

# **Texas Medical Board Press Release**

## **FOR IMMEDIATE RELEASE**

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## **Medical Board Disciplines 32 Physicians at April Meeting**

At its April 12-13, 2012 meeting, the Texas Medical Board disciplined 32 physicians and issued two cease and desist orders. The actions included two revocations, 10 violations based on quality of care, four based on other states' actions, two based on unprofessional conduct and two cease and desist orders.

The Board issued 121 physician licenses at the April board meeting, bringing the total number of physician licenses issued in FY 12 to 2,126. Forty-four percent of physician licensure applications were completed in 10 days or less.

## **RULE CHANGES ADOPTED**

The following Rule Changes were adopted at the April 12-13, 2012 Board meeting:

**Chapter 166, Physician Registration:** Amendment to **§166.2**, concerning Continuing Medical Education provides that physicians that treat tick-borne diseases should complete relevant CME as required by Senate Bill 1360. The Board also contemporaneously proposes the rule review for Chapter 166.

**Chapter 171, Postgraduate Training Permits:** Amendment to **§171.3** provides that physician-in-training permit holders may complete additional working experience within the facility where they are training under limited conditions.

**Chapter 175, Fees and Penalties:** Amendment to **§175.5**, concerning Payment of Fees or Penalties, clarifies that additional fees for hard-copy registrations are only for renewal purposes and not initial applications for licensure.

**Chapter 178, Complaints:** Amendment to **§178.3**, concerning Complaint Procedure Notification, amends language regarding required notice posting by autopsy facilities to refer to "persons" rather than "physicians" and adds two new figures to subsection (d).

**Chapter 185, Physician Assistants:** Amendment to **§185.4**, concerning Procedural Rules for Licensure Applicants, provides grounds for the extension of

licensure applications that have been on file with the Board for over one year and allows for an alternative licensure process for military spouses.

**Chapter 187, Procedural Rules: Amendment to §187.13**, concerning Informal Board Proceedings Relating to Licensure Eligibility, amends the appeal process for licensure applicants who are denied licensure or approved for licensure under an agreed order or remedial plan. The amendment provides that all appeals must be referred to SOAH and eliminates the ability of applicants to request rehearings before the Licensure Committee. In addition, an applicant may not withdraw an application for licensure once the matter has been referred to SOAH.

**Chapter 190, Disciplinary Guidelines: Amendment to §190.15**, concerning Aggravating and Mitigating Factors, provides that mitigating factors in a matter before the Board where a licensee is in violation of the Medical Practice Act does not require that the Board dismiss the case. In cases relating to violations of treatment of tick-borne diseases, a mitigating factor to be considered by the Board is if the licensee completed CME on the topic within two years prior to the opening of the Board investigation.

**Chapter 192, Office-Based Anesthesia Services: Amendment to §192.1**, concerning Definitions, changes the term "Basic Cardiac Life Support" to "Basic Life Support (BLS)", consistent with the definitions promulgated by the American Heart Association. The amendment also clarifies what constitutes a Level II service. Amendment to **§192.2**, concerning Provision of Anesthesia Services in Outpatient Settings, makes grammatical changes regarding the requirement that personnel who provide office-based anesthesia services be certified by the American Heart Association in BLS or ACLS, as noted. Also, the amendment deletes subsection (k) as it is unnecessary due to changes previously made in subsection (c) which provide more specifically for required certifications of qualified personnel participating in the provision of office-based anesthesia services. The Board also contemporaneously proposes the rule review for Chapter 192.

**Chapter 195, Pain Management Clinics: Amendments to §195.2**, concerning Certification of Pain Management Clinics, remove the rehearing process for those applicants who are denied pain management clinic certification by the Board; require that applicants for a pain management clinic certification be able to demonstrate that they are engaged in the active practice of medicine as defined by Board rule **§163.11**; and state that ownership of a pain management clinic is the practice of medicine.

**Chapter 198, Use of Investigational Agents: New §198.1** sets out the purpose of the chapter to give physicians a reasonable and responsible degree of latitude in the use of investigational agents. **New §198.2** establishes the definition for "investigational agent." **New §198.3** establishes practice guidelines for the use of investigational agents. The guidelines include having protocols approved by the

FDA or an IRB, meeting certain ethical standards, and obtaining informed consent from patients.

## **DISCIPLINARY ACTIONS**

### **Revocation**

#### **Salinas, Jose Eduardo, M.D., Lic. No. H5148, San Antonio**

On April 13, 2012, the Board entered a default order revoking the Texas medical license of Jose Eduardo Salinas, M.D. The basis for action was Salinas' failure to respond in any way to the Board's formal complaint, filed at the State Office of Administrative Hearings, that Dr. Salinas engaged in unprofessional conduct, terminated patient care without providing reasonable notice to the patient and failed to release medical records. This order resolves formal complaint No. 503-11-9478.

#### **Shiller, Alan Dale, M.D., Lic. No. H8398, Palestine**

On April 13, 2012, the Board and Alan Dale Shiller entered into an Agreed Order of Revocation, in which Dr. Shiller must cease and desist from practicing medicine.

The basis for action was Dr. Shiller's violation of his August 2010 Agreed Order of Suspension.

### **Quality of Care**

#### **Basatneh, Lufti S., M.D., Lic. No. K3984, Mesquite**

On April 13, 2012, the Board and Lufti S. Basatneh, M.D., entered into an Agreed Order requiring Dr. Basatneh to complete within one year eight hours of CME in the topic of epidural hematoma, eight hours of CME in complications of lumbar puncture and eight hours of CME in the topic of spinal cord injury; and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Basatneh failed to ensure that an MRI was performed in a timely manner, leading to a delay in a surgery referral, resulting in a worsening prognosis for a patient.

#### **Bourdon, Lynn Louis, Jr., M.D., Lic. No. C8905, Longview**

On April 13, 2012, the Board and Lynn Louis Bourdon, Jr., M.D., entered into a Mediated Agreed Order requiring Dr. Bourdon to refrain from treating patients for chronic pain, limit his authority to prescribe controlled substances to Schedule III, IV and V, have a physician monitor his practice for eight monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam and complete within one year 10 hours of CME in medical recordkeeping. The Board found Dr. Bourdon violated rules regarding the treatment of chronic pain. The Order resolves the formal complaint No. 503-12-0629 against Dr. Bourdon filed at the State Office of Administrative Hearings.

**Cruz, Suzanna Ontiveros, M.D., Lic. No. J8502, Houston**

On April 13, 2012, the Board and Suzanna Ontiveros Cruz, M.D., entered into an Agreed Order requiring Dr. Cruz to complete within one year 46 hours of CME including eight hours in risk management, eight hours in medical recordkeeping and 30 hours in pain management including identifying drug-seeking behavior and submit within 60 days written protocols for standing delegation orders for her pain management clinic. The Board found Dr. Cruz engaged in a pattern of nontherapeutic prescribing of controlled substances to two patients who resided in Louisiana.

**Hoover, Samuel Clark, M.D., Lic. No. E8569, Euless**

On April 13, 2012, the Board and Samuel Clark Hoover, M.D., entered into an Agreed Order requiring Dr. Hoover to have a physician monitor his practice for eight monitoring cycles, limit his medical practice to a group or institutional setting, within one year pass the Texas Medical Jurisprudence Exam within three attempts, complete within one year eight hours of CME in treatment of chronic pain and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Hoover nontherapeutically prescribed to one patient, resulting in the patient's overdose and hospitalization. The Board also found that the Respondent failed to maintain adequate medical records.

**Hunt, John Dominic, M.D., Lic. No. G4476, San Angelo**

On April 13, 2012, the Board and John Dominic Hunt, M.D., entered into an Agreed Order publicly reprimanding Dr. Hunt and prohibiting Dr. Hunt from treating any chronic pain patients using opioids, benzodiazepines, barbiturates or carisoprodol. In addition, Dr. Hunt must have his practice monitored by another physician for 12 monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in medical recordkeeping and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Hunt engaged in unprofessional conduct, failed to comply with guidelines for pain medicine, non-therapeutically prescribed and post-dated a prescription form for a controlled substance

**Mardock, Julian King, M.D., Lic. No. E6492, McKinney**

On April 13, 2012, the Board and Julian King Mardock, M.D., entered into an Agreed Order publicly reprimanding Dr. Mardock and prohibiting Dr. Mardock from practicing medicine until he requests to do so in writing and personally appears before the Board and provides clear and convincing evidence that he is physically, mentally and otherwise competent to safely practice medicine. The Board found that Dr. Mardock, who has not practiced since 2008, failed to meet the standard of care in his treatment of one patient, was subject to discipline by his peers and engaged in unprofessional conduct.

**Roman, Ernest T., M.D., Lic. No. H6938, Spring**

On April 13, 2012, the Board and Ernest T. Roman, M.D., entered into an Agreed Order requiring Dr. Roman to have a physician monitor his practice for eight

monitoring cycles, complete within one year eight hours of CME in medical recordkeeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Roman did not follow guidelines for the treatment of pain and failed to use diligence in his medical practice.

**Schmidt, John Allen, M.D., Lic. No. F1975, Port Arthur**

On April 13, 2012, the Board and John Allen Schmidt, M.D., entered into an Agreed Order requiring Dr. Schmidt to complete within one year 16 hours of CME including eight hours in risk management and eight hours in bariatric surgery and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Schmidt failed to use diligence and safeguard against potential complications in his treatment of a gastric bypass surgery patient.

**Trevino, James Gregory, M.D., Lic. No. J7292, San Antonio**

On April 13, 2012, the Board and James Gregory Trevino, M.D., entered into an Agreed Order requiring Dr. Trevino to complete within one year 16 hours of CME in the treatment of chronic pain and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Trevino failed to meet the standard of care when he nontherapeutically prescribed excessive amounts of narcotics to five patients without justification for such treatment.

**Yusuf, Qaiser Jamal, M.D., Lic. No. J1818, Baytown**

On April 13, 2012, the Board and Qaiser Jamal Yusuf, M.D., entered into an Agreed Order publicly reprimanding Dr. Yusuf and requiring Dr. Yusuf to have his practice monitored by another physician for 12 monitoring cycles and complete within one year the Board certification review course in the subject of pain. The Board found Dr. Yusuf failed to meet the standard of care for his treatment of 10 chronic pain patients when he nontherapeutically prescribed the same or similar combination of controlled substances to nine patients, failed to maintain adequate medical records for all 10 patients, conducted unnecessary tests and submitted improper billing.

**Violation of Prior Board Order**

**Jones, James Stephen, M.D., Lic. No. M1806, Muenster**

On April 13, 2012, the Board and James Stephen Jones, M.D., entered into an Agreed Order modifying Dr. Jones 2006 Agreed Order as modified in 2011, extending the 2006 Order by one year and requiring Dr. Jones to complete eight hours of CME in ethics within one year and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Jones falsified his Alcoholics Anonymous logs in an attempt to protect the anonymity of his sponsor, with whom he was actually attending the meetings, but who had refused to sign the logs in an effort to protect his own privacy.

**Samuel, Donald, M.D., Lic. No. H5964, Jasper**

On April 13, 2012, the Board and Donald Samuel, M.D., entered into an Agreed

Order requiring Dr. Samuel to pay an administrative penalty of \$500 within 60 days. The Board found Dr. Samuel failed to comply with all terms of a Board order when he did not obtain CME hours required for 2011.

### **Unprofessional Conduct**

#### **Dewitt, Owen Curl, M.D., Lic. No. G3287, Fort Worth**

On April 13, 2012, the Board and Owen Curl Dewitt, M.D., entered into an Agreed Order publicly reprimanding Dr. Dewitt and requiring Dr. Dewitt to properly notify patients of the closure of his medical practice within 60 days, pass the Medical Jurisprudence Exam within one year and within three attempts and complete within one year 16 hours of CME including eight hours in ethics and eight hours in risk management. The Board found Dr. Dewitt was subject to disciplinary action by his peers, terminated his care of a patient without providing reasonable notice to the patient and behaved in a disruptive manner.

#### **Garcia, Anthony Fabro, M.D., Lic. No. N9858, Temple**

On April 13, 2012, the Board and Anthony Fabro Garcia, M.D., entered into an Agreed Order requiring Dr. Garcia to undergo a psychiatric evaluation, return to the Board following receipt of his evaluation, and follow all recommendations for continuing care and treatment. The basis for the Board's action was Dr. Garcia's disruptive behavior and discipline by Dr. Garcia's peers.

### **Failure to Properly Supervise**

#### **Reddy, Vaishnavi, M.D., Lic. No. K6912, Rosenberg**

On April 13, 2012, the Board and Vaishnavi Reddy, M.D., entered into an Agreed Order requiring Dr. Reddy to complete within one year four hours of CME in the topic of supervision of mid-levels including physician assistants, submit within 60 days copies of all written standing delegation orders and protocols used by Dr. Vaishnavi in her clinic and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Vaishnavi failed to adequately supervise and train her physician assistant who failed to provide emergency intervention to a patient who presented complaining of severe chest pain and died of a heart attack less than two hours after his discharge.

### **Inadequate Medical Records**

#### **Caruth, Jeffrey Chandler, M.D., Lic. No. H6102, Plano**

On April 13, 2012, the Board and Jeffrey Chandler Caruth, M.D., entered into a Mediated Agreed Order requiring Dr. Caruth to complete within one year eight hours of CME including four hours in risk management and four hours in medical recordkeeping and pay a \$1,500 refund to a patient within one year. The Board found Dr. Caruth failed to maintain adequate medical records for a patient on whom he performed abdominal liposuction and who may have been a better

candidate for an excisional procedure. The Order resolves a formal complaint against Dr. Caruth filed at the State Office of Administrative Hearings.

**Soto-Cora, Ediberto, M.D., Lic. No. J0679, El Paso**

On April 13, 2012, the Board and Ediberto Soto-Cora, M.D., entered into an Agreed Order requiring Dr. Soto-Cora to complete within one year 16 hours of CME including eight hours in medical recordkeeping and eight hours in ethics and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Soto-Cora failed to maintain an adequate medical record for a patient.

**Stevens, James Edward, D.O., Lic. No. E8937, Westlake**

On April 13, 2012, the Board and James Edward Stevens, D.O., entered into an Agreed Order requiring Dr. Stevens to complete within one year 24 hours of CME including four hours of immunology, four hours in fibromyalgia, eight hours in risk management and eight hours in physician-patient communications, and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Stevens failed to maintain adequate medical records regarding one patient.

**Wills, Robert P., M.D., Lic. No. H8514, Austin**

On April 13, 2012, the Board and Robert P. Wills, M.D., entered into a Mediated Agreed Order requiring Dr. Wills to complete within one year 16 hours of CME including eight hours in medical recordkeeping and eight hours in risk management. The Board found Dr. Wills did not adequately maintain medical records regarding his care for a single patient who experienced a known complication. The Order resolves a formal complaint against Dr. Wills filed at the State Office of Administrative Hearings.

**Peer Review Actions**

**Howie, David Ian, M.D., Lic. No. H2472, Cleveland**

On April 13, 2012, the Board and David Ian Howie, M.D., entered into an Agreed Order requiring Dr. Howie to undergo an independent psychiatric evaluation, with a written report to be completed within six months. The Board found Dr. Howie was subject to discipline by his peers at Cleveland Regional Medical Center, engaged in disruptive behavior and provided false information to the Board.

**Impairment**

**Fowler, Stephen Rice, M.D., Lic. No. H9514, Ennis**

On April 13, 2012, the Board and Stephen Rice Fowler, M.D., entered into an Agreed Order suspending Dr. Fowler's license until Dr. Fowler requests in writing to have the suspension lifted and provides clear and convincing evidence that he is competent to safely practice medicine, which must include evidence that Dr. Fowler has maintained sobriety for at least six months. The basis for action was Dr. Fowler's inability to practice medicine with reasonable skill and safety to patients because of drunkenness.

**Hamid, Stacy Elise, M.D., Lic. No. N5095, Frisco**

On April 13, 2012, the Board and Stacy Elise Hamid, M.D., entered into an Agreed Order reinstating her medical license, which was suspended in 2010, and subjecting her to the following terms and conditions for 10 years: Dr. Hamid must abstain from prohibited substances, undergo a psychiatric evaluation and follow all recommendations for continued care and treatment and continue seeing her psychologist once a month. In addition, Dr. Hamid shall not practice anesthesiology or practice in an emergency room or be on-call for any institution at night. Dr. Hamid must limit her practice to 30 hours per week, limit her medical practice to a group or institutional setting approved in advance, continue to participate in Alcoholics Anonymous and refrain from treating her immediate family. The basis for the Board's action was Dr. Hamid's prior disciplinary history and her compliance with all terms and conditions of her 2011 Order.

**Nandety, Rao K., M.D., Lic. No. F2819, West Houston**

On April 13, 2012, the Board and Rao K. Nandety, M.D., entered into an Agreed Order requiring Dr. Nandety to cease clinical practice of medicine in Texas, refrain from delegating to physician extenders and permanently restrict his practice to administrative medicine. The Board found Dr. Nandety served as medical director for several unregistered pain clinics operating in the Harris County area; unbeknownst to Dr. Nandety, the clinics were being operated in violation of state law. Dr. Nandety immediately resigned from the clinics and indicated to the Board that he has retired from the clinical practice of medicine due to physical health problems.

**Reddy, Tanuja, M.D., Lic. No. N3266, Southlake**

On April 13, 2012, the Board and Tanuja Reddy, M.D., entered into an Agreed Order requiring Dr. Reddy to undergo an evaluation by a psychiatrist, follow all recommendations for continued care and treatment, and petition the Board for another informal settlement conference following receipt of the neuropsychological evaluation. The basis for the Board's action is Dr. Reddy's inability to practice medicine with reasonable skill and safety to patients due to a mental or physical condition.

**Other States' Action**

**Beaty, Sean Daly, M.D., Telemedicine Lic. No. TM00376, Las Vegas NV**

On April 13, 2012, the Board and Sean Daly Beaty, M.D., entered into an Agreed Order requiring Dr. Beaty to pay an administrative penalty of \$500 within 60 days. The Board found Dr. Beaty was issued a Public Letter of Reprimand by the Medical Board of California.

**Eby, Charles Sidney, Jr., M.D., Lic. No. D2417, Fort Myers FL**

On April 13, 2012, the Board and Charles Sidney Eby Jr., M.D., entered into an Agreed Order requiring Dr. Eby to pay an administrative penalty of \$500 within



60 days. The Board found Dr. Eby was reprimanded by the Florida Department of Health and required to pay a \$5,000 administrative fine.

**Freeman-Ladd, Mayra Louise, M.D., Lic. No. N5057, Abilene**

On April 13, 2012, the Board and Mayra Louise Freeman-Ladd, M.D., entered into an Agreed Order requiring Dr. Freeman-Ladd to comply with all terms and conditions of her 2011 Order issued by the Florida State Medical Board related to violations of the standard of care in the treatment of one patient.

**Marshall, Larry J., M.D., Lic. No. J9751, Lakeside CA**

On April 13, 2012, the Board and Larry J. Marshall, M.D., entered into an Agreed Order requiring Dr. Marshall to pay an administrative penalty of \$1,000 within 60 days. The basis for action was Dr. Marshall's formal discipline by the Medical Board of California following charges of negligence, standard of care violations and medical recordkeeping violations.

**Voluntary Surrender**

**Surya, Gundlapalli, M.D., Lic. No. H3757, San Antonio**

On April 13, 2012, the Board and Gundlapalli Surya, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Surya voluntarily surrendered his Texas Medical license due to medical limitations. The order requires Dr. Surya to immediately cease practicing medicine.

**McCord, Michael David, M.D., Lic. No. J4914, Beaumont**

On April 13, 2012, the Board and Michael David McCord, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. McCord voluntarily and permanently surrendered his medical license because of a medical condition.

**Cease and Desist**

**Cantu, Cristina, No License, Laredo**

On April 13, 2012, the Board and Cristina Cantu entered into an Agreed Cease and Desist Order prohibiting Ms. Cantu from acting as or holding herself out to be a licensed physician in Texas. The Board found Ms. Cantu, through her website, used the designation of doctor without adequately disclosing the basis upon which she used the designation.

**Roca, Ricardo F., No License, Brownsville**

On April 13, 2012, the Board and Ricardo F. Roca entered into an Agreed Cease and Desist Order requiring Mr. Roca to cease acting as or holding himself out to be a licensed physician in Texas, referring to himself as "Dr." or "doctor" without clarifying verbally or in writing that he is not a medical doctor and is not licensed to practice medicine in Texas. The Board found that 14 patients Mr. Roca assisted at the University of Texas at Brownsville student health care clinic complained

that Mr. Roca examined, diagnosed, treated or advised treatment. Mr. Roca denied the allegations.

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