRIMINAL CONVICTION

Fernandez, Jose R., M.D., Lic. No. J7954, Pharr TX

On August 27, 2010, the Board and Jose R. Fernandez, M.D., entered into an Agreed Order publicly reprimanding Dr. Fernandez and restricting him from supervising any female in a preceptorship program. The Order also requires Dr. Fernandez to complete within one year the University of California San Diego Physician Assessment and Clinical Education program; complete within one year eight hours of CME in ethics; and pay an administrative penalty of \$3,500 within 60 days. The Order was based upon Dr. Fernandez's failure to report his criminal and malpractice history when renewing his license.

VOLUNTARY SURRENDER

Cowart, James E., M.D., Lic. No. C3619, San Antonio TX

On August 27, 2010, the Board and James E. Cowart, M.D., entered into an Agreed Voluntary and Permanent Surrender Order in which Dr. Cowart surrendered his medical license due to a medical condition.

Douglass, Albert H., M.D., Lic. No. E4303, San Antonio TX

On August 27, 2010, the Board and Albert H. Douglass, M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted the voluntary and permanent surrender of Dr. Douglass's Texas medical license, permanently canceling it. The Order was based upon Dr. Douglass's physical condition that affects his ability to practice medicine.

Eisen, Miguel, M.D., Lic. No. D3212, Lakeland FL

On August 27, 2010, the Board and Miguel Eisen, M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted the voluntary and permanent surrender of Dr. Eisen's license due to a debilitating health impairment.

Eudaly, Harold Bohstedt, Jr., M.D., Lic. No. C6930, Fort Worth TX

On August 27, 2010, the Board and Harold Bohstedt Eudaly, Jr., M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted the voluntary and permanent surrender of Dr. Eudaly's medical license due to illness.

Havard, Thomas J., III, D.O., Lic. No. E5103, North Richland Hills TX

On August 27, 2010, the Board and Thomas J. Havard, III, D.O., entered into an Agreed Voluntary Surrender Order in which the Board accepted the voluntary and permanent surrender of Dr. Havard's Texas medical license due to health reasons and in lieu of further proceedings.

King, James Dawson, M.D, Lic. No. E7141, Beaumont TX

On August 27, 2010, the Board and James Dawson King, M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted Dr. King's voluntary and permanent surrender of his medical license in lieu of further Board proceedings related to his inability to safely practice medicine due to an illness.

Kosloske, Ann Mary, M.D., Lic. No. K4110, Sanibel FL

On August 27, 2010, the Board and Ann Mary Kosloske, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Kosloske voluntarily and permanently surrendered her license in lieu of further proceedings related to the payment of an administrative penalty.

Lane, Frank Childress, M.D., Lic. No. D1698, San Antonio

On August, 27, 2010, the Board and Frank Childress Lane, M.D., entered into an Agreed Order Order of Voluntary Surrender in which the Board accepted Dr. Lane's voluntary and permanent surrender of his Texas medical license due to a physical impairment that limits his ability to practice medicine.

Olea, Efren Saucedo, M.D., Lic. No. D8048, San Antonio TX

On August, 27, 2010, the Board and Efren Saucedo Olea, M.D., entered into an Agreed Voluntary and Permanent Surrender Order in which Dr. Olea permanently surrendered his license in lieu of further investigation, hearings and costs associated with litigation.

Rampoldi, James Moses, M.D., Lic. No. E3829, Lewisville TX

On August 27, 2010, the Board and James Moses Rampoldi, M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted Dr. Rampoldi's voluntary and permanent surrender of his Texas medical license. The Order was based upon Dr. Rampoldi's health issues and desire to retire.

Sim, Wee-Lim, M.D., Lic. No. E9411, Ottawa, Ontario, Canada

On August, 27, 2010, the Board and Wee-Lim Sim, M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted Dr. Sim's voluntary and permanent surrender of his Texas medical license, due to a physical condition that has affected Dr. Sim's ability to practice medicine.

Singletary, Sonja Eva, M.D., Lic. No. G7950, Houston TX

On August 27, 2010, the Board and Sonja Eva Singletary, M.D., entered into an Agreed Voluntary Surrender Order in which the board accepted the voluntary and permanent surrender of Dr. Singletary's license due to an ongoing physical condition and her previous retirement in August 2009.

Thomas, Thomas Joseph, M.D., Lic. No. E3480, Forestburg TX

On August 27, 2010, the Board and Thomas Joseph Thomas, M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted Dr. Thomas' voluntary and permanent surrender of his medical license in lieu of Board licensure proceedings related to continuing medical education requirements.

Woollends, Michael, M.D., Lic. No. F1315, Plainview TX

On August 27, 2010, the Board and Michael Woollends, M.D., entered into an Agreed Voluntary Surrender Order in which the Board accepted the voluntary and permanent surrender of Dr. Woollends' medical license due to a physical impairment.

VIOLATION OF A PRIOR ORDER

Burleson, James Dewain, M.D., Lic. No. H1932, Gatesville TX

On August 27, 2010, the Board and James Dewain Burleson, M.D., entered into an Agreed Order Modifying a Prior Order that extends his 2009 Order for an additional two years and prevents him from prescribing all Schedule II and III drugs. The new Order was based upon Dr. Burleson's failure to maintain adequate medical records for 5 patients.

Kuhne, Robert Christopher, M.D., Lic. No. H2519, Frisco TX

On August 27, 2010, the Board and Robert Christopher Kuhne, M.D., entered into a Mediated Agreed Order requiring Dr. Kuhne to complete eight hours of CME in medical record-keeping/risk management within one year; pay an administrative penalty of \$1,000 within 90 days; within one year complete the physician-patient communication course offered by University of California San Diego Physician Assessment and Clinical Education program; pass the Medical Jurisprudence Examination within one year and within three attempts or face immediate suspension; and within 30 days file motions to dismiss appeals filed regarding Final Orders entered in 2006 and 2007. The Order was based on Dr. Kuhne's failure to comply with a board order – specifically, to take a continuing medical education course as required by a 2006 Order, and take and pass the Medical Jurisprudence Examination as required by his 2007 order – as well as his failure to adequately document a diagnosis for one patient.

Long, James, M.D., Lic. No. K1753, Waco TX

On August, 27, 2010, the Board and James Long, M.D., entered into an Agreed Order suspending Dr. Long's license, staying the suspension, and placing Dr. Long on probation under the following terms and conditions for seven years: Dr. Long shall not treat his immediate family; prescribe controlled substances with addictive potential to his immediate family; prescribe or refill a prescription for narcotics of any kind by telephone to a pharmacy or permit any individual under his supervision to do so; or employ any family members. In addition, Dr. Long must send a letter to all pharmacies in his area instructing them not to fill or refill prescriptions written in his name for any of his family members; and pay an administrative penalty of \$2,000 within 180 days. The Order was based upon Dr. Long's violation of his seven-year, 2006 Agreed Order that prohibited

him from employing any family members in any capacity in his medical practice or office.

Smith, Donald W., M.C., Lic. No. D6870, Spring TX

On August, 27, 2010, the Board and Donald W. Smith, M.D., entered into an Agreed Order Modifying a Prior Order that extends the 10-year probationary period set forth in a 2003 Order by one year and requires Dr. Smith to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education program and pay all outstanding fees to a drug-testing company. The Agreed Order Modifying a Prior Order was based upon Dr. Smith's failure to timely report his taking a prohibited substance to treat suspected cardiac symptoms to the Board; failure to implement a chart monitor's recommendations; and failure to pay an overdue balance of \$3,000 to a drug-testing company.

FAILURE TO PROPERLY SUPERVISE OR DELEGATE

Espiritu, Ernesto, M.D., Lic. No. G0873, Houston TX

On August, 27, 2010, the Board and Ernesto Espiritu, M.D., entered into an Agreed Order prohibiting Dr. Espiritu from applying to obtain DEA Controlled Substance Registration Certificates for five years; and requiring Dr. Espiritu to complete within one year the four-day, 38-hour "Controlled Substances Management" course offered by the Case Western University, or an equivalent course approved in advance; and pay an administrative penalty of \$2,000 within 90 days. The Order was based upon Dr. Espiritu's failure to adequately supervise a physician assistant who improperly prescribed controlled substances and providing false information to the Board.

OTHER STATE'S ACTION

Casey, Sean Owen, M.D., Lic. No. L6821, Eden Prairie, MN

On August 27, 2010, the Board and Sean Owen Casey, M.D., entered into an Agreed Order requiring Dr. Casey to pay an administrative penalty of \$1,000 within 60 days. The Order was based upon action taken on Dr. Casey's Alaska medical license.

Khan, Aatur-Rehman Rizwan, M.D., Lic. No. L6461, Cypress TX

On August, 27, 2010, the Board and Aatur-Rehman Rizwan Khan, M.D., entered into an Agreed Order requiring Dr. Khan to pass within one year the Medical Jurisprudence Exam within three attempts; to refrain from treating his immediate family or prescribing controlled substances to himself or family members; and to pay an administrative penalty of \$3,000 within 60 days. The Order was based upon disciplinary action against Dr. Khan taken in 2009 by the California Medical Board, which placed Dr. Khan on 35 months' probation and prohibits him from prescribing controlled substances to himself.

Leffingwell, Sanford Scott, M.D., Lic. No. M3626, Auburn GA

On August 27, 2010, the Board and Sanford Scott Leffingwell, M.D., entered into an Agreed order requiring Dr. Leffingwell to pay an administrative penalty of \$1,000 within

60 days. The Order was based upon Dr. Leffingwell's being the subject of a disciplinary order in Georgia.

Smith, Chadwick Fitzhugh, M.D., Lic. No. C7134, Los Angeles CA

On August 27, 2010, the Board and Chadwick Fitzhugh Smith, M.D., entered into an Agreed Order publicly reprimanding Dr. Smith and requiring Dr. Smith to pay an administrative penalty of \$5,000 within 60 days. The Order was based upon action taken by the Medical Board of California against Dr. Smith based on his medical records for two patients.

CEASE AND DESIST

Edwards, Beverley J.P., M.D., No License No., Dallas Co., TX

On August 27, 2010, the Board and Beverley J.P. Edwards, M.D., entered into an Agreed Cease and Desist Order prohibiting her from the practice of medicine. The Order was based upon Dr. Edwards' operating an on-line pain management program over the Internet to prescribe medications to patients in multiple states including Texas. Dr. Edwards does not have a DEA certification for Texas and does not have any Texas medical license.

PEER REVIEW ACTION

Scheinin, Scott Alan, M.D, Lic. No. H2763, Houston TX

On August 27, 2010, the Board and Scott Alan Scheinin, M.D., entered into an Agreed Order requiring Dr. Scheinin to complete within one year 10 hours of CME in medical record-keeping and pay an administrative penalty of \$1,000 within 60 days. The basis for action was the Board's finding that Dr. Scheinin's failed to maintain adequate medical records for one patient and had been subject to a performance improvement plan based upon instances of unprofessional conduct towards hospital staff.

RULE VIOLATION

Thomas, James Herman, Jr., M.D., Lic. No. G0199, Houston TX

On August 27, 2010, the Board and James Herman Thomas, J.R., M.D., entered into a Mediated Agreed Order requiring Dr. Thomas to pay an administrative penalty of \$500 within 60 days. The Order was based on Dr. Thomas's failure to provide correct information on his Physician Profile as required by the Texas Medical Board.

FAST TRACK ORDERS

The board issued 74 orders for minor statutory violations.

CORRECTIVE ORDERS

Corrective orders are for violations that do not warrant restricting a physician's license but may include requirements such as administrative penalties, continuing medical education or chart monitoring.

Adams, John Gramling, M.D., Lic. No. E6704
Aggarwal, Ajay, M.D., Lic. No. J7879
Alderete, Wesley Allan, M.D., Lic. No. G3105
Baldwin, Richard Butler, D.O., Lic. No. E6989
Becker, Steven Victor, M.D., Lic. No. E9107
Beggs, Tiffany Larae, D.O., Lic. No. K8875
Blizzard, Cynthia Anne, M.D., Lic. No. G8006
Boehm, Henry Julius, Jr., M.D., Lic. No. D0059
Bornstein, Aaron Claire, M.D., Lic. No. G1336
Davis, Bryan William, M.D., Lic. No. L3948
Desai, Mounang Praful, M.D., Lic. No. K3570
Hanson, Robert E., Jr., M.D., Lic. No. E1329
Hudson, Charles H., III, D.O., Lic. No. E8574
Ingebrigtsen, Norman A., M.D., Lic. No. D0921
Johnson, Bill J., M.D., Lic. No. F9623
Jussa, Zulifiqar M., M.D., Lic. No. L6969
Levinthal, Robert, M.D., Lic. No. D7148
Mahaffy, Robert Karl, M.D., Lic. No. E4495
Oh, Sei Chang, M.D., Lic. No. F2379
Porter, Carlos, M.D., Lic. No. J6667
Prescott, Paul Robert, M.D., Lic. No. G1160
Rana, Irfan Rafiq, M.D., Lic. No. N2750
Scheinin, Scott A., M.D., Lic. No. H2763
Sozer, Sadri Ozan, M.D., Lic. No. J8782
Takase, Kouji, M.D., Lic. No. G1839

PHYSICIAN ASSISTANTS

Ozment, Zoe Elizabeth, PA-C, Lic. No. PA05657, Keller TX

On July 9, 2010, the Texas Physician Assistant Board and Zoe Elizabeth Ozment, PA-C, entered into an Agreed Order requiring Ms. Ozment to complete eight hours of CME in risk management. The action was based on Ms. Ozment's failure to use proper diligence in her professional practice when she did not immobilize the wrist of a patient prior to referring the patient to a specialist for further evaluation.

Davis, Danny Franklin, PA, Lic. No. PA00674, Bryan TX

On July 9, 2010, the Texas Physician Assistant Board and Danny Franklin Davis, PA, entered into an Agreed Order requiring Mr. Davis to complete a course in medical record-keeping within one year. The action was based on Mr. Davis' failure to use proper diligence in his professional practice when he prescribed a drug to a patient despite the patient's known allergy to the drug.

Kovalski, Samuel Lyn, PA, Lic. No. PA04823, Bartlett TX

On July 9, 2010, the Texas Physician Assistant Board and Samuel Lyn Kovalski, PA, entered into an Agreed Order requiring Mr. Kovalski to complete within one year six hours of CME in medical record-keeping. The action was based on Mr. Kovalski's failure to maintain adequate medical records.

Quan-Aston, Lina Marie, PA-C, Lic. No. PA05539, Temple TX

On July 9, 2010, a panel of the Texas Physician Board issued an order granting termination of Lina Marie Quan-Aston, PA-C's 2007 Agreed Order. The Board decision was based on Ms. Quan-Aston's having served two years and five months of her five-year order, her consistent compliance with all its terms and conditions, and her desire for part-time employment.

Garcia, John, Jr. PA-C, Lic. No. PA01536, Cleveland TX

On July 9, 2010, the Texas Physician Assistant Board and John Garcia, Jr., PA-C, entered into an Agreed Order publicly reprimanding Mr. Garcia and requiring him to cancel or surrender his DEA/DPS certificates for prescribing controlled substances until receiving written authorization from the Board; refrain from prescribing any controlled substance under the delegation authority of a supervising or non-supervising person; refrain from treating Mr. Garcia's immediate family; pass the Texas Physician Assistant Jurisprudence Examination within one year; complete within one year 20 hours of CME including 15 hours in medical record-keeping and five hours in ethics; and pay within 180 days an administrative penalty of \$6,000. The action was based on Mr. Garcia's non-therapeutic prescribing in his treatment of two patients.

Toombs, Tammy, P.A.-C., Lic. No. PA02118, San Antonio TX

On July 9, 2010, the Texas Physician Assistant Board and Tammy Toombs, P.A.-C., entered into an Agreed Order of Suspension requiring Ms. Toombs to immediately cease the practice of medicine until she requests in writing to have the suspension stayed or lifted and personally appears before the Board, and provides evidence that she is physically and mentally competent to practice medicine. That basis for the Board's action was Ms. Tombs' use of drugs or intoxicating liquors that interfered with her ability to safely perform as a physician assistant.

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