

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

December 15, 2016

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TMB disciplines 25 physicians at December meeting

At its December 2, 2016 meeting, the Texas Medical Board disciplined 25 licensed physicians and issued one cease and desist order.

The disciplinary actions included: five orders related to quality of care violations, one order related to unprofessional conduct, four voluntary surrenders/revocations, one voluntary suspension, one termination of suspension, two orders related to peer review actions, one order related to improper supervision or delegation, two orders related to violation of prior Board order, two orders related to other states' action, one order related to failure to use the Texas Electronic Death Registry, one order related to inadequate medical records, two orders related to Texas Physician Health Program violations, and two orders related to impairment.

The Board issued 170 physician licenses at the December meeting, bringing the total number of physician licenses issued so far in FY17 to 1,087.

No rules were adopted during the December meeting.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Adugba, Ikenna, M.D., Lic. No. K6978, Denton

On December 2, 2016, the Board and Ikenna Adugba, M.D., entered into an Agreed Order on Formal Filing requiring Dr. Adugba to have his practice monitored by another physician for 12 consecutive monitoring cycles; within 30 days schedule an assessment with U.S. San Diego Physician Assessment and Clinical Education (PACE) Program or the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in physician-patient communication and eight hours in medical recordkeeping; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Adugba failed to notify and follow-up on a patient's elevated blood pressure and creatine level and failed to keep adequate medical records for 12 patients to justify the use of controlled substances for chronic pain and continued use of antipsychotic and anxiolytic therapies. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Chen, Lilly Lil-Jing, M.D., Lic. No. J5283, Houston

On December 2, 2016, the Board and Lilly Lil-Jing Chen, M.D., entered into an Agreed Order on Formal Filing subjecting her to the following terms: shall not engage in the treatment of chronic pain as defined in rule; within one year and three attempts pass the Medical Jurisprudence Exam; within seven days surrender DEA/DPS controlled substances registration certificates and shall not reregister or obtain certificates without written authorization from the Board; shall not be permitted to delegate prescriptive authority or supervise any midlevel provider including physician assistants, advanced practice registered nurses or supervise surgical assistants; shall immediately surrender any and all pain management clinic certificates; shall immediately terminate any and all supervision and prescriptive delegation registrations and agreements; and within one year complete at least four hours of CME in medical ethics. The Board found Dr. Chen failed to meet the standard of care in her treatment of 15 chronic pain patients, was employed at an unregistered pain management clinic, and entered a plea of guilty for a Class B Misdemeanor in the County Criminal

Court of Law No. 4, in Harris County, TX. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Ersek, Robert A., M.D., Lic. No. E9190, Austin

On December 2, 2016, the Board and Robert A. Ersek, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in risk management, four hours in medical recordkeeping and four hours in patient selection. The Board found Dr. Ersek failed to meet the standard of care in that he did not complete an adequate pre-operative evaluation and ignored other factors indicating a patient was not a good candidate for a procedure and that he failed to keep adequate medical documentation.

Levy, Robert Lewis, M.D., Lic. No. G4638, Richardson

On December 2, 2016, the Board and Robert Lewis Levy, M.D., entered into an Agreed Order requiring him to within one year complete at least 28 hours of CME, divided as follows: 12 hours in high risk obstetrics/gynecology, eight hours in ultrasound training, four hours in risk management and four hours in physician-patient communications. The Board found Dr. Levy did not perform an ultrasound that would have clarified confusion regarding heart rate of the fetus and detected it was severely compromised.

Olusola, Benedict Oladipo, M.D., Lic. No. J7118, DeSoto

On December 2, 2016, the Board and Benedict Oladipo Olusola, M.D., entered into an Agreed Order on Formal Filing subjecting him to the following terms: beginning March 1, 2017, Dr. Olusola's medical practice, including any office and inpatient practice, is restricted to family medicine in a group or institutional setting approved in advance; Dr. Olusola shall be permitted to practice emergency medicine only in a freestanding medical care facility licensed under Chapter 254 of the Texas Health and Safety Code or a general or special hospital as defined by the Texas Health and Safety Code Section 241.003; beginning March 1, 2017, Dr. Olusola is prohibited from performing or administering cosmetic procedures or treatments of any kind on any patient in any setting and is prohibited from performing or administering stem cell procedures or stem cell treatments of any kind to any patient in any setting; prohibited from reapplying for DEA controlled substances certificates for any Schedules other than Schedule IV and V; and within 90 days pay an administrative penalty of \$3,500. The Board found Dr. Olusola performed cosmetic surgery procedures on five patients that were allegedly inappropriate or inappropriately performed, failed to maintain adequate medical records for seven patients, and surrendered his DEA controlled substances certificates in view of his alleged failure to comply with federal requirements pertaining to controlled substances. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

UNPROFESSIONAL CONDUCT

Fisher, Deborah Rachel, M.D., Lic. No. L9195, Sherman

On December 2, 2016, the Board and Deborah Rachel Fisher, M.D., entered into an Agreed Order requiring her to within a year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of in-person CME, divided as follows: four hours in ethics, four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Fisher kept pre-signed prescription pads in a locked safe with limited access. One of her former employees, who did not have authority to access the safe, was able to obtain a prescription pad which the employee used to fraudulently obtain controlled substances.

VOLUNTARY SURRENDER/REVOCATION

Davis, Jennifer L., M.D., Lic. No. J4070, Fredericksburg

On December 2, 2016, the Board and Jennifer L. Davis, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Davis agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Davis was under investigation for allegations of taking sample medications for her personal use and improper prescribing.

Martinez, Benjamin Seth, M.D., Lic. No. N2187, Dallas

On December 2, 2016, the Board and Benjamin Seth Martinez, M.D., entered into an Agreed Order of Revocation in which Dr. Martinez agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Martinez's license had been suspended by the Board after a Houston jury found him guilty of 16 felony counts related to health care fraud.

Pallares, Frank, M.D., Lic. No. F1181, Coronado, CA

On December 2, 2016, the Board and Frank Pallares, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pallares agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Pallares was under investigation related to disciplinary action taken against him by the Arizona Medical Board.

Worthing, Louie Fabian, III, M.D., Lic. No. E1190, Houston

On December 2, 2016, the Board and Louie Fabian Worthing, III, M.D., entered into an Agreed Voluntary and Permanent Surrender in which Dr. Worthing agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Worthing was under investigation by the Board regarding allegations pertaining to the care and treatment of a patient.

VOLUNTARY SUSPENSION**Henderson, Billy Wayne, M.D., C7179, Nacogdoches**

On December 2, 2016, the Board and Billy Wayne Henderson, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Henderson's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted and appears before the Board to provide clear and convincing evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Henderson's privileges were not renewed by a health care entity due to Dr. Henderson's cognitive impairment and hearing loss and his failure to meet the standard of care for two patients.

TERMINATION OF SUSPENSION**Ryan, Robert Patton, M.D., Lic. No. E6901**

On December 2, 2016, the Board entered an Order Granting Termination of Suspension, lifting the suspension of Robert Patton Ryan, M.D.'s Texas medical license. The modification requires Dr. Patton to continue psychiatric treatment with quarterly reports to the Board; have his practice setting approved by the Board in advance; and he will be referred to the Texas Physician Health Program. The Board was provided evidence that Dr. Patton is no longer cognitively impaired from a traumatic brain injury and that he is able to practice medicine under the terms of the order.

PEER REVIEW ACTION**Jones, Ryan Edward, M.D., Lic. No. Q4778, Dallas**

On December 2, 2016, the Board and Ryan Edward Jones, M.D., entered into an Agreed Order requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Jones was disciplined by his residency program due to unprofessional conduct and a failure to comply with his probation requirements.

Salcedo, Jorge, M.D., Lic. No. L4688, Spokane, WA

On December 2, 2016, the Board and Jorge Salcedo, M.D., entered into an Agreed Order requiring him to contact the Colorado Education Program (CPEP), or the University of California San Diego Physician Assessment and Clinical Education (PACE) program to schedule a competency assessment specific to radiology. Dr. Salcedo shall not practice in Texas until he requests permission in writing and personally appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to practice medicine which shall include at minimum completion of the

assessment and resolution of his self-referral to the Texas Physician Health Program. The Board found Dr. Salcedo resigned his privileges while under investigation by the Veterans Administration involving professional competency.

IMPROPER SUPERVISION OR DELEGATION

Arellano, Victor-Hugo Valencia, M.D., Lic. No. G7777, Houston

On December 2, 2016, the Board and Victor-Hugo Valencia Arellano, M.D., entered into an Agreed Order prohibiting Dr. Arellano from supervising or delegating prescriptive authority to a physician assistant or advanced practice nurse or from supervising a surgical assistant; requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical ethics and eight hours in risk management. The Board found Dr. Arellano aided and abetted the practice of medicine by unlicensed medical providers and failed to properly supervise medical assistants who went beyond the scope of medical assistant duties.

VIOLATION OF PRIOR BOARD ORDER

Fankhauser, Grant, M.D., Lic. No. Q1600, Galveston

On December 2, 2016, the Board and Grant Fankhauser, M.D., entered into an Agreed Order Modifying Prior Order. The modification extended his August 2014 Order for a period of five years from December 2, 2016 and requires Dr. Fankhauser to submit to additional alcohol screening with or without notice. The Board found Dr. Fankhauser violated his 2014 Order by consuming alcohol. All other terms of the 2014 remain in full force and effect.

Hugg, Terry Wayne, M.D., Lic. No. F7677, Houston

On December 2, 2016, the Board and Terry Wayne Hugg, M.D., entered into an Agreed Order on Formal Filing restricting Dr. Hugg from treating pain, prescribing any medications for the treatment of pain, and prescribing any medications other than psychotropic medications used in the treatment or management of psychiatric conditions. Furthermore, Dr. Hugg is required to refer all patients with pain complaints to another provider, within one year and three attempts pass the Medical Jurisprudence Exam, and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Hugg violated his April 2013 Order when he prescribed three patients Tramadol, a controlled substance used in the treatment of pain, for periods beyond the patients' immediate need. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

OTHER STATES' ACTION

Burdette, David D., M.D., Lic. No. TM00015, Omaha, NE

On December 2, 2016, the Board and David D. Burdette, M.D., entered into an Agreed Order publicly reprimanding Dr. Burdette. The Board found Dr. Burdette was issued a public reprimand by the Colorado Medical Board for his treatment of a patient.

Lombardi, Vincent Anthony, M.D., Lic. No. J8302, Carmel, IN

On December 2, 2016, the Board and Vincent Anthony Lombardi, M.D., entered into an Agreed Order publicly reprimanding Dr. Lombardi. The Board found Dr. Lombardi was disciplined by the Colorado Medical Board (CMB) for failing to meet the standard of care and received a letter of admonition from the CMB.

FAILURE TO USE TEXAS ELECTRONIC DEATH REGISTRY

Naqvi, Erum, M.D., Lic. No. P1904, San Antonio

On December 2, 2016, the Board and Erum Naqvi, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Naqvi failed to timely complete a death certificate utilizing the Texas Electronic Death Registry System.

INADEQUATE MEDICAL RECORDS

Nguyen, Dzung An, M.D., Lic. No. F4324, Houston

On December 2, 2016, the Board and Dzung An Nguyen, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical records and eight hours in acute care medicine. The Board found Dr. Nguyen did not document the medical rationale for the use of intravenous fluids and in general there was no documentation as to the decision making that occurred for the treatment of a patient.

TXPHP VIOLATION

Jolivet, David Anthony, M.D., Lic. No. G2160, Carlsbad

On December 2, 2016, the Board and David Anthony Jolivet, M.D., entered into an Agreed Order subjecting him to the following terms for five years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; submit to the Board three physicians who are board certified in psychiatry to serve as his treating psychiatrist and follow all recommendations for care and treatment made by the treating psychiatrist; and participate in Caduceus activities at least once a month for a minimum of one year. The Board found Dr. Jolivet violated the terms of his Texas Physician Health Program monitoring agreement by failing to provide physician reports and 12-step attendance records as required by the agreement.

Scheinost, Nancy A., M.D., Lic. No. J5471, Bryan

On December 2, 2016, the Board and Nancy A. Scheinost, M.D., entered into an Agreed Order requiring Dr. Scheinost to within 30 days submit in writing the names of a board certified neurologist, neuropsychologist and primary care physician; within 60 days undergo an evaluation by the board-approved neurologist, a complete exam by the primary care physician and follow all recommendations for care and treatment by the examining physicians; and within six months undergo a neuropsychological evaluation from a board-approved psychologist and follow all recommendations for care and treatment. The Board found Dr. Scheinost failed to comply with the Texas Physician Health Program (TXPHP) agreement and may be impaired with a health condition.

IMPAIRMENT

Bradley, Craig Scott, M.D., Lic. No. J4001, Lubbock

On December 2, 2016, the Board and Craig Scott Bradley, M.D., entered into an Agreed Order prohibiting Dr. Bradley from engaging in the clinical practice of medicine in Texas until he requests in writing to do so and appears before the Board to provide clear and convincing evidence he is physically, mentally, and otherwise competent to safely practice medicine. Dr. Bradley is also not permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Bradley properly reported a brain aneurysm to the Board and that his current cognitive impairment makes him unable to safely practice clinical medicine at this time.

Cantu, Conrado, Jr., M.D., Lic. No. Q5361, Alice

On December 2, 2016, the Board and Conrado Cantu, Jr., M.D., entered into an Agreed Order requiring him to abstain from the consumption of prohibited substances as defined in the order for a period of 10 years; participate in the Board's drug testing program; within 30 days undergo an independent medical evaluation and follow all recommendations for care and treatment; and participate in Alcoholics Anonymous activities daily for the first 90 days and no less than three times a week thereafter. The Board found Dr. Cantu is in recovery for substance abuse disorder for which he has been receiving treatment since May 2016.

CEASE AND DESIST

Hunter, Catharina, A/K/A Katinca Lindeque, A/K/A Katherine Hunter, No License, Boerne

On December 2, 2016, the Board and Catharina Hunter entered into an Agreed Cease and Desist Order prohibiting Ms. Hunter from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. Hunter treated a patient with metastatic cancer using UVL Blood Irradiation, high flow oxygen therapy, and intravenous sodium selenite therapy between November 2015 and February 2016, which according to Board rules is the unlicensed practice of medicine.

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To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."

All releases and bulletins are also available on the TMB website under the "Newsroom" heading.