

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

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### **TMB disciplines 27 physicians at August meeting**

At its August 18, 2023 meeting, the Texas Medical Board disciplined 27 licensed physicians.

The disciplinary actions included: three orders related to unprofessional conduct, nine orders related to quality of care, three voluntary surrenders/revocations, one revocation, one restriction, five orders related to nontherapeutic prescribing, two orders related to improper supervision or delegation, one order related to violation of Board rules, and two orders related to other states' actions. The Board also ratified one cease and desist order.

The Board issued 267 physician licenses at the August meeting. The Board issued a total of 7,060 physician licenses in Fiscal Year 2023.

### **DISCIPLINARY ACTIONS**

#### **UNPROFESSIONAL CONDUCT**

##### **Doctor, Shreenath, M.D., Lic. No. J4088, Bellaire**

On August 18, 2023, the Board and Shreenath Vasant Doctor, M.D., entered into a Mediated 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 four hours of CME in patient-physician communications. The Board found Dr. Doctor failed to provide medical records upon the request of a subsequent provider regarding one minor patient, as well as upon request of the parents, and failed to maintain appropriate boundaries in his communications with the patient's parents when he misinterpreted the parents' joint custody agreement and appeared to take sides during the course of the parents' underlying custody dispute. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

##### **Massare-Rodriguez, Jorge Eduardo, M.D., Lic. No. M7577, Longview**

On August 18, 2023, the Board and Jorge Eduardo Massare-Rodriguez, M.D., entered into an Agreed Order requiring him to have a chaperone anytime he performs a physical examination on a female patient; within one year and three attempts pass the Medical Jurisprudence Exam; and comply with all terms of his employer agreement entered on February 14, 2022. The Board found Dr. Massare-Rodriguez admitted that he examined two patient/employees outside of the clinic, did not create a medical record and failed to establish a formal physician-patient relationship.

##### **Yazdani, Shabaz Ahmed, M.D., Lic. No. L5188, San Antonio**

On August 18, 2023, the Board and Shabaz Ahmed Yazdani, M.D., entered into a Mediated Agreed Order Upon Formal Filing requiring him to submit a Board approved policy that he shall have a chaperone present anytime he examines a female patient; within one year and three attempts pass the Medical Jurisprudence Exam; 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 16 hours of CME, divided as follows: eight hours in risk management, four hours in HIPAA and four hours in ethics. The Board found Dr. Yazdani engaged in unprofessional conduct with a patient who he met about a potential shadowing opportunity at Dr. Yazdani's practice and contacted the patient using her social media messaging account. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **QUALITY OF CARE**

**Birkholz, Christopher, M.D., Lic. No. P1728, Temple**

On August 18, 2023, the Board and Christopher Birkholz, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in high-risk obstetrics and four hours in medical recordkeeping. The Board found Dr. Birkholz was responsible for lab follow up as he ordered the initial prenatal labs. Patient was not notified of the results and Dr. Birkholz was unable to document the need for further monitoring in her chart due to medical record software.

**Brown, Benton Lee, M.D., Lic. No. P6788, Abilene**

On August 18, 2023, the Board and Benton Lee Brown, 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 risk management and eight hours in communications. The Board found that Dr. Brown fell below the standard of care by inappropriately managing a patient who had complications post-surgery.

**Debba, Bachir, M.D., Lic. No. P4301, Houston**

On August 18, 2023, the Board and Bachir Debba, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one 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 24 hours of CME, divided as follows: eight hours in supervision/delegation, four hours in risk management, four hours in ethics, four hours in psychiatry/legal commitment and four hours in patient communication; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Debba failed to meet the standard of care and keep adequate medical records for two patients treated for psychiatric conditions and detained the patients against their will beyond the initial 48-hour period without an order of protective custody.

**Martinez, Ruben D., Lic. No. F1783, Harlingen**

On August 18, 2023, the Board and Ruben D. Martinez entered into an Agreed Order 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 prescribing controlled substances, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Martinez inappropriately prescribed controlled substances to a patient with whom he has had a close personal relationship with for several years, and that his documentation was inadequate.

**Ogunseinde, Babajide Afolabi, M.D., Lic. No. N6546, Longview**

On August 18, 2023, the Board and Babajide Afolabi Ogunseinde, M.D., entered into and Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in pre-op clearance of high-risk patients and four hours in informed consent. The Board found Dr. Ogunseinde failed to meet the standard of care with respect to the pre-op clearance and informed consent with the patient.

**Parcells, Jeremy Patrick, M.D., Lic. No. P7967, Mansfield**

On August 18, 2023, the Board and Jeremy Patrick Parcells, 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 evaluation and management of acute abdomen, four hours in medical recordkeeping and four hours in patient communication. The Board found Dr. Parcells' delay in seeing a patient after performing a surgery did not meet the standard of care and was the subject of disciplinary action based on the treatment of the patient.

**Salam, Omar, M.D., Lic. No. S0791, Corinth, MS**

On August 18, 2023, the Board and Omar Salam, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in obstetrical complications. The Board found Dr. Salam's estimation of initial blood loss for Patient 1 was not supported by Patient 1's clinical presentation documented in the records and that Dr. Salam should have taken Patient 3 to surgery instead of relying on medication management.

**Schwartz, David Paul, D.O., Lic. No. J2316, Houston**

On August 18, 2023, the Board and David Paul Schwartz, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: four hours in drug-seeking behavior, four hours in risk management and four hours in medical recordkeeping. The Board

found Dr. Schwartz for one patient failed to meet the standard of care in his evaluation and diagnosis of anxiety. For a second patient, Dr. Schwartz failed to direct the patient to stop taking Adderall after a borderline abnormal electrocardiogram in his office and referred the patient for cardiology consult. When the patient did not accomplish the referral, Dr. Schwartz continued the Adderall and increased the dose. For both patients, Dr. Schwartz acknowledged he did not obtain prior treatment records from the previous providers nor utilize standard screening tools used for diagnosing anxiety, and that his medical recordkeeping was not adequate.

**Shelton, Michael Vise, M.D., Lic. No. E8905, Odessa**

On August 18, 2023, the Board and Michael Vise Shelton, 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 ethics, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Shelton failed to meet the standard of care and keep adequate medical records in the treatment of one patient.

**VOLUNTARY SURRENDER/REVOCATION**

**Fiallo, Francisco Julian, M.D., Lic. No. R0393, San Antonio**

On August 18, 2023, the Board and Francisco Julian Fiallo, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Fiallo agreed to voluntarily surrender his Texas medical license in lieu of further proceedings. Dr. Fiallo was under investigation for issues related to impairment and violations of his prior Agreed Order.

**Gbalazeh, Boniface Saye, M.D., Lic. No. E8260, Katy**

On August 18, 2023, the Board and Boniface Saye Gbalazeh, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Gbalazeh agreed to voluntarily surrender his Texas medical license in lieu of further proceedings. Dr. Gbalazeh was under investigation for allegations of improperly prescribing large volumes of dangerous drugs and controlled substances to 15 chronic pain patients and operating an unregistered pain management clinic.

**Jones, Wayne Charles, M.D., Lic. No. D6049, Richardson**

On August 18, 2023, the Board and Wayne Charles Jones, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Jones agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Jones was under investigation for failing to meet the standard of care, failing to keep adequate medical records, inappropriately prescribing for 11 patients, including himself, and aiding and abetting the unauthorized practice of medicine. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**REVOCATION**

**Pharies, Hugh S., M.D., Lic. No. G3053, Bellaire**

On August 18, 2023, the Board entered a Default Order regarding Hugh S. Pharies, M.D., revoking his Texas medical license. On April 20, 2023, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging failure to meet the standard of care, inappropriate prescribing and failure to keep adequate medical records. Dr. Pharies failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Pharies. The administrative law judge at SOAH granted the Board's Motion for Summary Disposition. The order resolves a formal complaint filed at SOAH. Dr. Pharies has 25 days from the service of the order to file a motion for rehearing.

**RESTRICTION**

**Guevara, Jorge R., M.D., Lic. No. J9070, Brownsville**

On August 18, 2023 the Board entered a Final Order regarding Jorge R. Guevara, M.D., placing him under the following terms: shall not own, operate, act as radiation safety officer for, act as medical director for, or otherwise be associated with any imaging program including a program that performs mammography, and any facility where imaging studies, including but not limited to mammograms, are performed or interpreted; shall not perform any imaging services; shall not supervise or delegate to any healthcare personnel engaged in the performance of imaging studies; shall within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME,

divided as follows: 12 hours in supervision and delegation and 8 hours in risk management; within 30 days enroll in the PROBE Ethics and Boundaries Course and six-month follow-up program offered by the Center for Personalized Education for Professionals (CPEP) program; within 90 days pay an administrative penalty of \$10,000; 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. Guevara, as owner and radiation safety officer of Medical Associates of Brownville (MAB), failed to ensure the facility followed proper radiation safety regulations, failed to properly supervise his employees and ensure staff had adequate training performing imaging services. Due to the facility's inspection violations, MAB was fined \$105,000 as a result of a Department of State Health Services (DSHS) Final Order entered on July 9, 2021. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH. Dr. Guevara has 25 days from the service of the order to file a motion for rehearing.

## **NONTHERAPEUTIC PRESCRIBING**

### **Kilgore, Michael Ray, M.D., Lic. No. H1123, McAllen**

On August 18, 2023, the Board and Michael Ray Kilgore, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding him and placing him under the following terms: shall not possess, administer, or prescribe controlled substances in Texas; shall not treat or otherwise serve as a physician for his immediate family and shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs with addictive potential to himself or his immediate family; shall have his practice monitored by another physician for 8 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least four hours of CME in medical recordkeeping; within 60 days pay an administrative penalty of \$2,500; and shall not supervise or delegate prescriptive authority to physician assistants or advanced practice nurses or supervise surgical assistants. The Board found Dr. Kilgore inappropriately wrote prescriptions for controlled substances or dangerous drugs for family members in the absence of an immediate need, failed to maintain adequate medical records for the care provided, and inappropriately billed a patient's insurance for services rendered. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Klymuik, Andrew Michael, M.D., Lic. No. K8265, Arlington**

On August 18, 2023, the Board and Andrew Michael Klymuik, M.D., entered into an Agreed Order Upon Formal Filing requiring him to have his practice monitored by another physician for 8 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; 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 risk management, four hours in treating anxiety and four hours in medical recordkeeping. The Board found Dr. Klymuik nontherapeutically prescribed controlled substances to a patient without appropriate medical indications despite the patient being positively tested for controlled substances and THC, none of which had been prescribed by Dr. Klymuik, failed to adequately monitor the patient, and did not properly document his care and treatment of the patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Kobza, Paul Edward, D.O., Lic. No. L4499, The Woodlands**

On August 18, 2023, the Board and Paul Edward Kobza, D.O., entered into an Agreed Order prohibiting him from using his Texas license in any jurisdiction to diagnose, treat, or prescribed controlled substances to patients in Texas for chronic or persistent non-chronic pain, as defined by Board rules or engaging in the practice of pain management in Texas; within 30 days refer all pain management patients to appropriate specialists; Dr. Kobza may prescribe dangerous drugs and controlled substances for the treatment of acute pain only for his surgery practice patients on only a one-time basis, for no more than 72 hours, with no refills; within one year complete and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in the treatment of pain; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Kobza prescribed a high volume of controlled substances in combination, without individualized regimens, and in the absence of a valid medical purpose or other multimodal forms of treatment of 15 patients reviewed.

**Naik, Sunil Shanker, M.D., Lic. No. K3803, Houston**

On August 18, 2023, the Board and Sunil Shanker Naik, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME, divided as follows: eight hours in drug seeking behavior, eight hours in medical recordkeeping and four hours in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Naik violated the standard of care and nontherapeutically prescribed excessive amounts of oxycodone to one patient without appropriate indications or monitoring, and failed to create and maintain adequate medical records.

**Narine, Avinash, M.D., Lic. No. R8063, Houston**

On August 18, 2023, the Board and Avinash Narine, M.D., entered into an Agreed Order under the following terms: shall not prescribe, administer, or dispense Schedule II controlled substances in Texas other than for the treatment of attention deficit disorder (ADD) and attention deficit hyperactivity disorder (ADHD); shall not use his Texas license in any jurisdiction to diagnose, treat or prescribe controlled substances to patients in Texas for chronic or post-surgical, post-procedure, persistent non-chronic pain as defined in Board rules or engage in the practice of pain management; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant in the treatment of chronic pain or post-surgical, post-procedure, persistent non-chronic pain as defined in Board rules. The Board found Dr. Narine failed to meet the standard of care and nontherapeutically prescribed large volumes of controlled substances to 15 patients for the treatment of chronic pain, was employed by an unregistered pain management clinic where he nontherapeutically prescribed high volumes of controlled substances to high-risk chronic pain patients, failed to adequately supervise his delegate advanced practice nurses, and failed to ensure that adequate and accurate medical records were created and maintained to document patient care. This order supersedes all prior orders.

**IMPROPER SUPERVISION OR DELEGATION**

**Khosla, Ankur, M.D., Lic. No. N9722, The Woodlands**

On August 18, 2023, the Board and Ankur Khosla, 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 physician/patient communication, four hours in supervision and four hours in risk management. The Board found Dr. Khosla failed to properly supervise his midlevel and failed to timely follow up on radiological studies that had abnormal findings.

**Noble, Aisha Collins, M.D., Lic. No. P3305, Prosper**

On August 18, 2023, the Board and Aisha Collins Noble, M.D., entered into an Agreed Order publicly reprimanding Dr. Noble and revoking her license; however, the revocation is stayed and she is placed on probation under the following terms: prohibited from acting as a medical director at a hospice facility; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 32 hours of CME, divided as follows: 16 hours in delegation/supervision, 8 hours in ethics, four hours in professionalism and four hours in risk management; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Collins inappropriately relied upon a registered nurse's unqualified misdiagnosis of a patient as having Alzheimer's disease, failed to personally evaluate a patient on admission to hospice care, failed to appropriately supervise a nurse, participated in falsifying an Out of Hospital Do Not Resuscitate order in which she was later arrested for the falsification, and was placed on unpaid administrative leave from Baylor Scott & White due to the incidents described above.

**VIOLATION OF BOARD RULES**

**Johnson, David Gary, M.D., Lic. No. F5243, San Antonio**

On August 18, 2023, the Board and David Gary Johnson, M.D., entered into an Agreed Order under the following terms: shall limit his medical practice to a group or institutional setting approved in advance by the Board; within six months obtain an independent medical evaluation from a board certified psychiatrist and follow any recommendations for care

and treatment; and within one year complete at least eight hours of CME, divided as follows: four hours in medical recordkeeping and four hours in prescribing. The Board found Dr. Johnson's medical records were either missing or inadequate in the treatment of four patients, some of whom were prescribed multiple sedatives at the same time. Dr. Johnson voluntarily underwent a neuropsychological evaluation that ruled out a diagnosis of dementia, but revealed some mild deficits in cognitive efficiency and it was recommended that he undergo a re-evaluation after a year.

## **OTHER STATES' ACTIONS**

### **Lovell, Andrew, D.O., Lic. No. P5672, Fort Worth**

On August 18, 2023, the Board and Andrew Lovell, D.O., entered into a Waiver Order prohibiting him from practicing in Texas and shall not use his Texas license to practice in any other jurisdiction until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice; and shall comply with all terms of the Notice of Intent to Approve Licensure with Conditions entered on or around September 2, 2021. The Board found Dr. Lovell entered an Order with the Oklahoma Medical Board that was the result of Dr. Lovell being found to have an impairment that impacted his ability to safely practice medicine.

### **Potthoff, Troy, M.D., Lic. No. S3275, Seattle, WA**

On August 18, 2023, the Board and Troy Potthoff, M.D., entered into a Waiver Order requiring him to comply with all terms of the Stipulation of Informal Settlement entered on or around April 13, 2023 with the Washington Medical Commission. The Board found Dr. Potthoff had a disciplinary action entered in Washington based on Dr. Potthoff possibly engaging in a telehealth scam.

## **CEASE & DESISTS**

### **Clark, Mike, No License, Austin**

On August 18, 2023, the Board and Mike Clark entered into an Agreed Cease and Desist Order prohibiting him from charging individuals to join his "Natural Health Program," or to receive supplements he claims would resolve their ailments, such as health issues like dementia, ADHD, anxiety and loss of memory, in the state of Texas. The Board found Mr. Clark charged patients to join his program in which he recommended specific supplements to resolve their ailments.

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*To view disciplinary orders and Board action history, 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 "Current Board Action."*

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