

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

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### **TMB disciplines 24 physicians at August meeting, extends emergency rule**

At its August 21, 2020 meeting, the Texas Medical Board disciplined 24 licensed physicians.

The disciplinary actions included: two orders related to quality of care violations, five orders related to unprofessional conduct, two voluntary surrenders/revocations, one revocation, one suspension, one order related to nontherapeutic prescribing, four orders related to peer review action, three orders related to other states' actions, two orders related to violation of prior order, one order related to Texas Physician Health Program violation, and two orders related to inadequate medical records. The Board also ratified two cease and desist orders.

The Board issued 163 physician licenses at the August meeting. The Board closed FY20 with a total of 4,862 physician licenses issued.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 174. TELEMEDICINE**

The amendments to §174.5, concerning [Issuance of Prescriptions](#), extends the emergency rule which was set to expire at 11:59 p.m. on September 2, 2020. The amendment extends the rule for 60 days (until 11:59 p.m. on November 1, 2020) or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Bentancourt, Alejandro Jorge, M.D., Lic. No. L2139, Harlingen**

On August 21, 2020, the Board and Alejandro Jorge Bentancourt, M.D., entered into an Agreed Order requiring him to within one year complete at least six hours of CME in management of pituitary tumors; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Bentancourt failed to adequately inform a patient and their family of reasonable alternative options to surgery on a pituitary tumor given a usually low malignancy rate. Dr. Bentancourt's operative report was inadequate and did not fully detail the surgical approach taken.

##### **Nowzaradan, Younan, M.D., Lic. No. E7211, Houston**

On August 21, 2020, the Board and Younan Nowzaradan, M.D., entered into an Agreed Order requiring him to within a year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 12 hours of CME, divided as follows: four hours in coding and documentation of billing, four hours in recognizing and treating surgical complication and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Nowzaradan failed to meet the standard of care with respect to four surgical patients.

#### **UNPROFESSIONAL CONDUCT**

##### **Guerrero, Jorge, M.D., Lic. No. G8154, Houston**

On August 21, 2020, the Board and Jorge Guerrero, M.D., entered into an Agreed Order publicly reprimanding Dr. Guerrero and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days disclose all active delegation orders to the Board; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Guerrero claims that he was unaware of his license being used to order Botox products. Dr. Guerrero did not report the purported fraudulent use of his license to police.

**Kugler, Carlos David, M.D., Lic. No. M9431, Houston**

On August 21, 2020, the Board and Carlos David Kugler, M.D., entered into an Agreed Order on Formal Filing requiring him to comply with all terms of his deferred adjudication agreement entered in November, 2018. The Board found Dr. Kugler entered a guilty plea for possession of marijuana and received deferred adjudication. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Kruckner, Douglas Lee, M.D., Lic. No. M1189, Stamford**

On August 21, 2020, the Board and Douglas Lee Kruckner, M.D., entered into an Agreed Order on Formal Filing suspending Dr. Kruckner's license; however, the suspension is stayed and he is placed on probation under the following terms for a period of 5 years: shall limit his medical practice to a group or institutional setting approved in advance by the Board; within seven days request modification of his DEA controlled substances registration to eliminate Schedules II and III and not reregister without prior Board approval; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; obtain a treating psychiatrist and follow all recommendations for care and treatment; within one year and three attempts each, pass the Federation of State Medical Board's Special Purpose Examination (SPEX) and the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in boundaries, four hours in risk management, four hours in ethics and four hours in chronic pain management; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Kruckner failed to meet the standard of care in his treatment of eleven patients, engaged in unprofessional conduct by having a sexual relationship with a woman to whom he was prescribing controlled substances and was impaired due to his intemperate use of drugs and alcohol. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Messer, Dale Leonard, M.D., Lic. No. D2740, Alvin**

On August 21, 2020, the Board and Dale Leonard Messer, M.D., entered into an Agreed Order publicly reprimanding Dr. Messer and prohibiting him from seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine on female patients, including telemedicine; within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program; within one year complete at least eight hours of CME in ethics; within 90 days pay an administrative penalty of \$1,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Messer admitted to having a consensual sexual relationship with a patient, acknowledging that he was observed in a patient's room having sex. Dr. Messer admitted to resigning while under peer review at Clear Lake Regional Medical Center.

**Syed, Ghyasuddin, M.D., Lic. No. L3493, Baytown**

On August 21, 2020, the Board and Ghyasuddin Syed, 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; have a non-familial chaperone, not related to the patient or respondent, present anytime he performs an examination of a female patient and may not be alone with any female patient in the course and scope of his practice; may not delegate the decision-making or use of his DEA credentials to prescribe or refill Schedule II prescriptions to any delegate or midlevel provider; 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 recordkeeping and eight hours in ethics. The Board found Dr. Syed engaged in inappropriate behavior with three female patients and failed to adequately document his treatment of the patients.

**VOLUNTARY SURRENDER/REVOCATION**

**Borissova, Irina Vitalyevna, M.D., Lic. No. N1268, San Antonio**

On August 21, 2020, the Board and Irina Vitalyevna Borissova, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Borissova agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Borissova was under investigation by the Board regarding her failure to comply with certain requirements of her 2016 Order, as modified. Dr. Borissova indicated her desire to voluntarily and permanently surrender her license rather than continuing to serve under the order.

**Sherman, Kenneth Colvin, Jr., M.D., Lic. No. F5045, Farmers Branch**

On August 21, 2020, the Board and Kenneth Colvin Sherman, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sherman agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Sherman's license was temporarily suspended and he was under investigation by the Board regarding allegations of indecency with a child and aggravated sexual assault of a child.

**REVOCACTION****Brindley, Paul Claunch, M.D., Lic. No. D2370, Galveston**

On August 21, 2020, the Board entered a Default Order regarding Paul Claunch Brindley, M.D., which revoked his Texas medical license. On December 19, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Brindley failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Brindley. The Board granted a Determination of Default and Dr. Brindley's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Brindley has 25 days from the service of the order to file a motion for rehearing.

**SUSPENSION****Iguh, Bernadette Uche, M.D., Lic. No. N0846, Houston**

On August 21, 2020, the Board and Bernadette Uche Iguh, M.D., entered into an Agreed Order suspending Dr. Iguh's Texas medical license; however, the suspension is probated until such a time as her criminal proceeding is resolved. The Board found Dr. Iguh is awaiting sentencing following her guilty plea to one felony count related to health care fraud.

**NONTHERAPEUTIC PRESCRIBING****Barry, Gene N., M.D., Lic. No. H9780, Nome**

On August 21, 2020, the Board and Gene N. Barry, M.D., entered into an Agreed Order on Formal Filing under the following terms: shall not engage in the practice of treating chronic pain as defined by Board rule; Dr. Barry and his delegates are prohibited from prescribing opioids, benzodiazepines, barbiturates and carisoprodol; within seven days request modification of his DEA controlled substances registration to eliminate Schedule II and not reregister for Schedule II without prior Board approval; and shall not possess, administer or prescribe Schedule II controlled substances in Texas. The Board found Dr. Barry nontherapeutically prescribed Hydrocodone and Soma to 15 patients, failed to meet the standard of care in the treatment of chronic pain, and failed to maintain adequate medical records for the patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**PEER REVIEW ACTION****Isern, Raul Dario, Jr., M.D., Lic. No. H3476, Beaumont**

On August 21, 2020, the Board and Raul Dario Isern, Jr., M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Isern and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management; and within 30 days pay an administrative penalty of \$1,000. The Board found Dr. Isern was terminated from his employment at a psychiatric hospital as a result of numerous ongoing and unresolved complaints

regarding his attendance and job performance. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Johnson, John Gordon, D.O., Lic. No. M0769, Round Rock**

On August 21, 2020, the Board and John Gordon Johnson, D.O., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in evaluation and treatment for meningitis and four hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Johnson's privileges were suspended by the Seton Healthcare System based on inadequate patient care.

**Loucks, Joshua Robert, M.D., Lic. No. BP10064410, Bellaire**

On August 21, 2020, the Board and Joshua Robert Loucks, M.D., entered into an Agreed Order publicly reprimanding Dr. Loucks. The Board found Dr. Loucks was dismissed from his internal medicine residency program due to incomplete patient documentation and one instance of dishonesty in status of the incomplete documentation and medical records.

**Rankin, Michael Brett, M.D., Lic. No. R0780, Dallas**

On August 21, 2020, the Board and Michael Brett Rankin, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Rankin and 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 recordkeeping and eight hours in risk management. The Board found Dr. Rankin had his hospital privileges terminated following delinquencies in completing medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**OTHER STATES' ACTIONS**

**Imam, Naiyer, M.D., Lic. No. M1782, Roanoke, VA**

On August 21, 2020, the Board and Naiyer Imam, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Imam was disciplined by the Minnesota Board of Medical Practice who imposed a reprimand of his license and was disciplined by the North Carolina Medical Board who also imposed a reprimand.

**Parde, Andrea KZ, M.D., Lic. No. Q4485, Omaha, NE**

On August 21, 2020, the Board and Andrea KZ Parde, M.D., entered into an Agreed Order under the following terms: for a period of five years abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within seven days modify her DEA controlled substances registration certificates for Texas to eliminate Schedule II and shall not reregister without prior Board approval; shall not possess, administer, dispense, or prescribe Schedule II controlled substances; shall participate in the activities of Alcoholics Anonymous no less than three times per week; within 30 days obtain a licensed professional counselor to serve as her treating counselor and follow all recommendations for care and treatment; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Parde, who was previously temporarily suspended due to action taken by the Nebraska Department of Health and Human Services, is in compliance with the terms of her Nebraska order, including drug testing, and is in the process of obtaining licensure in Kansas and will be subject to random drug and alcohol screening.

**Siyanbade, Oyetunde, M.D., Lic. No. R0326, Brownsville**

On August 21, 2020, the Board and Oyetunde Siyanbade, M.D., entered into an Agreed Order requiring him to comply with all terms of the North Dakota Board of Medicine's Order entered in November 22, 2019 and pay an administrative penalty of \$2,500 within 60 days. The Board found Dr. Siyanbade was disciplined by the North Dakota Board of Medicine due to unprofessional conduct.

**VIOLATION OF PRIOR ORDER**

**Ferguson, Donald William, II, M.D., Lic. No. L6039, Arlington**

On August 21, 2020, the Board and Donald William Ferguson, II, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Ferguson violated the terms of his 2018 Order by submitting a positive test for prohibited substances.

**Jakubowski, Robert Gerard, M.D., Lic. No. G9479, San Antonio**

On August 21, 2020, the Board and Robert Gerard Jakubowski, M.D., entered into a Modified Agreed Order, modifying Dr. Jakubowski's 2018 Order to prohibit him from possessing, administering, or prescribing Schedule II controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use. The provision is not subject to modification or termination until December 24, 2020. The Board found Dr. Jakubowski prescribed controlled substances and issued refills to patients beyond an acute need, in violation of his 2018 Order, as modified. All other terms of the 2018 Order, as modified, remain in full effect.

**TXPHP VIOLATION**

**Way, Megan Kendra, M.D., Lic. No. M4644, Frisco**

On August 21, 2020, the Board and Megan Kendra Way, M.D., entered into an Agreed Order publicly referring her to the Texas Physician Health Program. The Board found Dr. Way submitted a drug screen that was positive for alcohol. Dr. Way has admitted the violation and is continuing to seek medical and recovery treatment, has participated in an out-patient sobriety program, and currently works in a group or institutional setting.

**INADEQUATE MEDICAL RECORDS**

**Diaz, Antonio Manuel, Jr., M.D., Lic. No. E5508, Brownsville**

On August 21, 2020, the Board and Antonio Manuel Diaz, Jr., M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least four hours of CME in recordkeeping. The Board found Dr. Diaz performed a physical and breast exam, though his charting of the breast exam did not sufficiently document patient consent and the role of the chaperone. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Mercer, Lloyd F., Jr., M.D., Lic. No. G3610, Tyler**

On August 21, 2020, the Board and Lloyd F. Mercer, Jr., M.D., entered into a Mediated Modified Agreed Order, modifying his 2014 Order to allow treatment of patients with acute pain only on a one-time basis for 30 days with only two 30 day refills; complete all eight cycles of chart monitoring and that his physician monitor be a specialist in ADHD treatment; and within one year complete at least 10 hours of CME, divided as follows: two hours in drug-seeking behavior and eight hours in the prescribing of ADHD. The Board found Dr. Mercer was in compliance with his 2014 Order but that there was standard of care and/or inadequate documentation issues for two patients he treated for ADHD with Adderall. All other terms of the 2014 Order, as modified, remain in full effect.

**AGREED CEASE & DESISTS**

**Draluck, D. Elliot, D.C., No License, Grapevine**

On August 21, 2020, the Board and D. Elliot Draluck, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Draluck from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Draluck is prohibited from using advertising that may mislead the public regarding his being a medical doctor. The Board found Mr. Draluck's website failed to identify him as "D.C." or "Doctor of Chiropractic" after using the abbreviation "Dr."

**Hockings, Jeffrey M., D.C., No License, Grapevine**

On August 21, 2020, the Board and Jeffrey M. Hockings, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Hockings from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. Mr. Hockings is prohibited from using advertising that may mislead the public regarding his being a medical doctor. The Board found Mr. Hockings' website failed to identify him as "D.C." or "Doctor of Chiropractic" after using the

abbreviation "Dr." Mr. Hockings holds a Doctorate of Chiropractic degree, but is not licensed to practice medicine or chiropractic care in the state of Texas.

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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.*