

## 1998 Press Releases

**February 18, 1998**

### **16 doctors disciplined**

During its Feb. 5-7 board meeting, the Texas State Board of Medical Examiners disciplined 15 licensed physicians, who received one or more of the following actions: two revocations; four suspensions, of which two were stayed and probated under various terms and conditions; six restrictions with various terms and conditions; one public reprimand; and three administrative penalties of \$7,000 were assessed.

### **Board Adopts New Rules**

The Board adopted the following proposed rules that were published in the *Texas Register*: Chapter 163, Licensure, amendments to 163.1 and 163.8, which will ensure that all examination requirements are consistent and equal; Chapter 166, Physician Registration, amendment to 166.2, which will clarify that continuing medical education courses recognized by the Committee for Review and Recognition of the Accreditation Council for Continuing Medical Education and sponsored by state medical societies meet the Texas State Board of Medical Examiners' requirements for continuing medical education for license renewal; Chapter 171, Institutional Permits, amendment to 171.9, which will ensure that medical school faculty who would not be eligible for an unrestricted physician license, as outlined in Chapter 163 of the board's rules (relating to Licensure), would also not be eligible for a Faculty Temporary License;

Chapter 175, Fees and Penalties, amendment to 175.1 and 175.2 relating to fees for processing an application for acudetox specialists and annual renewal of acudetox specialists; fees for approval of continuing acupuncture and acudetox acupuncture education courses; and penalty fees for renewal of non-certified radiologic technician's registration expired for 1-90 days;

Chapter 181, Contact Lens Prescriptions, new chapter which will set forth the criteria under which a patient may request and receive a contact lens prescription and under which a physician shall provide such prescription, as mandated by the 75th Legislature through the Texas Contact Lens Prescription Act; Chapter 183, Acupuncture, repeal of current 183.17 and new sections 183.17 and 183.23, to implement Senate Bill 1765, 75th Legislature, which requires the Board of Medical Examiners to certify acudetox specialists, annually renew certification, and monitor continuing education for these registrants.

### **Proposed Rule Changes**

The Board proposed the following rule changes for publication in the *Texas Register* and comment: Chapter 163, relating to Licensure: amend 163.3, 163.5, 163.7 and 163.12 to delete the word "foreign;" 163.7, add Fifth Pathway documentation; 163.14(c), delete E.C.F.M.G. section; 163.1, 163.6, 163.7, 163.12 and 163.15, replace "Advisory Board of Osteopathic Specialists" with "Bureau of Osteopathic Specialist;"

Chapter 165, Medical Records: amend 165.2 to define reasonable fees for records of \$30 for the first 10 pages; \$1 per page for 11th through 60th page; 50 cents per page for 61st through 400th page and 25 cents per page for remaining pages; actual costs of mailing or shipping; costs for microfilm or other electronic medium; and for a summary of medical records, a charge not to exceed Medicare CPT Code New Patient Level 5 evaluation and management charge;

Chapter 175, relating to Fees and Penalties: amend 175.2 to increase penalty fees for late annual registration.

### **Disciplinary actions**

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

#### **Breitenstein, Larry Jack, D.O., Houston, TX, Lic. #D5923**

An agreed order was entered 2-7-98 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 intemperate use of alcohol or drugs, unprofessional or dishonorable conduct, and impairment due to illness or chemical abuse.

#### **Brooks, Jesse Miles, M.D., Atlanta, TX, Lic. #B5748**

An agreed order was entered 2-7-98 suspending the physician's license; however, the suspension was stayed and he was placed on probation for five years under various terms and conditions. Action due to unprofessional conduct, prescribing or dispensing to habitual user, non-therapeutic prescribing or treatment, and failure to practice medicine in an acceptable manner consistent with public health and welfare.

#### **Buckley, Thomas P., M.D., Dallas, TX, Lic. #F2571**

An agreed order was entered 2-7-98 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$1,000. Action due to unprofessional or dishonorable conduct, prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed, and failure to practice medicine in an acceptable manner consistent with public health and welfare.

#### **Chepkov, James Douglas, M.D., Houston, TX, Lic. #F0931**

An agreed order was entered 2-7-98 restricting his license for three years under various terms and conditions. Action due to failure to supervise adequately the activities of those acting under supervision.

**Dickey, Billy Melvin, M.D., El Paso, TX, Lic. #C8253**

An agreed order was entered 2-7-98 assessing an administrative penalty in the amount of \$5,000. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public and failing to supervise adequately the activities of those acting under Respondent's supervision.

**Fisher, Peter Bernard, M.D., Houston, TX, Lic. #C7448**

An agreed order was entered 2-7-98 wherein the physician voluntarily and permanently surrendered his license. Action due to intemperate use of alcohol or drugs, impairment due to illness or chemical abuse, and disciplinary action by peers.

**Gershon, Julian Robert, D.O., Denton, TX, Lic. #G9462**

An agreed order was entered 2-7-98 assessing an administrative penalty in the amount of \$1,000. Action due to failure to supervise adequately the activities of those acting under the supervision of the physician.

**Glidden, Weldon Edward, D.O., Quanah, TX, Lic. #G3397**

An agreed order was entered 2-7-98 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 intemperate use of alcohol or drugs and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

**Hinkley, Bruce Stanton, M.D., Arlington, TX, Lic. #D9497**

An agreed order was entered 2-7-98 restricting his license under various terms and conditions. Action due to Respondent's apparent conduct which appears to be a violation of the 1989 order.

**Messer, Dale L., M.D., Alvin, TX, Lic. #D2740**

An agreed order was entered 2-7-98 restricting his license for five years under various terms and conditions. Action due to violation of laws connected with practice of medicine, prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed, administering dangerous drugs in an improper manner, and failure to practice medicine in an acceptable manner consistent with public health and welfare.

**Pruett, Chester E., M.D., San Antonio, TX, Lic. #G1752**

An agreed order was entered 2-7-98 restricting his license for three 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.

**Ringer, B.R., Jr., D.O., Houston, TX, Lic. #G0011**

A Proposal for Decision was reheard concerning Dr. Ringer. His license is suspended; the suspension is stayed and the physician placed on probation for five years under various terms and conditions, due to unprofessional or dishonorable conduct. The order will become final when administrative appeals have been exhausted. The physician has 20 days from the service of the order to file a motion for rehearing.

**Tessmer, Jon F., M.D., Houston, TX, Lic. #G5685**

An agreed order was entered 2-7-98 suspending the physician's license; however, the suspension was stayed and he was placed on probation 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.

**Tjong, Piang S., M.D., Fresno, CA, Lic. #F2481**

An agreed order was entered 2-7-98 wherein the physician shall not practice medicine in Texas until such time as he appears before the Board and provides sufficient evidence and information that indicates that he is physically, mentally, and otherwise competent to practice medicine. Action due to disciplinary action taken by another state.

**Tseng, Mao Hsung, M.D., Gowanda, NY, Lic. #F0335**

A Proposal for Decision was heard concerning Dr. Mao Hsung Tseng on 2-7-98. The physician's license was revoked. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud or injure the public and disciplinary action by another state. Action will not be final until all appeals have been exhausted.

**Ware, Stephen Harrison, III, M.D., Corpus Christi, TX, Lic. #F3375**

An agreed order was entered 2-7-98 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.

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