

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

September 7, 2012

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TMB disciplines 55 physicians at August meeting

At its August 29-31, 2012 meeting, the Texas Medical Board disciplined 55 licensed physicians and issued one cease and desist order. The disciplinary actions included 22 orders based on quality of care violations, one revocation, seven voluntary surrenders/suspensions, eight orders based on unprofessional conduct, five orders based on impairment, five orders based on other states' action or peer review, four based on inadequate medical records, one based on a criminal conviction, one based on inadequate supervision and one rules violation.

The Board issued 130 physician licenses at the August board meeting, bringing the total number of physician licenses issued in FY 12 to 3,630. Forty-three percent of physician licensure applications were completed in 10 days or less.

RULE CHANGES ADOPTED

The following Rule Changes were adopted at the August 29-31, 2012 Board meeting:

Chapter 163, LICENSURE: Amendments to **§163.2**, concerning Full Texas Medical License, establishes employment requirements for licensure applicants who are not U.S. citizens or permanent residents, in accordance with Senate Bill 189 that was adopted during the 82nd Legislative Session. Amendment to **§163.5**, concerning Licensure Documentation, establishes the documentation that the Board will accept from applicants to establish U.S. or permanent residency.

Chapter 177, BUSINESS ORGANIZATIONS: Amendment to **§177.17**, concerning the Exceptions to Corporate Practice of Medicine Doctrine, provides an exception to doctrine for rural health clinics that meet the requirements of 42 CFR 491.8.

Chapter 187, PROCEDURAL RULES: Amendment to **§187.18** concerning Informal Show Compliance Proceeding and Settlement Conference Based on Personal Appearance, deletes language relating to deadline requirements for submission of rebuttal materials that is in conflict with other provisions of the rule and the Medical Practice Act, and **§187.83** concerning Proceedings for Cease and

Desist Orders, deletes language requiring a panel member to sign cease and desist order, as rule already provides for executive director to sign order.

Chapter 189, COMPLIANCE PROGRAM: The amendments to §§**189.1 - 189.3, 189.5, 189.6, 189.8 and 189.11** add language related to remedial plans to be consistent with provisions under Chapter 187, additionally the amendment to §**189.7** adds language related to remedial plans to be consistent with provisions under Chapter 187, including that probationers may not request modification or termination of remedial plans unless specifically allowed under the terms of the probationer's remedial plan.

The amendment to §**189.9** adds language related to remedial plans to be consistent with provisions under Chapter 187, including that automatic suspensions are permitted for violating terms of a remedial plan to include failure to pass SPEX or JP examinations.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Abrams, David Paul, D.O., Lic. No. K7960, San Antonio

On August 31, 2012, the Board and David Paul Abrams, D.O., entered into an Agreed Order requiring Dr. Abrams to refrain from treating any chronic pain patients. The Board found Dr. Abrams violated the standard of care in his treatment of nine pain management patients, prescribed controlled substances without a valid medical purpose and failed to maintain adequate medical records for these patients.

Benson, Royal Henry, III, M.D., Lic. No. H0175, Bryan

On August 31, 2012, the Board and Royal Henry Benson, III, M.D., entered into an Agreed Order requiring Dr. Benson to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 10 hours of CME including five hours in medical record-keeping and five hours in risk management and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Benson failed to meet the standard of care, engaged in unprofessional conduct and did not maintain adequate medical records.

Brooks, Clarence Jackson, M.D., Lic. No. E6734, Fort Worth

On August 31, 2012, the Board and Clarence Jackson Brooks, M.D., entered into an Agreed Order requiring Dr. Brooks to have another physician monitor his practice for eight monitoring cycles, complete within one year 16 hours of CME including eight hours in treating chronic pain and eight hours in medical record-keeping, within 30 days authorize Dr. Brooks' treating oncologist to provide quarterly reports addressing ability to safely practice medicine, and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Brooks failed to treat a patient according to the generally accepted standard of care, failed to maintain adequate medical records and failed to cooperate with Board staff.

Chen, Defeng, M.D., Lic. No. L7613, Corpus Christi

On August 31, 2012, the Board and Defeng Chen, M.D., entered into an Agreed Order publicly reprimanding Dr. Chen and requiring Dr. Chen to complete within one year 32 hours of CME including eight hours in the topic of critical care of patients, eight hours in ethics and 16 hours in risk management. The Board found Dr. Chen failed to timely respond in person when on-call or when requested by emergency room or hospital staff.

Dunlap, Donald Conrad, Jr., D.O., Lic. No. G4286, Irving

On August 31, 2012, the Board and Donald Conrad Dunlap Jr., D.O., entered into an Agreed Order requiring Dr. Dunlap to cease treating chronic pain complaints, pass within one year and within three attempts the Medical Jurisprudence Exam, within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in risk management and pay an administrative penalty of \$4,000 within 60 days. The Board found Dr. Dunlap failed to meet the standard of care when he prescribed controlled medications without documenting physical exams or justifications for the medication.

Gomez, Jaime Rafael, M.D., Lic. No. H9957, El Paso

On August 31, 2012, the Board and Jaime Rafael Gomez, M.D., entered into an Agreed Order requiring Dr. Gomez to have a physician monitor his practice for four monitoring cycles, complete within one year four hours of CME in the topic of post-operative complications and four hours in medical management of hemorrhagic shock. The Board found Dr. Gomez failed to meet the standard of care or use proper diligence in his professional practice.

Gopalani, Salim, M.D., Lic. No. J6116, Houston

On August 31, 2012, the Board and Salim Gopalani, M.D., entered into an Agreed Order requiring Dr. Gopalani to complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in risk management and eight hours in physician-patient communication. The Board found Dr. Gopalani failed to use proper diligence in his professional practice.

Henry, Bruce Allen, M.D., Lic. No. H2454, Arlington

On August 31, 2012, the Board and Bruce Allen Henry, M.D., entered into an Agreed Order requiring Dr. Henry to maintain a file for one year containing a copy of every prescription he writes for controlled substances or dangerous drugs with addictive potential, have a physician monitor his practice for four cycles, undergo an independent psychiatric evaluation and comply with all recommendations for care and treatment, undergo an independent medical evaluation and within one year and within three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Henry failed to comply with Board guidelines for treatment of pain and failed to meet the standard of care for eight

patients when he nontherapeutically prescribed narcotics and kept inadequate medical records.

Hernandez, Robert Jacob, M.D., Lic. No. J2602, Sherman

On August 31, 2012, the Board and Robert Jacob Hernandez, M.D., entered into a Mediated Agreed Order requiring Dr. Hernandez to pass within one year and within three attempts the Medical Jurisprudence Exam, have his practice monitored by another physician for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, maintain a logbook of all prescriptions written for controlled substances or dangerous drugs and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Hernandez failed to meet the standard of care, nontherapeutically prescribed and violated Board rules regarding maintenance of adequate medical records and the treatment of pain. The Order resolves a formal complaint filed against Dr. Hernandez at the State Office of Administrative Hearings.

Hickman, Willet J., III, M.D., Lic. No. E3707, Tyler

On August 31, 2012, the Board and Willet J. Hickman, III, M.D., entered into an Agreed Order requiring Dr. Hickman to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and complete within one year the conference entitled "Medical Oncology and Hematology 2012: Clinical and Scientific Approaches that Enhance Patient Outcomes" offered by the University of Texas M.D. Anderson Cancer Center. The Board found Dr. Hickman failed to use proper diligence in his professional practice regarding a patient with lung cancer and failed to maintain adequate medical records.

Holleman, James F., Jr., D.O., Lic. No. K4082, Tyler

On August 31, 2012, the Board and James F. Holleman, Jr., entered into a Mediated Agreed Order requiring Dr. Holleman to have another physician monitor his practice for eight monitoring cycles, complete within one year the medical record-keeping and physician prescribing courses offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Holleman failed to meet the standard of care when he nontherapeutically prescribed medications to three patients, failed to adhere to Board guidelines for the treatment of pain, and failed to keep adequate medical records. This Order resolves a formal complaint filed against Dr. Holleman at the State Office of Administrative Hearings.

Jafri, Adnan Zia, M.D., Lic. No. K8229, Tomball

On August 31, 2012, the Board and Adnan Zia Jafri, M.D., entered into an Agreed Order requiring Dr. Jafri to provide within 30 days a copy of his policies and procedures in regard to patient care at skilled nursing facilities and nursing homes, within one year complete eight hours of CME including four hours in

management of hypertension and four hours in risk management and pay an administrative penalty of \$1,500 within 90 days. The Board found Dr. Jafri failed to treat a patient according to the standard of care and failed to maintain adequate medical records.

Khan, Nadeem Ahmed, M.D., Lic. No. K8777, Fort Worth

On August 31, 2012, the Board and Nadeem Ahmed Khan, M.D., entered into an Agreed Order requiring Dr. Khan to complete within one year 10 hours of CME in the topic of obstetric and gynecology emergency and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Khan failed to meet the standard of care or use diligence in his professional practice.

Roberts, Howard Harrison, M.D., Lic. No. C5853, Brownsville

On August 31, 2012, the Board and Howard Harrison Roberts, M.D., entered into an Agreed Order in which Dr. Roberts may only provide general anesthesia with neuraxial anesthesia, regional anesthesia, and/or sedation with monitored anesthesia care under the supervision of a board-certified anesthesiologist, and with a pre-operative assessment co-signed by another board-certified anesthesiologist and with another board-certified anesthesiologist present for induction and emergence from general anesthesia; pay an administrative penalty of \$2,000 within 60 days; and complete within one year eight hours of CME in risk management and four hours in managing cardiac patients in non-cardiac surgery. The Board found Dr. Roberts failed to use proper diligence in his professional practice in providing anesthesia to a patient during a surgical procedure and administered Digoxin with no documented rationale for doing so.

Rogers, Mark Randall, M.D., Lic. No. H0770, Houston

On August 31, 2012, the Board and Mark Randall Rogers, M.D., entered into an Agreed Order requiring Dr. Rogers to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in medical record-keeping and eight hours in ethics, and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Rogers inappropriately and nontherapeutically prescribed controlled substances to his wife, failed to meet the standard of care by failing to monitor and adequately document her drug intake and failed to maintain adequate medical records.

Simpson, William Franklin, Jr., D.O., Lic. No. K5404, Eastland

On August 31, 2012, the Board and William Franklin Simpson Jr., D.O., entered into an Agreed Order requiring Dr. Simpson to complete within one year five hours of CME in medical record-keeping and five hours of CME in the topic of post-operative care, complete within one year an in-person CME course emphasizing laparoscopic surgery and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Simpson failed to meet the standard of care in a patient's post-operative care, failed to safeguard against potential complications and did not maintain adequate medical records.

Sevilla, Cesar Augusto, M.D., Lic. No. G2479, Sugar Land

On August 31, 2012, the Board and Cesar Augusto Sevilla, M.D., entered into an Agreed Order requiring Dr. Sevilla to pass within one year and within three attempts the Medical Jurisprudence Exam and within one year complete eight hours of CME in risk management.

The Board found Dr. Sevilla failed to treat a patient according to the generally accepted standard of care when he failed to communicate the need for a CT scan of a patient's chest.

Tan, Ricardo Barrera, M.D., Lic. No. E7515, Arlington

On August 31, 2012, the Board and Ricardo Barrera Tan, M.D., entered into an Agreed Order in which Dr. Tan must pass within one year, within three attempts, the Medical Jurisprudence Exam; and within one year complete four hours of CME in medical record-keeping, eight hours in ethics and 16 hours in complementary and alternative medicine.

The Board found Dr. Tan failed to do proper work-ups and evaluations on several patients prior to three patients' IV infusions.

Tupa, Christi Marie, M.D., Lic. No. L4769, Victoria

On August 31, 2012, the Board and Christi Marie Tupa, M.D., entered into an Agreed Order requiring Dr. Tupa to complete within one year the Knowledge Skills Training Assessment and Research (KSTAR) program offered by Texas A&M University and follow all recommendations made by KSTAR, complete within one year eight hours of CME in the topic of treating pediatric asthma, and have a physician monitor her practice for four monitoring cycles. In addition, Dr. Tupa shall not be permitted to supervise or delegate prescriptive authority to physician extenders. The Board found Dr. Tupa failed to meet the standard of care in her treatment of three asthma patients, failed to maintain medical records for two patients, nontherapeutically prescribed and failed to use diligence in her professional practice.

Wasson, Brian David, M.D., Lic. No. M3421, Sulphur Springs

On August 31, 2012, the Board and Brian David Wasson, M.D., entered into an Agreed Order requiring Dr. Wasson to complete within one year 16 in-person hours of CME including eight hours in medical record-keeping and eight hours in ambulatory care and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Wasson did not meet the standard of care or keep adequate medical records in regards to one patient.

Wojcik-Sapeta, Barbara, M.D., Lic. No. J9846, Mount Pleasant

On August 31, 2012, the Board and Barbara Wojcik-Sapeta, M.D., entered into an Agreed Order publicly reprimanding Dr. Wojcik-Sapeta and requiring Dr. Wojcik-Sapeta to refrain from prescribing any Schedule II medications or treating any patients for chronic pain. In addition, Dr. Wojcik-Sapeta must maintain a logbook off all prescriptions written for controlled substances or dangerous drugs with addictive potential, pass within one year and within three attempts the

Medical Jurisprudence Exam, within two years complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year 16 hours of CME in pain management and pay an administrative penalty of \$7,500 within 180 days. The Board found Dr. Wojcik-Sapeta failed to meet the standard of care with respect to 18 patients for whom her medical records were inadequate and lacking documentation to support her prescribing, and that Dr. Wojcik-Sapeta did not conduct drug screens to monitor patients for abuse or diversion despite their history of abuse and addiction.

Zarzuela, Aly Khym Buentipo, D.O., Lic. No. J6289, San Antonio

On August 31, 2012, the Board and Aly Khym Buentipo Zarzuela, D.O., entered into an Agreed Order requiring Dr. Zarzuela to complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in risk management and pay an administrative penalty of \$2,000 within 180 days. The Board found Dr. Zarzuela failed to timely respond in person when on-call or when requested by emergency room or hospital staff, failed to timely respond to communications from a patient and failed to maintain adequate medical records.

REVOCAATION

Harris, Laurie Greenslade, D.O., Lic. No. G9115, Crandall

On August 31, 2012, the Board entered an Order of Revocation, revoking the Texas medical license of Laurie Greenslade Harris, D.O. The basis for action was Dr. Harris's non-compliance with a 2010 Agreed Order that required Dr. Harris to pass the Special Purpose Examination (SPEX) within three attempts within one year.

VOLUNTARY SURRENDER/SUSPENSION

Dyer, Jennifer Shine, M.D., Lic. No. L6869, Columbus OH

On August 31, 2012, the Board and Jennifer Shine Dyer, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Dyer agreed to surrender her Texas medical license and immediately cease practice in Texas in lieu of further disciplinary proceedings. Dr. Dyer was disciplined by the State Medical Board of Ohio for self-prescribing and writing false prescriptions.

James, Doris Schatte, M.D., Lic. No. C8318, Dallas

On August 31, 2012, the Board and Doris Schatte James, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. James permanently surrendered her Texas medical license in lieu of further disciplinary proceedings.

Johnson, Kerste Jane, M.D., Lic. No. G7072, Athens

On August 31, 2012, the Board and Kerste Jane Johnson, M.D., entered into an Agreed Order of Voluntary Surrender requiring Dr. Johnson to immediately cease practice in Texas in lieu of further disciplinary proceedings.

Lane, Richard Allen, D.O., Lic. No. D2028, Plano

On August 31, 2012, the Board and Richard Allen Lane, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Lane permanently surrendered his Texas medical license in lieu of further disciplinary proceedings.

Miller, Thomas Cecil, D.O., Lic. No. C2910, Stanton

On August 31, 2012, the Board and Thomas Cecil Miller, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Miller voluntarily and permanently surrendered his Texas medical license in lieu of further disciplinary proceedings.

Smith, Darryl, M.D., Lic. No. H2789, Harker Heights

On August 31, 2012, the Board and Darryl Smith, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Smith agreed to refrain from the practice of medicine for at least six months and until he provides clear and convincing evidence and information that he is competent to safely practice medicine, including compliance with all terms of his February 2012 Agreed Order including the required FOCAL exam. The Board found Dr. Smith failed to comply with the terms of his February 2012 Order which followed his arrest and conviction of driving while intoxicated in 2009.

Smith, Donald W., M.D., Lic. No. D6870, Spring

On August 31, 2012, the Board and Donald W. Smith, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender in which Dr. Smith surrendered his Texas medical license in lieu of further disciplinary proceedings.

UNPROFESSIONAL CONDUCT

Burton, Bernard A., M.D., Lic. No. F8816, Wichita Falls

On August 31, 2012, the Board and Bernard A. Burton, M.D., entered into an Agreed Order that restricts Dr. Burton from providing psycho-pharmacologic treatment to any employee of his practice and requires Dr. Burton to complete within one year 12 hours of CME in the topic of physician-patient boundaries and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Burton inappropriately prescribed dangerous drugs or controlled substances to someone with whom he had a close personal relationship and engaged in unprofessional conduct.

Griffith, Duane Lee, M.D., Lic. No. M6156, Tyler

On August 31, 2012, the Board and Duane Lee Griffith, M.D., entered into an Agreed Order requiring Dr. Griffith to complete within one year the Maintaining Proper Boundaries course offered by the Center for Professional Health through Vanderbilt University Medical Center, complete within one year eight hours of CME including four hours in medical record-keeping and four hours in the treatment of chronic pain, and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Griffith failed to adhere to requirements for the

treatment of chronic pain, failed to use proper diligence in his professional practice and engaged in sexually inappropriate behavior or comments directed towards a patient.

Harris, Gerald Ray, D.O., Lic. No. H9519, Fort Worth

On August 31, 2012, the Board and Gerald Ray Harris, D.O., entered into a Mediated Agreed Order publicly reprimanding Dr. Harris and requiring Dr. Harris to pass within one year and within three attempts the Medical Jurisprudence Exam; complete within one year the professional boundaries course offered by Vanderbilt University; complete within one year 30 hours of CME including four hours in heavy metal toxicity treatment, eight hours in fibromyalgia treatment, eight hours in treatment of chronic fatigue, and 10 hours in ethics; and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Harris failed to disclose reasonable alternative treatments to a proposed procedure or treatment, nontherapeutically prescribed, and became personally involved with a patient in an inappropriate manner. The Order resolves a formal complaint filed against Dr. Harris at the State Office of Administrative Hearings.

Johnson, Eric Ryan, D.O., Lic. No. E6441, Arlington

On August 31, 2012, the Board and Eric Ryan Johnson, D.O., entered into an Agreed Order requiring Dr. Johnson to provide evidence within 30 days of the surrender or cancellation of his DPS/DEA controlled substance certificates, limit his medical practice to an approved group or institutional setting, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 24 hours of CME including 16 hours of ethics and eight hours of medical record-keeping. The Board found Dr. Johnson inappropriately prescribed dangerous drugs or controlled substances to himself and to family members and did not maintain adequate medical records.

Morgan, Samuel S., Jr., D.O., Lic. No. H0657, San Antonio

On August 31, 2012, the Board and Samuel S. Morgan, Jr., D.O., entered into an Agreed Order requiring Dr. Morgan, for a period of five years, to not reregister or otherwise obtain DEA or DPS controlled substances registrations without written authorization from the Board. The Board found Dr. Morgan inappropriately prescribed dangerous drugs or controlled substances to himself, engaged in unprofessional conduct and did not keep complete and accurate records of purchases and disposals of drugs.

Thiele, Stefan Peter, M.D., Lic. No. L4756, Dallas

On August 31, 2012, the Board and Stefan Peter Thiele, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Thiele and requiring him to abstain from prohibited substances, participate in AA at least five times a week, have a physician monitor who provides quarterly reports to the Board, comply with treatment and rehabilitation through his treating psychiatrist and pay an administrative penalty of \$5,000 within 90 days. The Board found that since December 2009, Dr. Thiele failed to ensure that his workplace physician monitor

provided semi-annual reports to the Board, in violation of his 2008 confidential order, and that he violated the 2008 order by testing positive for hydrocodone in October 2011. This Order resolves a formal complaint filed against Dr. Thiele at the State Office of Administrative Hearings.

Toledo, Minda Lao, M.D., Lic. No. M2487, Port Arthur

On August 31, 2012, the Board and Minda Lao Toledo, M.D., entered into an Agreed Order requiring Dr. Toledo to complete 16 hours of CME including eight hours in ethics and eight hours in risk management, pass within one year and within three attempts the Medical Jurisprudence Exam, complete the professional boundaries course offered by the Vanderbilt Medical Center for Professional Health or a similar course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Toledo behaved unprofessionally when she engaged in sexual contact with a patient and became financially or personally involved with a patient in an inappropriate manner.

Watson, Michael Quealy, M.D., Lic. No. G6770, Seminole

On August 31, 2012, the Board and Michael Quealy Watson, M.D., entered into an Agreed Order requiring Dr. Watson to undergo an independent psychiatric evaluation within 30 days and comply with any recommendations for care and treatment and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Watson engaged in unprofessional conduct and behaved in a disruptive manner toward medical personnel.

IMPAIRMENT

Coppedge, Woodrow William, M.D., Lic. No. L2853, Houston

On August 31, 2012, the Board and Woodrow William Coppedge, M.D., entered into an Agreed Order requiring Dr. Coppedge to submit to an evaluation by the Texas Physician Health Program within 30 days and comply with all PHP recommendations. The Board found Dr. Coppedge was terminated from PHP due to non-compliance with program requirements.

Dao, Tu Xuan, D.O., Lic. No. M0389, Irving

On August 31, 2012, the Board and Tu Xuan Dao, D.O., entered into an Agreed Order requiring Dr. Dao to submit to an evaluation by the Texas Physician Health Program within 30 days and comply with all PHP recommendations. The Board found Dr. Dao failed to comply with PHP reporting requirements during a transition period in which he changed jobs.

Smith, Stephen Harkness, M.D., Lic. No. J0271, San Angelo

On August 31, 2012, the Board and Stephen Harkness Smith, M.D., entered into an Agreed Order of Suspension in which Dr. Smith agreed to refrain from the practice of medicine until he provides clear and convincing evidence and

information that he is competent to safely practice again. The basis for action was Dr. Smith's inability to safely practice medicine due to excessive use of a drug.

Swaim, Mark Wendell, M.D., Lic. No. L0634, Jackson TN

On August 31, 2012, the Board and Mark Wendell Swaim, M.D., entered into an Agreed Order prohibiting Dr. Swaim from practicing medicine in Texas until he provides evidence that he is competent to safely practice. Such evidence must include, at a minimum, a report by a board-certified psychiatrist. The Board found Dr. Swaim unable to practice medicine with reasonable skill and safety because of impairment and that he engaged in dishonorable conduct and failed to cooperate with Board staff.

Vanbiber, Russell Carl, III, M.D., Lic. No. G5728, Houston

On August 31, 2012, the Board and Russell Carl Vanbiber, III, M.D., entered into an Agreed Order requiring Dr. Vanbiber to submit to an evaluation by the Physician Health Program within 30 days and comply with all recommendations. The Board found Dr. Vanbiber was terminated from PHP due to administrative failures of compliance with program requirements.

OTHER STATES' ACTION

Baghdoian, Michael, M.D., Lic. No. D8654, Southgate MI

On August 31, 2012, the Board and Michael Baghdoian, M.D., entered into an Agreed Order requiring Dr. Baghdoian to pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Baghdoian was formally disciplined by the Michigan Medical Board for failure to meet CME requirements.

Clarke, Clarence George, D.O., Lic. No. N4989, Houston

On August 31, 2012, the Board and Clarence George Clarke, D.O., entered into an Agreed Order requiring Dr. Clarke to complete within one year four hours of CME in the topic of pediatric emergencies. The Board found Dr. Clarke was subject to disciplinary action in Virginia.

Shuler, William, M.D., Lic. No. N1451, Tulsa OK

On August 31, 2012, the Board and William Shuler, M.D., entered into an Agreed Order publicly reprimanding Dr. Shuler and requiring Dr. Shuler to pay an administrative penalty of \$500 within 60 days. The Board found Dr. Shuler was disciplined in Utah and California based upon findings that he issued online prescriptions for human chorionic gonadotropin to Utah residents to be dispensed through a pharmacy in Florida.

PEER REVIEW ACTIONS

Spera, Thomas, M.D., Lic. No. L9497, El Paso

On August 31, 2012, the Board and Thomas Spera, M.D., entered into an Agreed Order requiring Dr. Spera to undergo an independent psychiatric evaluation by a

designated psychiatrist and comply with all recommendations for care and treatment, complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in ethics and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Spera engaged in unprofessional conduct and was disciplined by his peers.

INADEQUATE MEDICAL RECORDS

Anderson, Timothy W., M.D., Lic. No. F5819, Houston

On August 31, 2012, the Board and Timothy W. Anderson, M.D., entered into an Agreed Order requiring Dr. Anderson to complete within one year eight hours of CME in medical record-keeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Anderson failed to maintain adequate medical records for one patient.

Berios, Angelis, M.D., Lic. No. H1040, Porter

On August 31, 2012, the Board and Angelis Berios, M.D., entered into an Agreed Order requiring Dr. Berios to complete 16 hours of CME including eight hours in risk management and eight hours in medical record-keeping. The Board found Dr. Berios failed to document his warnings and discussions with a patient regarding use of medications.

Schrapps, Jerome, M.D., Lic. No. J2907, Beaumont

On August 31, 2012, the Board and Jerome Schrapps, M.D., entered into a Mediated Agreed Order requiring Dr. Schrapps to complete within one year eight hours of CME in medical record-keeping and eight hours in risk management. The Board found Dr. Schrapps failed to maintain adequate medical records and exercise diligence in his professional practice. The Order resolves a formal complaint filed against Dr. Schrapps at the State Office of Administrative Hearings.

Small, Andrew Buchanan, III, M.D., Lic. No. D6175, Dallas

On August 31, 2012, the Board and Andrew Buchanan Small, III, M.D., entered into a Mediated Agreed Order requiring Dr. Small to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year 16 hours of CME including eight hours in risk management and eight hours in chronic pain management. The Board found Dr. Small violated Board rules requiring adequate medical records, particularly regarding documentation of the treatment of pain, and failed to use diligence in his medical practice. The Order resolves a formal complaint filed against Dr. Small at the State Office of Administrative Hearings.

CRIMINAL CONVICTION

Hooper, Lisa Diane, M.D., Lic. No. J9511, Dallas

On August 31, 2012, the Board and Lisa Diane Hooper, M.D., entered into an Agreed Order requiring Dr. Hooper to pay an administrative penalty of \$1,000 within six months. The Board found Dr. Hooper pled guilty to evading arrest and detention, a Class A misdemeanor, on or about February 2, 2012. Dr. Hooper was placed on community supervision for two years and fined \$500.

INADEQUATE SUPERVISION

Fuentes, Rosa A., M.D., Lic. No. K1817, San Antonio

On August 31, 2012, the Board and Rosa A. Fuentes, M.D., entered into an Agreed Order publicly reprimanding Dr. Fuentes and requiring Dr. Fuentes to pass within one year and within three attempts the Medical Jurisprudence Examination, complete within one year 24 hours of CME including eight hours in risk management and 16 hours in supervision of mid-level providers and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Fuentes failed to supervise adequately the activities of those acting under her supervision and that Dr. Fuentes provided false information to the Board.

RULES VIOLATION

Woodward, Robert Alan, M.D., Lic. No. G8518, Rockwall

On August 31, 2012, the Board and Robert Alan Woodward, M.D., entered into an Agreed Order requiring Dr. Woodward to complete within one year eight hours of CME in risk management and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Woodward wrote prescriptions for controlled substances after his DPS controlled substance certificate expired in November 2010 and that he did not renew it until March 2011.

CEASE AND DESIST

Caillet, Jeanne, No License, Seven Points

On August 31, 2012, the Board and Jeanne Caillet entered into an Agreed Cease and Desist Order in which Ms. Caillet, who is not licensed as physician or acupuncturist in Texas, refrain from referring to herself as “doctor” or “Dr. Jeanne Caillet” and cease and desist any practice of medicine or acupuncture in Texas.