

## 1997 Press Releases

### December 5, 1997

#### **14 doctors disciplined**

During its Nov. 20-22 board meeting, the Texas State Board of Medical Examiners disciplined 14 licensed physicians, who received one or more of the following actions: six suspensions, three of which were stayed and probated under various terms and conditions; six restrictions with various terms and conditions; and three administrative penalties of \$11,000 were assessed.

#### **Governor Appoints Two to Board**

Governor George W. Bush announced the appointment of two members to the Board on Nov. 4.

Ann Forehand Sibley, of Garland, is a homemaker and serves the Board as a public member. She has been active in the Highland Park Independent School District and is a founding member of the Criswell College Ladies Auxiliary. She earned a BBA from Southern Methodist University and a BFA from North Texas State University. Mrs. Sibley, whose term expires April 13, 1999, fills the unexpired term of Ann Forehand, of Texarkana, who passed away in July.

Eddie J. Miles, Jr., of San Antonio, is also a public member of the Board. He is the unit coordinator in the low risk/work release facility of the Bexar County Sheriff's Department, as well as a part-time faculty member of San Antonio College, Palo Alto College and St. Philip's College. He earned a bachelor's degree from North Carolina A&T State University and master's degrees from Troy State University, the University of Oklahoma and Phillip's University. He serves on the Board of Trustees of the United Way, as a city council member in Live Oak, and on the executive board of the San Antonio Branch of the National Association for the Advancement of Colored People. He fills the unexpired term of Margaret L. Ford, Ph.D., of Houston, who resigned. His term ends April 13, 2001.

#### **Board Adopts New Rules**

The Board adopted the following proposed rules that were published in the Texas Register: Chapter 161, General Provisions, amends section 161.1, relating to the responsibilities of the Telemedicine Committee; Chapter 163, Licensure, adds new sections 163.16 and 163.17, relating to licensure of

certain international medical graduates who have successfully completed a fifth pathway program; Chapter 165, Medical Records, repeals sections 165.1 and 165.2 and adds new sections 165.1-165.3, relating to medical record retention, amending 165.1 (c) to provide that medical records of a patient under 18 shall be retained seven years or until the patient reaches age 21, whichever is longer; Chapter 166, Physician Registration, amends section 166.2 relating to the definition of continuing medical education courses involving the study of medical ethics and/or professional responsibility;

Chapter 174, Telemedicine, new section 174.16 outlines the annual registration and continuing medical education requirements for those persons who hold a special purpose license for practice of medicine across state lines; Chapter 175, Fees, amends section 175.1 relating to physician annual registration, from \$300 to \$310; Chapter 179, Investigations, amends section 179.4 requiring peer review committees on health care entities to report professional review action that adversely affects clinical privileges for the physician assistant or acupuncturist; Chapter 185, Physician Assistants, amends sections 185.2, 185.4, 185.6, 185.19, 185.20, 185.22, 185.23, 185.25, repeals section 185.21 and adds new section 185.21, which will update the definition for physician assistant, add documentation requirements for licensure, clarify documentation which shall be submitted as part of the renewal process, update grounds for denial of licensure and for disciplinary action, add reporting requirements for investigations, update prehearing procedures, and add new information regarding administrative penalties;

Chapter 193, Standing Delegation Orders, repeals sections 193.1-193.5, 193.8, 193.9 and adds new sections 193.1-193.7, which will reorganize the chapter and comply with HB 2846 and SB 1566, 75th Legislature; Chapter 194, Non-Certified Radiologic Technicians, adds new sections 194.1-194.11, outlining requirements for registration and disciplinary action relating to persons who perform radiologic procedures under the supervision of licensed physicians, and repeals section 193.7, Radiologic Technologists.

The Board also passed, on an emergency basis under authority of the Medical Practice Act and the Texas Contact Lens Prescription Act, rules to set forth criteria under which patients may request and receive contact lens prescriptions. The new rules will be published in the Texas Register. In summary, the rules provide that, with some exceptions, a physician who performs an eye exam and fits a patient for contact lenses shall, on request, provide the prescription to the patient. If the physician has delegated the fitting to an optician, the optician will be responsible for preparing the prescription. The physician may refuse to provide the prescription if to do so presents potential harm to the patient; or if the patient has not paid for the physician's services.

The Board withdrew its previously published rules regarding the certification, annual registration and continuing education for acudetox specialists, Chapter 183.17 and 183.23. The board also voted to publish, on an emergency basis, new proposed rules. In addition, rules are proposed regarding fees for acudetox specialists.

## **Proposed Rule Changes**

The Board proposed the following rule changes for publication in the Texas Register and comment: amend Board rules 163.1 and 163.8 regarding examination combinations acceptable for licensure, which would include the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) and require that all parts, levels, components or steps must be passed within seven years. Chapter 166, Physician Registration, amend Section 166.2 (a) (1) (A), changing "Texas Medical Association" to "a state medical society recognized by the Committee for Review and Recognition of the ACCME."

A proposed change to Board Rule 171.9 concerning the Faculty Temporary License would prevent the issuance of this temporary license to an applicant who has not passed a board recognized licensing examination within three attempts.

## **Disciplinary Actions**

*The following is a summary of actions taken by the full Board:*

### **Ferguson, James W., M.D., Waco, TX, Lic. #E4327**

An agreed order was entered 11-22-97 restricting his license for four years under various terms and conditions. Action due to unprofessional conduct, failure to keep drug records, non-therapeutic prescribing or treatment, failure to practice medicine in an acceptable manner consistent with public health and welfare, and disciplinary action by peers.

### **Geyer, Walter Leslie, M.D., Fort Worth, TX, Lic. #D2226**

An agreed order was entered 11-22-97 suspending the physician's license; however, the suspension was stayed and he was placed on probation for three years under various terms and conditions. Action due to unprofessional conduct that is likely to injure the public and failure to practice medicine in an acceptable manner consistent with public health and welfare.

### **Johnson, Hooper D., M.D., Harlingen, TX, Lic. #D7605**

A Proposal for Decision was heard concerning Dr. Hooper D. Johnson on 11-22-97. The physician's license was suspended for two years. Action due to unprofessional conduct and practice inconsistent with public health and welfare. Action will not be final until all appeals have been exhausted.

### **Lostetter, Alvin Charles, M.D., Richardson, TX, Lic. #D6070**

An agreed order was entered 11-22-97 suspending the physician's license; however, the suspension was stayed and he was placed on probation for three years under various terms and conditions. Action due to unprofessional conduct that is likely to deceive or defraud the public or injure the public.

**Manion, Robert A., M.D., Junction, TX, Lic. #G6806**

An agreed order was entered 11-22-97 suspending his license; however, the suspension was stayed and he was placed on probation for two years under various terms and conditions. Action due to intemperate use of alcohol or drugs and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

**Martinez, Daniel J., M.D., San Antonio, TX, Lic. #E8695**

An agreed order was entered 11-22-97 restricting his license for five years under various terms and conditions. Action due to intemperate use of alcohol or drugs.

**McDaniel, Brian D., D.O., Victoria, TX, Lic. #J0999**

An agreed order was entered 11-22-97, restricting his license for five years under various terms and conditions. Action due to intemperate use of alcohol or drugs, failure to keep drug records, prescribing or dispensing to habitual user, non-therapeutic prescribing or treatment, administering dangerous drugs in an improper manner, practice inconsistent with public health and welfare, and violation of laws connected with practice of medicine.

**McFaul, Robert B., D.O., San Antonio, TX, Lic. #F9800**

An agreed order was entered 11-22-97 assessing an administrative penalty in the amount of \$5,000. Action due to patient care allegations relating to surgical patient.

**Moayad, Hamid, D.O., Bedford, TX, Lic. #H4562**

An agreed order was entered 11-22-97 restricting his license for three years under various terms and conditions. Action due to failure to keep complete and accurate records of purchases and disposals of drugs and failure to practice medicine in an acceptable manner consistent with public health and welfare.

**Rettig, Jeffrey E., D.O., Groesbeck, TX, Lic. #H4845**

An agreed order was entered 11-22-97 restricting his license under various terms and conditions and assessing an administrative penalty in the amount of \$5,000. Action due to unprofessional conduct.

**Silberman, Michael K., M.D., Fort Worth, TX, Lic. #H5971**

An agreed order was entered 11-22-97 suspending the physician's license until such time as he appears before the board and provides sufficient evidence and information that indicates he is physically, mentally, and otherwise competent to safely practice medicine. Action due to conviction of a crime of the grade of a felony or a crime of lesser degree that involves moral turpitude.

**Silva, Marcelino S., M.D., Lockhart, TX, Lic. #E6173**

An order was entered on 11-22-97 suspending the physician's license due to violation of probation.

**Townsend-Parchman, Wallace, M.D., Carrollton, TX, Lic. #F7683**

An agreed order was entered 11-22-97 restricting his license for five years under various terms and conditions. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, prescribing or administering a drug or treatment that is non-therapeutic in nature or non-therapeutic in the manner the drug or treatment is administered or prescribed, impairment due to illness or chemical abuse, and failure to practice medicine in an acceptable manner consistent with public health and welfare.

**Tucker, Donald Tommy, M.D., Austin, TX, Lic. #G4063**

An agreed order was entered 11-22-97 assessing an administrative penalty in the amount of \$1,000. Action due to aiding or abetting the unlicensed practice medicine.

If you would like to receive future releases by e-mail, send your e-mail address to [jill.wiggins@tmb.state.tx.us](mailto:jill.wiggins@tmb.state.tx.us)

For more information, call Jill Wiggins, Public Information Director, at (512) 305-7018 or write to:

Texas State Board of Medical Examiners  
MC 251  
P.O. Box 2018  
Austin, TX 78768-2018  
e-mail: [jill.wiggins@tmb.state.tx.us](mailto:jill.wiggins@tmb.state.tx.us)