

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 15, 2018

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### **TMB disciplines 52 physicians at March meeting, adopts rules changes**

At its March 2, 2018 meeting, the Texas Medical Board disciplined 52 licensed physicians and issued two cease and desist orders.

The disciplinary actions included: eight orders related to quality of care violations, seven orders related to unprofessional conduct, three revocations, six voluntary surrenders/revocations, three suspensions, one order related to improper prescribing, one order related to improper supervision or delegation, four orders related to violation of Board rule, one order related to peer review action, two orders related to violation of prior Board order, seven orders related to other states' actions, four orders related to inadequate medical records, four orders related to impairment, and one order related to TXPHP violation.

The Board issued 195 physician licenses at the March meeting, bringing the total number of physician licenses issued in FY18 to 1,898.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 163. LICENSURE**

The amendments to **§163.11**, concerning Active Practice of Medicine, were adopted in accordance with Senate Bill 1148, adopted by the 85th Legislature, which prohibits the Board from requiring maintenance of certification by an applicant to be eligible for a medical license.

#### **CHAPTER 166. PHYSICIAN REGISTRATION**

The amendments to **§166.3**, concerning Retired Physician Exception, and **§166.6**, concerning Exemption From Registration Fee for Retired Physician Providing Voluntary Charity Care, were adopted in accordance with Senate Bill 1148, adopted by the 85th Legislature, which prohibits the Board from requiring maintenance of certification by an applicant to be eligible for initial or renewal registration permit for a medical license.

#### **CHAPTER 172. TEMPORARY AND LIMITED LICENSES**

The amendments to **§172.12**, concerning Out-of-State Telemedicine License, were adopted in accordance with Senate Bill 1148, adopted by the 85th Legislature, which prohibits the Board from requiring maintenance of certification by an applicant to be eligible for a medical license.

#### **CHAPTER 175. FEES AND PENALTIES**

The amendments to **§175.1**, concerning Application and Administrative Fees, corrects language in paragraph (1)(H)(i) so that fees related to physician-in-training permits are lowered to \$200. Further language is added outlining application and administrative fees for processing licenses for medical physicists, medical radiologic technologists, non-certified technicians, perfusionists, and respiratory care practitioners.

The amendments to **§175.2**, concerning Registration and Renewal Fees, adds language outlining renewal fees for continuing licenses, permits, and certificates for medical physicists, medical radiologic technologists, non-certified technicians, perfusionists, and respiratory care practitioners.

The amendments to **§175.3**, concerning Penalties, moves language providing an exemption for individuals serving as military members to new paragraph (11). The amendments further add language outlining penalty amounts for late renewals of licenses for perfusionists, respiratory care practitioners, medical physicists, and medical radiologic technologists.

The amendment to **§175.5**, concerning Payment of Fees or Penalties, amends language clarifying the rule's allowance for fee refunds applies to applicants who timely withdraw applications, in addition to other requirements. Further language is added clarifying that refunds of fees may be granted to licensees who retire or request cancellation of their licenses within 90 days of paying a renewal fee.

#### **CHAPTER 177. BUSINESS ORGANIZATIONS AND AGREEMENTS**

The amendments to **§177.18 (Subchapter E)**, concerning Purpose and Scope, and **§177.20**, concerning Call Coverage Minimum Requirements, and repeal of **§177.19**, concerning Definitions, provide a more flexible framework for call coverage agreements between physicians practicing in Texas so as to provide continuity of care to patients during a regular treating physician's absence, while ensuring the covering physician's accountability for meeting the standard of care and documenting the care provided during the call coverage period. The amendments eliminate the two-model approach under §177.20(b), allow all call coverage agreements to be contracted orally or in writing, and eliminate the requirement that certain agreements require real-time access to a patient's medical records at the time of the call coverage period.

#### **CHAPTER 187. PROCEDURAL RULES**

The amendments to **§187.21(a)**, concerning Board and District Review Committee Members Participation, and **§187.44(3)**, concerning Probationer Show Compliance Proceedings, correct the title of the reference to §187.18 of this chapter, which was recently changed to "ISC Scheduling, Process, and Procedures."

The amendment to **§187.76(c)(3)**, concerning Notice of Intention to Impose Administrative Penalty; Response, removes the undefined term "informal meeting" and replaces it with "ISC," which is defined in §187.2 of this chapter (relating to Definitions).

The amendment to **§187.79**, concerning Personal Appearance at an Informal Meeting, changes the title to "Personal Appearance at an ISC," as "Informal Meeting" is not a defined term and "ISC" is a defined term and is the correct reference within the rule. The amendment in subsection (a) corrects the reference to "informal meeting" and replaces it with "ISC." The amendment in subsection (b) also corrects the reference to "informal meeting" and replaces it with "ISC" and corrects the title of the reference to §187.18 of this chapter, which was recently changed to "ISC Scheduling, Process, and Procedures."

The amendment to **§187.80(c)**, concerning Imposition of Administrative Penalty, removes the undefined term "informal meeting" and replaces it with "ISC," which is defined in §187.2 of this chapter.

#### **CHAPTER 189. COMPLIANCE PROGRAM**

The amendments to **§189.11**, concerning Process for Approval of Physicians, Other Professionals, Group Practices and Institutional Settings, eliminates the words "or remedial plan" from the provision describing the mechanism under which the Board may require a licensee to practice with an approved physician or other professional to serve as a proctor, monitor, or supervisor or in an approved group practice or institutional setting, as §164.0015 of the Texas Occupations Code states that Remedial Plans may not contain provisions that limit or restrict a licensee's practice.

#### **CHAPTER 183. ACUPUNCTURE**

The amendments to **§183.4**, concerning Licensure, add new language under subsection (a)(5) that allows an applicant for licensure to appear before the licensure committee of the Board to request reconsideration of the applicant's ineligibility based on their failure to pass the NCCAOM examination within five attempts. Such amendment allows the Board discretion to reconsider such ineligibility determination. The proposed amendments delete obsolete language from subsection (a)(7). The proposed amendments to subsection (a)(9) provide an alternate mechanism to cure active

practice issues faced by some licensure applicants. The remainder of the changes are corrections to punctuation and grammar.

The amendments to **§183.19**, concerning Acupuncture Advertising, remove language requiring that an acupuncturist include their license number on print advertising.

The amendments to **§183.20**, concerning Continuing Acupuncture Education, add language to subsection (b)(1) to clarify the criteria for the courses from which the requisite CAE hours are taken. The proposed amendment adds new subsection (b)(2) to specify the number of CAE hours and specific topics which must be taken each year. New subsection (b)(3) is added to clarify the number of CAE hours from courses approved under each category delineated under subsection (b)(1). Spelling corrections were made in subsections (h) and (o).

## **CHAPTER 186. RESPIRATORY CARE CHAPTER 186. RESPIRATORY CARE**

The amendment to **§186.2**, concerning Definitions, adds new language under paragraph (41) that defines “voluntary charity care.”

The amendments to **§186.4**, concerning Procedural Rules and Qualifications for Certificate Applicants, add language to subsection (a)(2) to specify that application fees are set forth in 22 T.A.C. §175.1. The amendments also add language to subsection (g) to detail alternative certification procedures for military service members and military veterans, in addition to military spouses.

The amendments to **§186.6**, concerning Biennial Renewal of Certificate, add language to subsections (a), (d), and (j)(1) to reference specific rules in Chapter 175 that list certain fees.

The amendments to **§186.7**, concerning Temporary Permit, add language to subsection (a)(1) to detail that temporary permits issued under this subsection pertain to applicants who have signed an Agreed Order or Remedial Plan and are awaiting board approval. The amendments also add language to subsection (a)(3) to reference fees listed in 22 T.A.C. §175.1. Additionally, the amendments add language to subsection (c) to make clear that requirements listed in this subsection apply only to those applicants who have active practice issues.

The amendments to **§186.8**, concerning Inactive Certificate, add language to subsection (a) to clarify that inactive certificates must be renewed each year.

The amendments to **§186.10**, concerning Continuing Education Requirements, add language to subsection (a) to state that at least two hours of the required 24 hours must be in the topic of ethics. Additionally, the amendments add subsection (b)(2)(C) to give non-traditional continuing education credit to those who teach or instruct a course in an accredited respiratory care educational program. The amendments also add language to subsection (b)(3) to clarify that credit may be awarded for credentialing or re-credentialing examinations listed in this subsection. The National Asthma Education Certification Board (NAECB) Certified Asthma Educator (AE-C) and neonatal resuscitation program (NRP) examinations are also added to this subsection. Language is also added to subsection (b)(3)(J) to explain how often credit may be awarded when the same examination is taken for initial credentialing purposes and re-credentialing purposes.

The amendments to **§186.13**, concerning Identification Requirements, adds subsection (b) to require respiratory care practitioners holding a temporary permit to hold themselves out as temporary care practitioners or TRCPs.

The amendments to **§186.17**, concerning Grounds for Denial of Certification and for Disciplinary Action, adds language in paragraph (4) to make clear that disciplinary action or denial of certification based on criminal history is done in accordance with Chapter 53 of the Texas Occupations Code.

The amendments to **§186.28**, concerning Retired Certificate, adds language in subparagraph (2)(A) to reference the new definition of voluntary charity care adopted in 22 T.A.C. §186.2(41).

## **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

The amendment to **§194.3**, concerning Meetings and Committees, deletes subsection (f) and language providing that the board may at a regular or special meeting remove the secretary from office upon a majority vote, with other amendments re-lettering the remaining subsections. Language related to licensure and disciplinary committee functions is revised to clarify that the committees do not draft rules, but rather review draft language prepared by staff. Amendments further add a new paragraph (4) to subsection (f), setting forth new rules related to the creation of a new Education Committee. The proposed committee's functions include recommending rules to the full board regarding education and training requirements certification as a radiologic technologist or registration as a non-certified technician (NCT), continuing education requirements for renewal of a Texas MRT certificate or NCT registration, and standards for the approval or rescinding approval of radiologic technologist certificate education program curricular and instructors.

The amendments to **§194.5**, concerning Applicability of Chapter; Exemptions, delete language referring to §194.14 of this title (relating to Alternate Training Requirements for Podiatric Medical Assistants), reflecting the repeal of §194.14.

The amendments to **§194.6**, concerning Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry, amend language so that an applicant is not deemed per se ineligible for a certificate or registration, based upon action taken against another license issued by a licensing authority in this or another state that is subject to probation or other disciplinary action not involving revocation or suspension. The board will continue to have the authority to deny a certificate or placement on the general registry based upon all such action, regardless if it is an action not involving revocation or suspension, but the amendments will allow the board more discretion in certain cases. The amendments further delete language under subsection (c)(8) and move it to a new paragraph (2), maintaining the board's discretion to consider the nature of any final disciplinary action, other than suspension or revocation, when determining whether to issue the certificate or other authorization. Amendments to subsection (f)(3) and subsection (i), with language referring to §194.14 of this title, are deleted, to reflect the repeal of §194.14. Amendments to subsection (j) adding clarifying language to make it clearer that non-certified technicians must comply with the active practice requirements under the rules in order to show eligibility for placement on the general registry. Amendment to subsection (l) make corrections to typographical errors.

The repeal of **§194.14**, concerning Alternate Training Requirements for Podiatric Medical Assistants, was adopted to comport with S.B. 674, which amended Texas Occupations Code, Chapter 601, and eliminated dual registration for non-certified technicians by certain state licensing boards, including the Podiatry Board. The MRT Board will maintain a single set of minimum training requirements in order to obtain eligibility for placement on a general registry for non-certified technicians (NCT).

The amendment to **§194.16**, concerning Hardship Exemptions, amends language in order to comport with S.B. 674, which amended Texas Occupations Code, §601.203, so that in order to show that an applicant faces a hardship in hiring a certificate holder or NCT due to an inability to attract and retain medical radiologic technologists, the applicant must also show evidence that the location for which the hardship exemption is sought must be located in a county with a population of less than 50,000. Amendments further delete subsection (b)(4)(B)(vi), so that the use of only a hand-held fluoroscope with a maximum operating capability of 65 kilovolts and 1 milliampere, or similar type of x-ray unit for upper extremities only, with the radiation produced by the radiographic equipment representing a minimal threat to the patient and the operator of the equipment, no longer qualifies for a hardship exemption. The basis for the repeal is that the use of such equipment should be performed by individuals who have completed minimum training and obtained registration as a NCT or certification as a MRT or LMRT.

The amendment to **§194.17**, concerning Dangerous or Hazardous Procedures, removes language referring to §194.14 of this title, reflecting the repeal of §194.14.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

**Chang, Daniel Tung, M.D., Lic. No. TM00384, Santa Monica, CA**

On March 2, 2018, the Board and Daniel Tung Chang, M.D., entered into an Agreed Order publicly reprimanding Dr. Chang and requiring him to within one year complete at least eight hours of CME in risk management. The Board found Dr. Chang failed to identify and report bowel perforations in a post-operative CT scan contributing in a delay in treatment. The patient ultimately deceased from sepsis and organ failure arising from this bowel injury. Dr. Chang was also disciplined by the Rhode Island Medical Board.

**Daryanani, Michelle, D.O., Lic. No. Q1809, Lancaster, PA**

On March 2, 2018, the Board and Michelle Daryanani, D.O., entered into an Agreed Order under the following terms: shall not administer or provide anesthesia in any procedure defined by the American Society of Anesthesiologists (ASA) Physical Status Classification System as an ASA PT III or IV, until she has completed all terms pertaining to physician proctoring as defined in the Order; and within one year complete at least eight hours of CME in perioperative management in anesthesia. The Board found Dr. Daryanani failed to meet the standard of care in making clinical decisions that may have contributed to complications a patient experienced during a procedure by electing to place a laryngeal mask during induction rather than an arterial line.

**Fazel, Mohammad Reza, M.D., Lic. No. G1003, Windthorst**

On March 2, 2018, the Board and Mohammad Reza Fazel, M.D., entered into an Agreed Order publicly reprimanding Dr. Fazel and placing him under the following terms: shall not treat or otherwise serve as a physician for his immediate family or others in which there is a close personal relationship and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs to immediate family or others in which there is a close personal relationship; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Fazel violated the standard of care by prescribing medications (including controlled substances) to a patient for multiple years without ordering necessary labs or creating and maintain medical records, and prescribed to a family member beyond the period of immediate need and failed to maintain adequate medical records.

**Hernandez, Carlos Enrique, M.D., Lic. No. K2490, Eagle Pass**

On March 2, 2018, the Board and Carlos Enrique Hernandez, 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-person on the topic of high risk obstetrical patients, four hours in communicating with patients and staff and four hours in risk management. The Board found Dr. Hernandez violated the standard of care by failing to timely perform a Cesarean section after nurses notified him of fetal distress.

**Koppersmith, Daniel Leonce, M.D., Lic. No. H3691, Pasadena**

On March 2, 2018, the Board and Daniel Leonce Koppersmith, M.D., entered into a Mediated Agreed Order prohibiting him from accepting any new patients who are under the age of 18. Dr. Koppersmith is permitted to continue treating current patients under the age of 18. The Board found Dr. Koppersmith failed to meet the standard of care when he failed to obtain Depakote levels or monitor blood glucose or lipids when he prescribed atypical anti-psychotic medication to two minor patients. Dr. Koppersmith also failed to maintain adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Odulaja, Kolawole Ademuyiwa, M.D., Lic. No. N2694, San Antonio**

On March 2, 2018, the Board and Kolawole Ademuyiwa Odulaja, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificate and shall not reregister without authorization from the Board; 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. Odulaja violated the standard of care and Board rules that govern the treatment of pain for 15 patients. In addition, Dr. Odulaja failed to maintain adequate medical records.

**Simmons, Kevin James, M.D., Lic. No. M5508, Missouri City**

On March 2, 2018, the Board and Kevin James Simmons, M.D., 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 drug seeking behavior, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Simmons' documentation lacked his rationale for continuing to treat a patient with

controlled substances when he was aware of the patient's alcohol and marijuana use. Dr. Simmons failed to check the patient's Prescription Monitoring Program (PMP) report prior to prescribing controlled substances.

**Stroud, Robert Lee, M.D., Lic. No. E2888, Austin**

On March 2, 2018, the Board and Robert Lee Stroud, M.D., entered into an Agreed Order On Formal Filing requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping; and within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Stroud failed to meet the standard of care by failing to comply with Board rules for the treatment of chronic pain for four patients, failed to provide sufficient documentation to justify his diagnoses, treatment, and prescribing practices and failed to adequately monitor the patients' use of their chronic pain medications. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**UNPROFESSIONAL CONDUCT**

**Burgest, Sean Gregory, M.D., Lic. No. L9637, Harker Heights**

On March 2, 2018, the Board and Sean Gregory Burgest, M.D., entered into an Agreed Order requiring him to 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 one year pay an administrative penalty of \$1,000. The Board found Dr. Burgest wrote prescriptions and supervised a physician assistant who wrote prescriptions under his delegated authority while Dr. Burgest's medical license was expired as of May 31, 2017. Dr. Burgest renewed his medical license on July 27, 2017. Dr. Burgest failed to timely respond to approximately five Board staff requests for information between September 7, 2017 and October 4, 2017.

**Contreras, Christine Ann, M.D., Lic. No. N8176, San Antonio**

On March 2, 2018, the Board and Christine Ann Contreras, M.D., entered into an Agreed Order under the following terms: shall not treat or otherwise serve as a physician for her immediate family or anyone with whom Dr. Contreras has a close personal relationship; shall not prescribe, dispense, administer, or authorize any controlled substances or dangerous drugs to herself, her immediate family or anyone with whom she has a close personal relationship; and within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Contreras became personally involved with a patient because she was treating the patient for almost a year, and employed the patient while treating him. Dr. Contreras adopted the patient during the term of her treating him.

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

On March 2, 2018, the Board entered a Final Order against Rosa A. Fuentes, M.D., prohibiting her from possessing, administering, dispensing, or prescribing Schedule II or III controlled substances with the sole exception of testosterone therapy and may only prescribe Schedules IV and V controlled substances to patients for periods of 30 days or less with no refills for any patients. Dr. Fuentes is prohibited from issuing any refills for controlled substances for a minimum of five years. Dr. Fuentes shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. 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. Fuentes has 25 days from the service of the order to file a motion for rehearing.

**Miranda, Hernan Emilio, M.D., Lic. No. N0984, Flower Mound**

On March 2, 2018, the Board and Hernan Emilio Miranda, M.D., entered into an Agreed Order publicly reprimanding Dr. Miranda and requiring him to have a chaperone present anytime he performs a physical examination on a female patient; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course: "Maintaining Proper Boundaries" offered by Vanderbilt University School of Medicine Center for Professional Health; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Miranda engaged in sexually inappropriate behavior

with a patient in 2011, and was disciplined by peers in 2016 when his employment was terminated based on alleged unprofessional behavior.

**Pandya, Mayank, M.D., Lic. No. N1039, San Antonio**

On March 2, 2018, the Board and Mayank Pandya, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management. The Board found Dr. Pandya engaged in unprofessional or dishonorable conduct that was disruptive to hospital staff, specifically the nursing staff. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Reddy, Tarakumar B., M.D., Lic. No. J0644, Arlington**

On March 2, 2018, the Board and Tarakumar B. Reddy, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete four hours of CME in risk management. The Board found Dr. Reddy failed to properly maintain two patients' medical records which were lost by office staff.

**Yau, Franklin See-Lai, M.D., Lic. No. K2829, Rowlett**

On March 2, 2018, the Board and Franklin See-Lai Yau, M.D., entered into an Agreed Order publicly reprimanding Dr. Yau and requiring him to within 30 days obtain an independent medical evaluation and follow all recommendations for care and treatment; 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; within one year complete at least eight hours of in-person CME in ethics; and within 120 days pay an administrative penalty of \$7,500. The Board found Dr. Yau, for approximately five years, engaged in an intimate relationship with a patient for whom he provided medical services and maintained no medical record.

**REVOCAATION**

**Ezukanma, Noble Uwaoma, M.D., Lic. No. K8745, Fort Worth**

On March 2, 2018, the Board entered a Final Order against Noble Uwaoma Ezukanma, M.D., revoking his Texas medical license. The Board found that on September 13, 2017, Dr. Ezukanma was sentenced to 200 months in prison following his conviction of seven felony counts of conspiracy to commit health care fraud after a trial by jury. 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. Ezukanma has 25 days from the service of the order to file a motion for rehearing.

**Hamoudi, Walid H., M.D., Lic. No. K7027, Pearland**

On March 2, 2018, the Board entered a Final Order against Walid H. Hamoudi, M.D., revoking his Texas medical license. The Board found Dr. Hamoudi was sentenced to 60 months' incarceration following his felony conviction for conspiracy to commit health care fraud. 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. Hamoudi has 25 days from the service of the order to file a motion for rehearing.

**Sajadi, Cyrus, M.D., Lic. NO. G1766, Houston**

On March 2, 2018, the Board entered a Final Order against Cyrus Sajadi, M.D., revoking his Texas medical license. The Board found Dr. Sajadi was sentenced to 148 months in prison following his conviction of six felony counts related to health care fraud. 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. Sajadi has 25 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAATION**

**Claus, James Gerad, M.D., Lic. No. D1581, Dallas**

On March 2, 2018, the Board and James Gerard Claus, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Claus agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Claus was under investigation for alleged physical/mental impairment.

**Cone, Jeffrey Donald, M.D., Lic. No. E4265, Amarillo**

On March 2, 2018, the Board and Jeffrey Donald Cone, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Cone agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Cone was previously suspended for allegations of patient misconduct. Dr. Cone has suffered from nuclear sclerosis in both eyes and states his condition made it impossible for him to continue his medical practice.

**Garcia, Pedro, Jr., M.D., Lic. No. E4345, Pharr**

On March 2, 2018, the Board and Pedro Garcia, Jr., M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Garcia agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Garcia was convicted of a felony after he pleaded guilty to one count of conspiracy to commit health care fraud.

**Gilbertson, Jeffrey Keith, M.D., Lic. No. L1327, Graham**

On March 2, 2018, the Board and Jeffrey Keith Gilbertson, M.D., entered into an Agreed Order of Voluntary Surrender on Formal Filing in which Dr. Gilbertson agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that due to his medical impairment Dr. Gilbertson desires to surrender his license in lieu of further contesting the matter. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Stanton, James Paul, M.D., Lic. No. F1254, Austin**

On March 2, 2018, the Board and James Paul Stanton, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Stanton agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Stanton reports that he has a medical/physical condition that precludes him from practicing medicine at this time.

**Tucker, Myrna Blanca, M.D., Lic. No. H6667, Laredo**

On March 2, 2018, the Board and Myrna Blanca Tucker, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Tucker agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Tucker had been the subject of a Board investigation involving allegations that she had a medical condition that prohibits her from practicing medicine.

**SUSPENSION**

**Cohn, Joseph Michael, M.D., Lic. No. K4664, Fredericksburg**

On March 2, 2018, the Board and Joseph Michael Cohn, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Cohn's license is suspended until he requests in writing to have the suspension stayed or lifted and appears before the Board to provide convincing evidence that indicates that he is physically, mentally, and otherwise competent to safely practice medicine, which at a minimum shall include objective evidence of at least six months of sustained sobriety. Dr. Cohn shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The order shall remain in effect until superseded by an order of the Board.

**Morris, Arnold J., Jr., M.D., Lic. No. F4307, Arlington**

On March 2, 2018, the Board entered a Final Order against Arnold J. Morris, Jr., M.D., immediately suspending his Texas medical license; except the suspension is automatically lifted for the sole purpose of Dr. Morris undergoing an assessment by the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program's Clinical Competency Assessment Program offered by the Texas A&M Health Science Center or the Physician Assessment and Clinical Education (PACE) physician competency assessment program offered by the University of California, San Diego. Within 30 days Dr. Morris shall contact either the KSTAR or PACE program to schedule an assessment and within one year complete any and all recommendations based upon the assessment. Following the competency evaluation he may



request in writing to have the suspension stayed or lifted and appears in-person before the Board to provide convincing evidence that indicates that he is physically, mentally, and otherwise competent to safely practice medicine. Further, Dr. Morris shall immediately surrender his DEA registration and not reregister or otherwise obtain controlled substances registrations. The DEA surrender is intended to be indefinite; however, after one year has elapsed he can request permission for Board authorization to re-apply for a DEA registration. Any decision to allow him to re-apply for a DEA registration is at the discretion of the board. Dr. Morris shall not possess, administer, dispense, or prescribe any controlled substances or dangerous drugs with potential for abuse. The Board found Dr. Morris failed to meet the standard of care with respect to multiple patients being treated for chronic pain, nontherapeutically prescribed controlled substances, and failed to maintain adequate medical records. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH).

**Waters, J. Alan, M.D., Lic. No. BP10053816, Carrollton**

On March 2, 2018, the Board and J. Alan Waters, M.D., entered into an Agreed Order of Voluntary Suspension in which Dr. Waters' Texas physician-in-training permit is suspended. Dr. Waters had been temporarily suspended due to impairment. Dr. Waters has entered into an interim agreement with the Board to undergo Board drug testing. This order shall remain in effect until superseded by an order of the Board.

**IMPROPER PRESCRIBING**

**Patel, Kanubhai A., M.D., Lic. No. G4373, McKinney**

On March 2, 2018, the Board and Kanubhai A. Patel, M.D., 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 hour in appropriately prescribing controlled substances, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Patel inappropriately prescribed controlled substances to two family members outside the 72-hour period of immediate need.

**IMPROPER SUPERVISION OR DELEGATION**

**Marquis, Alejandro Felix, M.D., Lic. No. K1248, Houston**

On March 2, 2018, the Board and Alejandro Felix Marquis, M.D., entered into a Mediated 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 delegation, and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Marquis did not adequately supervise non-licensed "research assistants" in their communications with two patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**VIOLATION OF BOARD RULE**

**Burzynski, Gregory S., M.D., Lic. No. N8382, Houston**

On March 2, 2018, the Board and Gregory S. Burzynski, M.D., entered into a Mediated Agreed Order requiring him to within one year and three attempts pass the Special Purpose Examination (SPEX) as promulgated by the Federation of State Medical Boards. The Board found Dr. Burzynski did not adequately document informed consent for one patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**True, Robert Leroy, M.D., Lic. No. H0117, Colleyville**

On March 2, 2018, the Board and Robert Leroy True, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. True improperly advertised that he was board certified by the American Board of Anti-Aging and Regenerative Medicine (ABAARM), a certifying organization that is not a member of the American Board of Medical Specialties and has not been approved for advertising of certification by the Board. Dr. True also improperly advertised using photographs and videos without explicitly identifying the subjects as models and not actual patients.

**Yi, Zanhua, M.D., Lic. No. N9666, Houston**

On March 2, 2018, the Board and Zanhua Yi, M.D., entered into a Mediated Agreed Order requiring him to within two years complete at least 24 hours of CME, divided as follows: 8 hours in informed consent, 4 hours in medical recordkeeping, 4 hours in risk management, 4 hours in supervision and delegation, and four hours in patient communication; and within 90 days pay an administrative penalty of \$2,000. The Board found Dr. Yi did not obtain adequate informed consent for a patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Zadeh, Joseph Hassan, D.O., Lic. No. J5523, Eules**

On March 2, 2018, the Board and Joseph Hassan Zadeh, D.O., entered into an Agreed Order on Formal Filing under the following terms: shall not treat chronic pain; within 90 days refer all chronic pain patients to other providers not affiliated with his clinic; after 90 days prescriptions for opioids, benzodiazepines, barbiturates, and carisoprodol shall be limited to a patient's immediate need, defined as no more than 72-hours and on a one-time basis with no refills permitted; within one year complete the medical recordkeeping course offered by University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete the physician prescribing course offered by the PACE program; and shall not be permitted to supervise or delegate prescriptive authority to physician assistants and advanced practice nurses but may supervise or delegate to midlevel practitioners for duties other than prescribing. The Board found Dr. Zadeh was operating an unregistered pain management clinic, failed to maintain adequate medical records and failed to adequately enforce pain management contracts for chronic pain patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**PEER REVIEW ACTION****Jarrah, Taysir Fawzi, M.D., Lic. No. E6438, McKinney**

On March 2, 2018, the Board and Taysir Fawzi Jarrah, M.D., entered into an Agreed Order prohibiting him from practicing interventional cardiology in any setting until he requests in writing to resume such practice and appears before the Board to provide evidence that he is competent to safely practice interventional cardiology. Evidence at a minimum shall include successful completion of an assessment by the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and any recommendations made. The Board found Dr. Jarrah relinquished his hospital privileges while his care was under peer review. Dr. Jarrah failed to meet the standard of care as he did not accurately interpret cineangiograms and overestimated the severity of stenosis with respect to six patients.

**VIOLATION OF PRIOR BOARD ORDER****Anderson, Bernice, D.O., Lic. No. H9489, Granbury**

On March 2, 2018, the Board entered a Final Order against Bernice Anderson, D.O., publicly reprimanding Dr. Anderson. The Board found Dr. Anderson violated her 2009 Order as modified by the 2012 Order. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order does not supersede the terms contained in previously issued orders of the Board. This order resolves a formal complaint filed at SOAH. Dr. Anderson has 25 days from the service of the order to file a motion for rehearing.

**McCall, Norman Joel, M.D., Lic. No. E6137, Tyler**

On March 2, 2018, the Board and Norman Joel McCall entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation by a Board approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. McCall violated his 2009 Order as modified by failing to timely file logs documenting his Alcoholics Anonymous attendance and failing to communicate and cooperate with the Board's compliance officer.

**OTHER STATES' ACTIONS****DiSanto, Vinson M., D.O., Lic. No. P1540, McKinney**

On March 2, 2018, the Board and Vinson M. DiSanto, D.O., entered into an Agreed Order requiring him to comply with the Order and any terms imposed by the Idaho Board in their Order; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. DiSanto was disciplined by the Idaho State Board of Medicine on June 2, 2017 related to issuing prescriptions for testosterone via telephone and without obtaining the required prescriptive registrations from the Idaho Pharmacy Board and DEA.

**Macias, Melissa Yvonne, M.D., Lic. No. N3851, Corpus Christi**

On March 2, 2018, the Board and Melissa Yvonne Macias, M.D., entered into an Agreed Order under the following terms for a period of 15 years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and within 30 days obtain an independent medical evaluation by a Board approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Macias was arrested on March 1, 2016 in Wisconsin for DUI and later convicted, her third DUI offense. Dr. Macias was also disciplined by the Wisconsin Medical Examining Board due to her March 2016 arrest.

**Michaels, Brooks Carlton, M.D., Lic. No. Q5228, Porter Ranch, CA**

On March 2, 2018, the Board and Brooks Carlton Michaels, M.D., entered into an Agreed Order prohibiting Dr. Michaels from practicing in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Michaels' medical license was revoked by the Medical Board of California but the revocation was stayed and he was placed on probation for four years effective August 25, 2017. The action arose from Dr. Michaels' prescribing of opioids. Dr. Michaels reports he is physically impaired from severe lumbar-sacral spinal stenosis.

**Saunders, Jeffrey Austin, M.D., Lic. No. Q0559, Pensacola Beach, FL**

On March 2, 2018, the Board and Jeffrey Austin Saunders, M.D., entered into an Agreed Order requiring him to comply with all terms of the Final Order issued by the Florida Board of Medicine (FBM). The Board found Dr. Saunders was disciplined by the FBM on June 28, 2017 which arose from his failure to identify injury to L4 and further failure to order additional imaging studies of the lumbar spine for one patient.

**Teng, Edward Chao Hung, M.D., Lic. No. P0506, Phoenix, AZ**

On March 2, 2018, the Board and Edward Chao Hung Teng, M.D., entered into an Agreed Order prohibiting him from practicing in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found that Dr. Teng entered into an Interim Consent Agreement with the Arizona Medical Board (AMB) that prohibited him from practicing medicine in Arizona until he completed a substance abuse evaluation and complied with any recommendations from the evaluation. The AMB action arose from Dr. Teng's use of alcohol, cocaine, nitrous oxide, and arrest for domestic violence.

**Watson, Stephen David, M.D., Lic. No. P0887, Tampa**

On March 2, 2018, the Board and Stephen David Watson, M.D., entered into an Agreed Order requiring him to comply with all terms of the Final Order issued by the Florida Board of Medicine (FBM) effective August 16, 2016. The Board found Dr. Watson was disciplined by the FBM for standard of care and medical record violations for one patient after a minimally invasive spine surgery.

**Zhuge, Wu, M.D., Lic. No. M9104, Cocoa Beach, FL**

On March 2, 2018, the Board and Wu Zhuge, M.D., entered into an Agreed Order publicly reprimanding Dr. Zhuge and requiring him to comply with all terms of his Order with the Washington Medical Quality Assurance Commission (WMQAC) entered on January 5, 2017. The Board found Dr. Zhuge was disciplined by the WMQAC for unprofessional conduct while performing a spinal procedure.

**INADEQUATE MEDICAL RECORDS**

**Duclair, Cesar Pierre, M.D., Lic. No. N2064, Fort Worth**

On March 2, 2018, the Board and Cesar Pierre Duclair, 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 medical recordkeeping and eight hours in

prescribing controlled substances. The Board found Dr. Duclair failed to maintain an adequate medical record for a patient by failing to document proper patient history, a treatment plan, and checking the prescription drug monitoring database prior to prescribing controlled substances for chronic pain management.

**Joo, Sang Bai, M.D., Lic. No. E9252, Houston**

On March 2, 2018, the Board and San Bai Joo, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 90 days of completion of the course, Dr. Joo shall appear before the Board to consider his assessment and determine if further action is recommended to address any deficiencies found in the PACE results. The Board found Dr. Joo's electronic medical records for five patients were inadequate due to disorganization in the treatment notes.

**Sebring, Lane, M.D., Lic. NO. J7661, Wimberley**

On March 2, 2018, the Board and Lane Sebring, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 30 days submit all informed consent forms in use in his practice to the Board for review; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Sebring failed to document performing a full history and physical related to the patient's complaints, failed to document justification for his treatments for the patient, and Dr. Sebring's records were deficient and contained diagnoses for conditions that were not based on evidence from tests, exams, evaluations or diagnoses, but were simply patient-reported diagnoses. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Vanderheiden, David Loyd, D.O., Lic. No. H8480, Corpus Christi**

On March 2, 2018, the Board and David Loyd Vanderheiden, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles. The Board found Dr. Vanderheiden failed to maintain adequate medical records for five patients on chronic opioid therapy.

**IMPAIRMENT**

**Chapanos, Petros Kosmas, M.D., Lic. No. J9640, Levelland**

On March 2, 2018, the Board and Petros Kosmas Chapanos, M.D., entered into an Agreed Order under the following terms: restricted to administrative medicine as defined in the Order; within 30 days submit to an evaluation by the Texas Physician Health Program and comply with any and all recommendations; within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow all recommendations for care and treatment, which shall include both psychiatric and psychological treatment; within 30 days obtain a Board-approved treating psychologist and follow all recommendations for care and treatment. Dr. Chapanos' license was previously temporarily suspended. The Board found Dr. Chapanos suffers from a mood disorder that is at times uncontrolled and renders him from time to time unable to safely practice medicine. Dr. Chapanos is in need of ongoing monitoring and treatment for his mental health disorder.

**Grant, Erica Nicole, M.D., Lic. No. N4438, Dallas**

On March 2, 2018, the Board and Erica Nicole Grant, M.D., entered into an Agreed Order Upon Formal Filing subjecting her to the following terms for a period of ten years: within one year and three attempts pass the Medical Jurisprudence Exam; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a Board-approved treating psychiatrist and follow all recommendations for care and treatment, including at least a monthly visit with the treating psychiatrist; participate in the activities of Alcoholics Anonymous no less than three times per week; obtain a Board-approved practice monitor; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Grant admitted that she diverted drugs and that these violations impacted patient care and involved lying to patients and her employer. Dr. Grant also admitted that she has struggled with addiction and substance abuse. Dr. Grant was suspended from her position at Parkland Hospital after a peer review action related to her diversion of controlled substances and her substance abuse issues. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Thomas, Ira Lee, IV, M.D., Lic. No. M8462, Amarillo**

On March 2, 2018, the Board and Ira Lee Thomas, IV, M.D., entered into an Agreed Order under the following terms for a period of 15 years: limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Board; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain a Board-approved treating psychiatrist or licensed counselor and follow all recommendations for care and treatment, including no less than two visits each month; and participate in the activities of Alcoholics Anonymous no less than five times per week. The Board found Dr. Thomas has struggled with sobriety and relapsed in 2015 and most recently in March 2017. In the midst of a family emergency, Dr. Thomas forgot he was on call at a hospital, and had several drinks. In May 2017, Dr. Thomas completed a comprehensive sober living program and has had verifiable sobriety since March 3, 2017.

**Vermillion, David L., M.D., Lic. No. L9588, Lubbock**

On March 2, 2018, the Board and David L. Vermillion, M.D., entered into an Agreed Order lifting his license suspension and placing him under the following terms: limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Board; and he is publicly referred to the Texas Physician Health Program. Dr. Vermillion had been temporarily suspended for impairment due to his use of methamphetamine.

**TXPHP VIOLATION**

**Gossett, Carl W., M.D., Lic. No. G3403, Fort Worth**

On March 2, 2018, the Board and Carl W. Gossett, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation and upon completion appear before the Board to discuss results and for any further modification of the Order. The Board found Dr. Gossett failed to cooperate with the Texas Physician Health Program and voluntarily surrendered both his Colorado and Wyoming licenses while under investigation by those respective state medical boards.

**CEASE AND DESIST**

**De La Rosa, Alejandro, No License, Irving**

On March 2, 2018, the Board and Alejandro De La Rosa entered into an Agreed Cease and Desist Order prohibiting Mr. De La Rosa from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. De La Rosa's website contains videos advertising "laser lipo" services and "plasma 4TA generacion," which involves giving patients injections in their scalp. In the video, Mr. De La Rosa explains that the procedure requires injecting the patient's own blood back into their scalp to stimulate hair follicles growth.

**Gonzales-Angeles, Alfredo, No License, Houston**

On March 2, 2018, the Board and Alfredo Gonzales-Angeles entered into an Agreed Cease and Desist Order prohibiting Mr. Gonzales-Angeles from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found that Mr. Gonzales-Angeles was arrested after an undercover Houston Police Department officer went to Mr. Gonzales-Angeles' clinic for an appointment to receive Botox injections. On or about July 20, 2017, Mr. Gonzales-Angeles was indicted for Practicing Medicine without a License, a felony, in the 262<sup>nd</sup> Criminal District Court in Harris County.

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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.*