

## 2004 Press Releases

**Wednesday, April 7, 2004**

Corrected and reissued 01/27/05

### 30 Doctors Disciplined

During its April 1-2 Board meeting, the Texas State Board of Medical Examiners took disciplinary action against 28 licensed physicians, who received one or more of the following actions: four surrenders/revocations; seven suspensions, with two stayed under certain terms and conditions; 12 restrictions; six public reprimands; and 14 administrative penalties, totaling \$65,250. The board temporarily suspended the license of two physicians since the last board meeting. At its February 27 meeting, the Texas State Board of Physician Assistant Examiners took disciplinary action against four licensed physician assistants and assessed administrative penalties in the amount of \$6,000.

### New Licenses Issued

During its April 1-2 Board meeting, the Board approved the licensure applications of 335 physicians.

### Rule Changes

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

Chapter 163, Licensure: Rule review and amendments to §§163.1-163.7, 163.11 and 163.12 concerning eligibility for licensure and general cleanup of the rules.

Chapter 164, Physician Advertising: Amendments to §164.4 concerning advertising board certification to provide a method for informing the public of the physician's interest and expertise and to identify those physicians possessing board certification.

Chapter 175, Fees, Penalties, and Applications: Amendments to §§175.1 and 175.4 concerning increases in application and registration fees for licenses and permits issued by the Board and mandated by Texas Online Authority.

Chapter 183, Acupuncture: Amendment to §183.15 concerning requirement that licensed acupuncturists provide information to the public indicating they are licensed by the Texas State Board of Medical Examiners and that acupuncture is their primary field of practice.

Chapter 193, Standing Delegation Orders: Amendment to §193.6 concerning Delegation of the Carrying Out or Signing of Prescription Drug Orders to Physician Assistants and Advanced Practice Nurses necessary for general cleanup of the section relating to controlled substances and triplicate prescriptions for obstetrical services.

### Proposed Rule Changes

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

Chapter 163, Licensure: Proposed amendment to § 163.1, Definitions relating to a Special Purpose License (Telemedicine) and the creation of new § 163.14, Licensure to Practice Medicine Across State Lines (Telemedicine).

Chapter 174, Telemedicine: Proposed repeal of §§ 174.1-174.16 and proposed new §§ 174.1-174.5 relating to standards for provision of telemedicine medical services and use of the Internet in transmission of information.

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

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

Chapter 185, Physician Assistants: Proposed rule review and proposed amendments to §§ 185.8, 185.15, 185.16, and 185.20 regarding inactive status, supervising physicians, employment guidelines, and complaints.

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

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

For copies of rule changes or proposed rules, write the Board at MC 264, P. O. Box 2018, Austin, TX 78768-2018, or e-mail [colleen.klein@tmb.state.tx.us](mailto:colleen.klein@tmb.state.tx.us).

## **Disciplinary Actions**

The following are summaries of the Board actions. The full text of the Board orders will be available on the board's web site at [www.tsbme.state.tx.us](http://www.tsbme.state.tx.us) about 10 days after the Board meeting. The orders provide all information that is public regarding the facts of the case and violations of the law.

### **ABOLOYE, PIUS AYODELE DUPE, MD., ARLINGTON, TX, Lic. #BP10002194**

An Agreed Order was entered on 4-2-04 revoking Dr. Aboloye's Physician In Training permit number. The action was based on Dr. Aboloye's falsely denying he had ever been convicted of a felony on his licensure application when in fact he had two previous felony convictions (one for mail fraud and one for forgery) and a third felony conviction for possession of fraudulent identification. Dr. Aboloye was sentenced to four years in prison.

### **CRONK, JOHN ARTHUR, D.O., QUINLAN, TX, Lic. #H7006**

On 4-2-04 the Board and Dr. Cronk entered into an Agreed Order suspending Dr. Cronk's license until such time as he can show that he is physically and mentally competent to safely practice medicine. The action was based upon allegations of Dr. Cronk's habitual use of the controlled substance methamphetamine.

**CUMBERBATCH, KARYN-ANNE B., MD., STOCKBRIDGE, GA, Lic. #J1642**

On 4-2-04 the Board and Dr. Cumberbatch entered into an Agreed Order assessing an administrative penalty in the amount of \$1,000. The action was based upon allegations of Dr. Cumberbatch's failure to provide documentation for CME on one hour of ethics training for the period 6-1-01 to 5-31-02.

**DOMINGUEZ, JORGE E., MD., BROWNSVILLE, TX, Lic. #H3561**

On 4-2-04 the Board and Dr. Dominguez entered into an Agreed Order requiring that Dr. Dominguez obtain eight hours of education in interpersonal communications, complete a one-hour course on physician stress and burnout, and pay an administrative penalty in the amount of \$5,000. The action was based upon allegations that Dr. Dominguez's privileges had been suspended by two hospitals for unprofessional conduct involving verbal altercations with three fellow physicians.

**ENDE, MAURICE JOSEPH, MD., HOUSTON, TX, Lic. #G1646**

On 4-2-04 the Board and Dr. Ende entered into a Mediated Agreed Order subjecting Dr. Ende to chart monitoring for three years and assessing an administrative penalty in the amount of \$500. The action was based upon allegations that Dr. Ende failed to properly interpret five X-rays.

**EVANS, PATRICIA RAE, MD., KINGMAN, AZ, Lic. #K2459**

On 4-2-04 the Board and Dr. Evans entered into an Agreed Order suspending Dr. Evan's license until such time as she personally appears before the Board and provides evidence and information which in the discretion of the Board indicates that she is physically, mentally and otherwise competent to safely practice medicine. The action was based upon disciplinary action taken by Arizona regarding Dr. Evan's abuse of the drug Fentanyl.

**FLEMING, FORNEY WITHERS III, MD., PORT ARTHUR, TX, Lic. #D5989**

On 4-2-04 the Board and Dr. Fleming entered into a Mediated Agreed Order publicly reprimanding Dr. Fleming and restricting his license for three years under terms and conditions including Dr. Fleming's implementation of a communications system for his practice, monitoring of his practice, obtaining 25 hours of CME in risk management and skeletal radiographic studies, and assessing an administrative penalty in the amount of \$7500. The action was based on allegations that Dr. Fleming failed to diagnose an osteosarcoma.

**GARCIA, JOSEPH, MD., TARPON SPRINGS, FL, Lic. #G5076**

An Agreed Order was entered on 4-2-04 publicly reprimanding Dr. Garcia and requiring that he successfully complete an approved course in risk management. The action was based upon allegations that Dr. Garcia failed to recognize that a cardiac patient was in imminent danger due to inadequate information and failed to follow up after scheduling surgery on the patient.

**GLASGOW, MARK LAWRENCE, MD., FLOYDS KNOBS, IN, Lic. #H5888**

On 4-2-04 the Board and Dr. Glasgow entered into an Agreed Order suspending Dr. Glasgow's license until such time as he can show he is physically and mentally competent to safely practice medicine. The action was based upon allegations that Dr. Glasgow was disciplined by Kentucky due to his abuse of Fentanyl.

**HARTIN, RICHARD B. JR., M.D., CEDAR PARK, TX, Lic. #G6524**

On 4-2-04 the Board and Dr. Hartin entered into an Agreed Order requiring that Dr. Hartin comply with all provisions of his 10-4-02 Agreed Order including providing a copy of said Order to all employers or supervising physician(s). The action was based upon allegations that Dr. Hartin had violated his existing Agreed Board Order of 10-4-02, which involved allegations of drug abuse.

**HINOJOSA, JOSE LUIS, M.D., MISSION, TX, Lic. #H0450**

On 4-2-04 the Board and Dr. Hinojosa entered into an Agreed Order assessing an administrative penalty in the amount of \$500. The action was based upon allegations that Dr. Hinojosa's failure to use a certified X-ray technician to operate radiation equipment in his facility.

**JAIKARAN, JACQUES S., M.D., KINGWOOD, TX, Lic. #F2731**

On 4-2-04 the Board revoked Dr. Jaikaran's license. The action was based upon allegations that Dr. Jaikaran refused to comply with the terms and conditions of his 2002 Agreed Order requiring him to obtain an approved monitor. Dr. Jaikaran may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

**JENNINGS, LESLIE DESMOND, M.D., DALLAS, TX, Lic. #F9619**

On 4-2-04 the Board and Dr. Jennings entered into an Agreed Order assessing an administrative penalty in the amount of \$750. The action was based upon allegations of substandard care by operating on a knee that was not originally planned for surgery.

**KHAN, WASIM MOHAMMAD, M.D., LUFKIN, TX, Lic. #J9729**

On 4-2-04 the Board and Dr. Khan entered into an Agreed Order requiring Dr. Khan to pass the Medical Jurisprudence Examination within one year, and assessing an administrative penalty in the amount of \$1,000. The action was based upon allegations that Dr. Khan was operating a retail pharmacy, charging excessive fees, and representing himself as a specialist in "men's health."

**KING, MICHAEL WILLIAM, M.D., PORT ARTHUR, TX, Lic. #F1709**

On 4-2-04 the Board and Dr. King entered into an Agreed Order publicly reprimanding Dr. King, restricting him from prescribing controlled substances or dangerous drugs with addictive potential or potential for abuse to himself or his immediate family, and assessing an administrative penalty in the amount of \$5,000. The action was based upon allegations that Dr. King was abusing and prescribing drugs to family members and his failure to provide the Board with medical records in a timely fashion.

**LIEGEL, JOYCE M., M.D., KINGWOOD, TX, Lic. #J9592**

A Temporary Suspension Order was entered on 2-12-04 temporarily suspending Dr. Liegel's license due to evidence that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent Order of the Board. The action was based upon allegations that Dr. Liegel violated patient boundaries by borrowing money from a patient, interfered with patient family relationships and breached patient confidentiality by revealing a patient was HIV positive.

**MOORE, CHARLES THOMAS, MD., AUSTIN, TX, Lic. #E4539**

On 4-2-04 the Board and Dr. Moore entered into an Agreed Order placing Dr. Moore on probation for seven years, and requiring a board-approved monitor to review certain patient records. The Board also assessed an administrative penalty in the amount of \$10,000. The action was based upon allegations that Dr. Moore failed to maintain adequate medical records, ordered extensive laboratory tests without adequate charting and charged fees that were excessive in light of the medical records.

**MORA, ALEXANDER III, MD., SAN ANTONIO, TX, Lic. #G5972**

On 4-2-04 the Board and Dr. Mora entered into an Agreed Order publicly reprimanding Dr. Mora, requiring that Dr. Mora enroll in and successfully complete an approved course in CPT coding, requiring that Dr. Mora obtain 10 hours of CME in ethics and assessing an administrative penalty in the amount of \$5,000. The action was based upon allegations that Dr. Mora improperly billed a patient's insurance plan by charging the plan for each individual laboratory test rather than submitting one claim for the panel of tests, a practice commonly known as unbundling.

**PANG, SHING YIP, MD., ARLINGTON, TX, Lic. #J1124**

On 4-2-04 the Board and Dr. Pang entered an Agreed Order accepting Dr. Pang's voluntary and permanent surrender of his license. The action was based upon allegations that Dr. Pang violated a prior Board Order by consuming prohibited drugs and presenting forged medical records to the Board in an attempt to cover up his drug use while on vacation.

**PAYNE, STEVEN MATHIEU, MD., HOUSTON, TX, Lic. #J0184**

On 4-2-04 the Board and Dr. Payne entered into an Agreed Order revoking Dr. Payne's license. The action was based upon allegations that Dr. Payne conducted an inappropriate examination of a female patient.

**PEREZ, OSCAR, MD., WAUSAU, WI, Lic. #BP10007037**

On 4-2-04 the Board and Dr. Perez entered into an Agreed Order placing terms and conditions on Dr. Perez's license for three years including psychiatric treatment and successful completion of an approved course regarding boundary violations. The action was based upon the fact that Dr. Perez was terminated from a residency program due to allegations of unprofessional conduct, boundary issues, unethical conduct, tardiness and absenteeism.

**PHERWANI, RAKESH, D.O., SPRING, TX, Lic. #BP30008437**

An Order was entered on 4-2-04 suspending Dr. Pherwani's Texas Postgraduate Resident Permit. The action was based on Dr. Pherwani's conviction of sexual offenses and incarceration in a state penitentiary for 15 years.

**RUFFIER, JUAN CARLOS, MD., EL PASO, TX, Lic. #G6006**

A Temporary Suspension Order was entered on 3-22-04 temporarily suspending Dr. Ruffier's license without notice due to evidence that Dr. Ruffier's continuation in the practice of medicine would constitute a continuing threat to the public welfare. The allegations that led to the Temporary Suspension Order will be the subject of a Temporary Suspension Hearing With Notice on May 5. The Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent Order of the Board. The action was based upon allegations that Dr.

Ruffier acted unprofessionally or dishonorably by performing unnecessary cardiac procedures and failed to practice to the standard of care in the treatment of about 29 patients by performing such procedures as to cause patient harm.

**SANCHEZ-LEAL, HENRY RICHARD, MD., WICHITA FALLS, TX, Lic. #G0052**

On 4-2-04 the Board and Dr. Sanchez-Leal entered into an Agreed Order publicly reprimanding Dr. Sanchez-Leal, and requiring that Dr. Sanchez-Leal obtain 20 hours CME in proper billing and coding procedures or in medical office management. The action was based upon allegations relating to improper billing statements to third-party payors.

**SARGENT, CHARLES HUNT, MD., SAN ANTONIO, TX, Lic. #H3342**

On 4-2-04 the Board and Dr. Sargent entered into an Agreed Order publicly reprimanding Dr. Sargent and suspending his license; however, the suspension was stayed and Dr. Sargent was placed on probation for two years under terms and conditions, including psychiatric evaluation, abstaining from drugs, submitting to random drug testing, requiring Dr. Sargent to complete certain identified CME, and assessing an administrative penalty in the amount of \$20,000. The action was based on Dr. Sargent's self-prescribing of controlled substances and dangerous drugs and prescribing controlled substances and dangerous drugs to a former girlfriend and her son.

**SIROPAIDES, MICHAEL PERICLES, MD., CLEVELAND, TX, Lic. #H5065**

On 4-2-04 The Board and Dr. Siropaides entered into an Agreed Order publicly reprimanding Dr. Siropaides and requiring Dr. Siropaides to complete curriculum prescribed for him by the Pine Grove Professional Enhancement Program in Mississippi. The action was based upon allegations of disruptive behavior with hospital personnel (striking a nurse while on duty).

**SKRIPKA, CHARLES FRANK JR., MD., TOMBALL, TX, Lic. #D4308**

On 4-2-04 the Board and Dr. Skripka entered into an Agreed Order converting a prior confidential order to a public order, and extending restrictions on Dr. Skripka's license for two years under terms and conditions requiring that Dr. Skripka obtain a psychiatric evaluation and follow any recommendations, requiring Dr. Skripka to participate in an assessment at the Center for Personalized Education for Physicians, and passing the Special Purpose Examination and the Texas Medical Jurisprudence Examination. The action was based upon allegations that Dr. Skripka violated his prior order by failing to maintain a current address with the Board, failing to ensure that his treating physician provided required reports to the Board, and failing to inform the Board of his employment status.

**THOMPSON, JAMES BYRON, MD., GEORGETOWN, TX, Lic. #H8460**

On 4-2-04 the Board and Dr. Thompson entered an Agreed Order assessing an administrative penalty in the amount of \$2,000. The action was based upon Dr. Thompson's failure to obtain required CME hours.

**WHEELER, DOUGLAS WAYNE, MD., PORT NECHES, TX, Lic. #F8731**

On 4-2-04 the Board and Dr. Wheeler entered into an Agreed Order restricting Dr. Wheeler's license for five years under certain terms and conditions including restricting Dr. Wheeler from practicing obstetric medicine in Texas, limiting his medical practice to a group or institutional setting, attending Board-approved CME, performing 100 hours per year of community service for an indigent health care clinic, and assessing an administrative penalty in the amount of \$5,000.

The action was based upon disciplinary action by a hospital as a result of Dr. Wheeler's substandard care resulting in a neonatal death due to abruption of the placenta.

**WOODHAM, ROBERT LEE, MD., HOUSTON, TX, Lic. #F2999**

On 4-2-04 the Board and Dr. Woodham entered into an Agreed Order placing certain terms and conditions on Dr. Woodham's license for one year including Dr. Woodham to be subject to chart monitoring, maintaining a logbook of prescriptions and refills, and assessing an administrative penalty in the amount of \$2,000.00. The action was based upon allegations of inadequate medical record keeping.

**Physician Assistants**

**DICKINSON, RONALD B., LINDEN, TX, Lic. #PA00237**

On 2-27-04 the Board and Mr. Dickinson entered into an Agreed Order publicly reprimanding Mr. Dickinson and assessing an administrative penalty in the amount of \$4,000. The action was based upon allegations that Mr. Dickinson's self-prescribed the controlled substance Didrex between 3-21-01 and 9-30-02.

**HOLMES, DONALD GENE, CLEVELAND, TX, Lic. #PA02171**

On 2-27-04 the Board and Mr. Holmes entered into an Agreed Order publicly reprimanding Mr. Holmes and assessing an administrative penalty in the amount of \$2,000. The action was based upon allegations that Mr. Holmes practiced without sufficient oversight from supervising physicians, and maintained an inappropriate financial relationship with two supervising physicians.

**HOUSEMAN, THAD WILLIAM, GARLAND, TX, Lic. #PA01862**

On 2-27-04 the Board and Mr. Houseman entered into an Agreed Order suspending Mr. Houseman's license; however, the suspension was stayed and Mr. Houseman was placed on probation for five years under terms and conditions including psychiatric treatment, abstaining from alcohol or drugs, submitting to random drug testing, and restricting Mr. Houseman from treating his immediate family or friends or prescribing controlled substances or dangerous drugs to himself or his immediate family or friends. The action was based upon allegations of drug abuse.

**ROYSTER, WILLIE KEITH, MAY, TX, Lic. #PA01361**

On 2-27-04 the Board and Mr. Royster entered into an Agreed Order revoking Mr. Royster's license. The action was based upon allegations that Mr. Royster violated his current Board Order by consuming Tramadol, a prohibited substance. Mr. Royster's order involved allegations of writing false prescriptions.

*The Texas State Board of Medical Examiners, the state agency that regulates physicians, physician assistants, surgical assistants and acupuncturists, provides consumer protection through licensure, investigation and disciplinary action. The Board, under President Lee S. Anderson, M.D., and Executive Director Donald W. Patrick, M.D., J.D., and mandated by Senate Bill 104 of the 78th Legislature, is strengthening and accelerating the disciplinary process for licensees who fail to meet the required standards of professional proficiency and behavior.*

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