

## Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

February 25, 2013

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### **TMB adopts rule changes, disciplines 53 physicians at February meeting**

At its February 7-8, 2013 meeting, the Texas Medical Board disciplined 53 licensed physicians and issued one cease and desist order. The disciplinary actions included one automatic suspension, eight voluntary surrenders/revocations and nineteen orders related to quality-of-care violations.

The Board issued 81 physician licenses at the February board meeting, bringing the total number of physician licenses issued in FY 13 to 1,228. Thirty-two percent of physician licensure applications were completed in 10 days or less.

### **RULE CHANGES ADOPTED**

**General Provisions: §161.3** establishes that board members may not appear at disciplinary or licensure hearings on behalf of licensure applicants or licensees and may not submit a written statement on behalf of a licensee or applicant unless the member receives preapproval from the board's executive committee.

**Licensure: §163.2** permits applicants who graduated from U.S. medical schools that were not LCME-accredited at time of graduation to remain eligible for licensure if board certified; and the amendment clarifies that residency training will not be counted toward the three-year service requirement for applicants who are not U.S. citizens or aliens lawfully admitted for permanent residence, unless the residency training was in a medically underserved area or health professional shortage area.

**Probationer Show Compliance Proceedings: §187.44** establishes a five calendar-day deadline for probationer rebuttal material.

**Office-Based Anesthesia:** Amendment to **§192.1** revises the definitions of analgesics, anesthesia, anesthesia services, anxiolytics, Level IV services, and monitored anesthesia care; and adds definitions for hypnotics, peripheral nerve block and tumescent anesthesia. Amendment to **§192.2** revises the requirements for Level I, II, and III services, for necessary emergency equipment, and reporting to the board of intraoperative and postoperative deaths.

**Pain Management Clinics:** Amendment to **§195.2** provides that if an applicant for a pain management clinic certificate is under investigation by the Board, then a decision on the applicant's initial application will not be decided upon until the investigation is closed.

## **DISCIPLINARY ACTIONS**

### **QUALITY OF CARE**

#### **Benavides, Richard Alex, M.D., Lic. No. F9189, Dallas**

On February 8, 2013, the Board and Richard Alex Benavides, M.D., entered into an Agreed Order requiring Dr. Benavides to complete within one year 24 hours of CME including 16 hours in medical record-keeping and eight hours in risk management and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Benavides failed to meet the standard of care and was disciplined by his peers for failure to maintain adequate and timely medical records.

#### **Brooks, George Alfred, M.D., Lic. No. G4862, Humble**

On February 8, 2013, the Board and George Alfred Brooks, M.D., entered into an Agreed Order publicly reprimanding Dr. Brooks and requiring Dr. Brooks to cease treating chronic pain patients, surrender his DEA and DPS controlled substance certificates, within one year complete 24 hours of CME including eight hours in medical record-keeping, eight hours in identifying drug-seeking behavior and eight hours in risk management and pay an administrative penalty of \$10,000 within 90 days. The Board found Dr. Brooks failed to meet the standard of care and non-therapeutically prescribed controlled substances to multiple patients.

#### **Butka, Gary N., M.D., Lic. No. G6479, Brownwood**

On February 8, 2013, the Board and Gary N. Butka, M.D., entered into an Agreed Order requiring Dr. Butka to have his practice monitored by another physician for four monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 24 hours of in-person CME including eight hours in pharmacology, eight hours in pain medication and eight hours in medical record-keeping, and pay an administrative penalty of \$2,000 within 180 days. The Board found Dr. Butka failed to meet the standard of care, nontherapeutically prescribed and failed to maintain adequate medical records.

#### **Cordas, Stevane, D.O., Lic. No. D5368, Hurst**

On February 8, 2013, the Board and Stevane Cordas, D.O., entered into a Mediated Agreed Order requiring Dr. Cordas to within one year complete 38 hours of CME, including 15 hours in physician examinations, 15 hours in breast cancer evaluation and treatment, and eight hours in risk management, and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Cordas failed to practice medicine in an acceptable, professional manner. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **Diaz, Ricardo, M.D., Lic. No. J0474, Dallas**

On February 8, 2013, the Board and Ricardo Diaz, M.D., entered into an Agreed Order requiring Dr. Diaz to within one year complete the Maintaining Proper Boundaries course offered by the Center for Professional Health through Vanderbilt University Medical Center, within one year and within three attempts pass the Medical Jurisprudence Exam and within one year complete four hours of CME in medical record-keeping. The Board found Dr. Diaz became personally involved with a patient in an inappropriate manner, inappropriately

prescribed dangerous drugs to someone with whom he had a personal relationship and failed to maintain adequate medical records.

**Fraser, Michael Patrick, D.O., Lic. No. H8051, Dallas**

On February 8, 2013, the Board and Michael Patrick Fraser, D.O., entered into an Agreed Order publicly reprimanding Dr. Fraser and requiring Dr. Fraser to, within 90 days, submit to the Board the name of a neurologist who can evaluate Dr. Fraser regarding his hand tremors and potential impact on his ability to safely practice medicine. In addition, Dr. Fraser must cease treating any chronic pain patients, surrender his DEA and DPS controlled substance certificates, within one year and within three attempts pass the Medical Jurisprudence Exam, have another physician monitor his practice for 12 monitoring cycles, within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, and within one year complete eight hours of CME in identifying drug-seeking behavior. In addition, Dr. Fraser must dictate all medical progress notes and other medical documentation and pay an administrative penalty of \$10,000 within six months. The Board found Dr. Fraser, in the case of six patients, failed to maintain adequate medical records regarding the treatment of chronic pain, failed to meet the standard of care and non-therapeutically prescribed drugs.

**Grant, Paul A., M.D., Lic. No. E7608, Fort Worth**

On February 8, 2013, the Board and Paul A. Grant, M.D., entered into an Agreed Order requiring Dr. Grant to have another physician monitor his practice for 12 monitoring cycles, complete within one year 16 hours of CME including four hours in medical records, four hours in drug interactions and eight hours in pain management. The Board found Dr. Grant failed to meet the standard of care, failed to maintain adequate medical records and failed to safeguard against potential complications.

**Hitt, David Michael, D.O., Lic. No. E7981, Grapevine**

On February 8, 2013, the Board and David Michael Hitt, D.O., entered into an Agreed Order requiring Dr. Hitt to complete within one year 14 hours of CME including eight hours in medical record-keeping and six hours in risk management and pay an administrative penalty of \$2,000 within 90 days. The Board found Dr. Hitt failed to meet the standard of care in his treatment of one patient and failed to maintain adequate medical records.

**Hussian, Mohammed, M.D., Lic. No. K4920, Houston**

On February 8, 2013, the Board and Mohammed Hussian, M.D., entered into an Agreed Order requiring Dr. Hussian to have another physician monitor his practice for eight monitoring cycles, complete within two years eight hours of CME in medical record-keeping, eight hours in risk management, eight hours in treatment of psychiatric disorders and 16 hours in pain management. In addition, Dr. Hussain must pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Hussian failed to use proper diligence in his practice and violated Board rules regarding medical records and pain management guidelines.

**Landry, Robert Kieth, Jr., M.D., Lic. No. L8405, Cleveland**

On February 8, 2013, the Board and Robert Kieth Landry, Jr., M.D., entered into an Agreed Order requiring Dr. Landry to complete within one year five hours of in-person CME in recognition and treatment of sepsis, five

hours of in-person CME in critical care and five hours of CME in risk management. The Board found Dr. Landry failed to meet the standard of care in his treatment of one patient.

**Nutis, Mario, M.D., Lic. No. L5854, El Paso**

On February 8, 2013, the Board and Mario Nutis, M.D., entered into an Agreed Order requiring Dr. Nutis to have another physician monitor his practice for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year 16 hours of CME including management and treatment of high-risk obstetric patients and eight hours in risk management. The Board found Dr. Nutis behaved in an abusive manner towards a patient, failed to meet the standard of care and failed to maintain adequate medical records.

**Olusola, Benedict Oladipo, M.D., Lic. No. J7118, Desoto**

On February 8, 2013, the Board and Benedict Oladipo Olusola, M.D., entered into an Agreed Order requiring Dr. Olusola to complete within six months the clinical competence assessment, including Phase I and Phase II, offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and complete any recommended retraining and remedial measures. In addition, Dr. Olusola must remove any reference to board certification in cosmetic surgery and wound care from his web site; complete within one year eight hours of CME in risk management and ethics; and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Olusola failed to release medical records in a timely manner, failed to practice medicine in an acceptable, professional manner, failed to meet the standard of care and used false or misleading advertising.

**Osborne, John Andrew, M.D., Lic. No. K4180, Grapevine**

On February 8, 2013, the Board and John Andrew Osborne, M.D., entered into an Agreed Order requiring Dr. Osborne to have another physician monitor his practice for eight monitoring cycles and pay an administrative penalty of \$3,000 within six months. The Board found Dr. Osborne failed to meet the standard of care, engaged in unprofessional conduct and failed to adequately supervise those acting under his supervision.

**Patel, Pinakin R., M.D., Lic. No. J2727, Houston**

On February 8, 2013, the Board and Pinakin R. Patel, M.D., entered into an Agreed Order requiring Dr. Patel to pass within one year and within three attempts the Medical Jurisprudence Exam, have another physician monitor his practice for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, complete within one year eight hours of CME in identifying drug-seeking behavior and pay an administrative penalty of \$12,000 within six months. The Board found Dr. Patel failed to meet the standard of care, non-therapeutically prescribed hydrocodone-based cough syrup to a female patient over a prolonged period of time, continued to prescribe despite signs the patient was addicted, non-therapeutically prescribed the same formulations to the patient's mother and two sons and failed to maintain adequate medical records.

**Phillips, Gregory K., M.D., Lic. No. H6511, Roanoke**

On February 8, 2013, the Board and Gregory K. Phillips, M.D., entered into an Agreed Order permanently restricting Dr. Phillips to administrative medicine and prohibiting him from any practice of medicine that involves direct or indirect patient contact. The Board found Dr. Phillips failed to use diligence in his professional practice, engaged in non-therapeutic prescribing and is unable to safely practice medicine due to a physical condition. This order supersedes all existing actions taken by the Board against Dr. Phillips.

**Powell, Bethany Elise, M.D., Lic. No. L3073, Galveston**

On February 8, 2013, the Board and Bethany Elise Powell, M.D., entered into an Agreed Order requiring Dr. Powell to provide a copy of this order to her treating psychotherapist within 30 days, maintain a quarterly logbook of all prescriptions for Schedule II and III controlled substances for one year, have her practice monitored by another physician for four monitoring cycles, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 16 hours of CME including eight hours in risk management and eight hours in ethics and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Powell failed to meet the standard of care and inappropriately prescribed dangerous drugs or controlled substances to a male patient to whom she was married at the time and who was a known abuser of drugs.

**Rousch, Daniel Eric, D.O., Lic. No. J4488, Bedford**

On February 8, 2013, the Board and Daniel Eric Rousch, D.O., entered into an Agreed Order requiring Dr. Rousch to have his practice monitored by another physician for 12 monitoring cycles, complete within one year 44 hours of CME including 24 hours in pediatric bipolar disorder, eight hours in medical record-keeping and 12 hours in monitoring for adverse effects of drug interactions, and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Rousch failed to meet the standard of care and non-therapeutically prescribed psychotropic medications to two minor patients.

**Surapaneni, Veena, M.D., Lic. No. K6938, Cedar Park**

On February 8, 2013, the Board and Veena Surapaneni, M.D., entered into an Agreed Order requiring Dr. Surapaneni to have another physician monitor her practice for eight monitoring cycles, complete within one year 32 hours of CME including eight hours in treating ADHD in adults, eight hours in risk management and eight hours in treating psychiatric disorders and pay an administrative penalty of \$3,000 within 90 days. The Board Found Dr. Surapaneni failed to meet the standard of care and wrote prescriptions for a known abuser of dangerous drugs.

**Villacres, David F., M.D., Lic. No. H7099, Kingwood**

On February 8, 2013, the Board and David F. Villacres, M.D., entered into an Agreed Order requiring Dr. Villacres to refrain from serving as a physician for his immediate family, and refrain from prescribing controlled substances to himself or his immediate family. In addition, Dr. Villacres must pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in ethics and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Villacres violated Board guidelines for the treatment of chronic

pain, failed to use diligence in his professional practice, and non-therapeutically prescribed controlled substances and failed to maintain adequate medical records in his treatment of himself and family members.

## **SUSPENSION**

### **Smith, Michael Dean, M.D., Lic. No. F4545, South Padre Island**

On January 25, 2013, a disciplinary panel of the Texas Medical Board entered an Automatic Suspension Order regarding Michael Dean Smith, M.D., requiring Dr. Smith to immediately cease practicing as a physician in Texas. The Board found Dr. Smith violated his 2008 Order as modified in 2010 when he was observed by multiple persons consuming alcohol in public after relapsing into opiate dependency. Dr. Smith remains suspended until he requests in writing to have the suspension stayed or lifted, and personally appears before the Board and provides evidence and information that proves, at the discretion of the Board, that he is in compliance with all terms and conditions of his 2008 Order, as subsequently modified.

## **OTHER STATES' ACTION**

### **Dunnington, David Arthur, M.D., Lic. No. F1518, Arlington WA**

On February 8, 2013, the Board and David Arthur Dunnington, M.D., entered into an Agreed Order requiring Dr. Dunnington to comply with the terms and conditions imposed by the State of Washington Department of Health Medical Quality Assurance Commission. The Board found Dr. Dunnington was disciplined in Washington for non-therapeutic prescribing of pain medications to two patients.

### **Eniola, Razaak Alabi, M.D., Lic. No. K4416, Berlin MD**

On February 8, 2013, the Board and Razaak Alabi Eniola, M.D., entered into an Agreed Order publicly reprimanding Dr. Eniola. The Board found Dr. Eniola was the subject of disciplinary action by the Virginia Board of Medicine for failure to adequately evaluate and diagnose a patient.

### **Konasiewicz, Stefan J., M.D., Lic. No. K2517, El Paso**

On February 8, 2013, the Board and Stefan J. Konasiewicz, M.D., entered into an Agreed Order requiring Dr. Konasiewicz to complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours, to be attended in-person, in the subject of risk management. The Board found Dr. Konasiewicz was disciplined by the Minnesota Board of Medical Practice, and failed to safeguard against potential complications, but that he met the standard of care in his treatment of two of the patients in question.

### **Morrison, David Gay, M.D., Lic. No. H9468, New Orleans LA**

On February 8, 2013, the Board and David Gay Morrison, M.D., entered into an Agreed Order requiring Dr. Morrison to cease practicing medicine in Texas until he provides clear and convincing evidence and information that he is competent to safely practice medicine, including proof that he has satisfied the terms and conditions of the Alabama Remediation Program and has been re-licensed to practice medicine in Alabama. The Board found Dr. Morrison was disciplined by the Alabama State Board of Medical Examiners.

### **Reyes, Robert Raymond, M.D., Lic. No. H8955, McAllen**

On February 8, 2013, the Board and Robert Raymond Reyes, M.D., entered into an Agreed Order requiring Dr. Reyes to complete within one year eight hours of CME in ethics and complete within one year and within

three attempts the Medical Jurisprudence Exam. The Board found Dr. Reyes failed to notify the Board of a disciplinary action taken against him by the Colorado Medical Board.

**Samuels, Todd Louis, M.D., Lic. No. TM00330, Leesburg VA**

On February 8, 2013, the Board and Todd Louis Samuels, M.D., entered into an Agreed Order requiring Dr. Samuels to complete within one year eight hours of CME in medical record-keeping and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Samuels failed to meet the standard of care, failed to use diligence in his medical practice and was disciplined by another state.

**Siddiqui, Abdul Sami Fawad, Lic. No. N4748, Las Vegas NV**

On February 8, 2013, the Board and Abudul Sami Fawad Siddiqui, M.D., entered into an Agreed Order publicly reprimanding Dr. Siddiqui and requiring Dr. Siddiqui to complete within one year six hours of CME in medical record-keeping. The Board found Dr. Siddiqui was disciplined by the Nevada State Board of Medical Examiners.

**Walker, Bradley Steven, M.D., Lic. No. J3648, Garden Grove CA**

On February 8, 2013, the Board and Bradley Steven Walker, M.D., entered into an Agreed Order requiring Dr. Walker to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in ethics and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Walker was disciplined by medical boards in Idaho, California, Nevada and New York.

**VOLUNTARY SURRENDER/REVOCATION**

**Cherian, Francis, M.D., Lic. No. F8052, Houston**

On February 8, 2013, the Board and Francis Cherian, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Cherian voluntarily surrendered his Texas medical license and agreed not to petition the Board for reinstatement for two years, in lieu of further disciplinary proceedings. Dr. Cherian was under investigation by the Board related to his prescribing practices. In addition, Dr. Cherian admits he is impaired by a mental or physical condition that renders him unable to practice medicine at this time.

**Graham, Akili, M.D., Lic. No. K7161, Houston**

On February 8, 2013, the Board and Akili Graham, M.D., entered into an Agreed Order of Voluntary Revocation, revoking Dr. Graham's license and requiring him to immediately cease practicing medicine. The Board found Dr. Graham failed to meet the standard of care.

**Melcher, Stephen Francis, M.D., Lic. No. J0120, Sacramento CA**

On February 8, 2013, the Board and Stephen Francis Melcher, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Melcher agreed to surrender his license and cease practicing in Texas in lieu of further disciplinary proceedings. The Board found Dr. Melcher was convicted in a California court for commission of a lewd and lascivious act on an 11-year-old child.

**Ogin, Gary Arthur, M.D., Lic. No. G9176, Southlake**

On February 8, 2013, the Board and Gary Arthur Ogin, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Ogin agreed to voluntarily and permanently surrender his medical license and cease practicing medicine in Texas. The Board found Dr. Ogin non-therapeutically prescribed medications, including controlled substances, to 19 patients.

**Perry, Thomas Clement, M.D., Lic. No. K6233, Sour Lake**

On February 8, 2013, the Board and Thomas Clement Perry, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Perry's license was revoked and Dr. Perry was ordered to immediately cease practice in Texas. The Board found Perry is unable to practice medicine because of a medical condition.

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

On February 8, 2013, the Board and Ernest Roman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Roman voluntarily and permanently surrendered his Texas medical license. Dr. Roman must immediately cease practice in Texas. Dr. Roman was under investigation by the Board for alleged improper operation of a pain management clinic. This order resolves any and all complaints currently before the Board.

**Scroggins, Timothy Allen, M.D., J4506**

On February 8, 2013, the Board and Timothy Allen Scroggins, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Scroggins agreed to voluntarily and permanently surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Scroggins asked to surrender his medical license due to disciplinary actions in another state.

**Smith, Charles Thomas, M.D., Lic. No. F0679**

On February 8, 2013, the Board and Charles Thomas Smith, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Smith voluntarily and permanently surrendered his Texas medical license. The Board found Dr. Smith is not currently practicing medicine due to physical impairment.

**UNPROFESSIONAL CONDUCT**

**Cwikla, Mark Joseph, M.D., Lic. No. F3838**

On February 8, 2013, the Board and Mark Joseph Cwikla, M.D., entered into an Agreed Order requiring Dr. Cwikla to within one year complete the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year and within three attempts pass the Medical Jurisprudence Exam, and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Cwikla engaged in disruptive behavior and was disciplined by peers.

**Rodriguez-Salinas, Filiberto, M.D., Lic. No. G4201**

On February 8, 2013, the Board and Filiberto Rodriguez-Salinas, M.D., entered into an Agreed Order requiring Dr. Rodriguez-Salinas, M.D., to complete within one year four hours of CME in interpersonal communication and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Rodriguez-Salinas behaved in a disruptive manner toward a nurse.



## **VIOLATION OF PRIOR ORDER**

### **Do, Phu M., M.D., Lic. No. L2224,**

On February 8, 2013, the Board and Phu M. Do, M.D., entered into an Agreed Order Modifying Dr. Do's 2011 Agreed Order, requiring Dr. Do to complete within 18 months at least eight hours of CME in risk management and eight hours in identifying and treating surgical complications, and pay an administrative penalty of \$5750 within 16 months. All other terms and conditions of the 2011 order remain in force. The Board found Dr. Do failed to comply with his 2011 order.

### **McBath, J. Mark, M.D., Lic. No. G8265**

On February 8, 2013, the Board and J. Mark McBath, M.D., entered into an Agreed Order requiring Dr. McBath to pass within one year and within three attempts the Medical Jurisprudence Exam or face immediate suspension. In addition, McBath must complete within one year eight hours of CME in ethics and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. McBath failed to complete CME required by a previous board order.

### **Roberts, Dennis Donald, M.D., Lic. No. M6362, Woodville**

On February 8, 2013, the Board and Dennis Donald Roberts, M.D., entered into an Agreed Order publicly reprimanding Dr. Roberts and requiring Dr. Roberts to undergo an independent medical evaluation by a psychiatrist, follow all recommendations by the psychiatrist for care and treatment, and appear before the board to address issues related to Dr. Roberts' compliance with this order. In addition, Dr. Roberts' 2008 order, as modified in 2010, remains in full force and is not superseded by this order. The Board found Dr. Roberts tested positive for a prohibited substance.

### **Weaver, Harry T., Jr., M.D., Lic. No. H4784, Levelland**

On February 8, 2013, the Board and Harry T. Weaver, Jr., M.D., entered into an Agreed Order requiring Dr. Weaver to complete within six months five hours of CME including three hours in risk management and two hours in ethics. The Board found Dr. Weaver failed to complete CME in anger management required by his 2011 order. This order supersedes Dr. Weaver's 2011 Order.

## **IMPAIRMENT**

### **Moran, Cynthia Hartmann, M.D., Lic. No. H3251, Houston**

On February 8, 2013, the Board and Cynthia Hartmann Moran, M.D., entered into an Agreed Order lifting Dr. Moran's July 2012 Temporary Suspension and requiring Dr. Moran to limit her practice to an approved, group or institutional setting; pass within one year and within three attempts the Medical Jurisprudence Exam; submit to an evaluation by the Physician Health Program within 30 days; complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in physician-patient boundaries and eight hours in risk management. The Board found Dr. Moran engaged in unprofessional conduct, used drugs in an intemperate manner and inappropriately prescribed to herself.

## **PEER REVIEW ACTION**

### **Gross, Robert Hadley, M.D., Lic. No. G5125, San Angelo**

On February 8, 2013, the Board and Robert Hadley Gross, M.D., entered into a Mediated Agreed Order requiring Dr. Gross to within 90 days have his practice evaluated by the Texas Medical Association's Practice Counseling Services with a specific emphasis on billing and coding, risk management and operational assessment; and within one year complete 18 hours of CME including 10 hours in risk management, four hours in medical coding and four hours in medical billing. The Board found Dr. Gross failed to adequately supervise the activities of those acting under his supervision, was subject to disciplinary action by peers and failed to maintain adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Hamid, Bassam Ahmad, M.D., Lic. No. J8261, Baytown**

On February 8, 2013, the Board and Bassam Ahmad Hamid, M.D., entered into a Mediated Agreed Order requiring Dr. Hamid to complete within one year the TMB Remedial Coaching Program at the U.T. Dallas School of Management. The Board found Dr. Hamid engaged in disruptive behavior and had his hospital privileges revoked. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **TEXAS ELECTRONIC DEATH REGISTRY VIOLATIONS**

### **Attar, Mohammed, M.D., Lic. No. E5344**

On February 8, 2013, the Board and Mohammed Attar, M.D., entered into an Agreed Order requiring Dr. Attar to complete within one year four hours of CME in ethics and/or risk management and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Attar failed to utilize the Texas Electronic Death Registry to file the death certificate of one patient and failed to respond to Board requests for information.

### **McFarland, Michael Alan, M.D., Lic. No. G8271**

On February 8, 2013, the Board and Michael Alan McFarland, M.D., entered into an Agreed Order requiring Dr. McFarland to complete within one year eight hours of CME in risk management and pay an administrative penalty of \$500 within 60 days. The Board found Dr. McFarland failed to timely certify a death certificate using the Texas Electronic Death Registry.

## **NONTHERAPEUTIC PRESCRIBING**

### **Kopecky, Charles Rayner, M.D., Lic. No. H0532**

On February 8, 2013, the Board and Charles Rayner Kopecky, M.D., entered into an Agreed Order publicly reprimanding Dr. Kopecky and requiring Dr. Kopecky to cease serving as a physician to his immediate family, pass within one year and within three attempts the Medical Jurisprudence Exam, complete 16 hours of CME including eight hours in risk management and eight hours in ethics and pay an administrative penalty of \$3,000 within 180 days. The Board found Dr. Kopecky non-therapeutically prescribed to a family member and did not maintain an adequate medical record.

### **Murchison, Ira Odell, D.O., Lic. No. F9861**

On February 8, 2013, the Board and Ira Odell Murchison, D.O., entered into an Agreed Order publicly reprimanding Dr. Murchison and requiring Dr. Murchison to refrain from treating immediate family with

controlled substances or dangerous drugs with addictive potential, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 24 hours of CME including 16 hours in ethics and eight hours in medical record-keeping. The Board found Dr. Murchison inappropriately prescribed, engaged in unprofessional conduct and failed to maintain adequate medical records.

#### **INADEQUATE SUPERVISION**

##### **Tanhui, Eduardo Sy, M.D., Lic. No. K4263, Nacogdoches**

On February 8, 2013, the Board and Eduardo Sy Tanhui, M.D., entered into a Agreed Order requiring Dr. Tanhui to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year 28 hours of CME including 12 hours in supervision and delegation, eight hours in risk management and eight hours in ethics, and pay an administrative penalty of \$3,000 within 90 days. The Board found Dr. Tanhui presigned prescription forms for controlled substances, failed to supervise adequately those acting under his supervision and delegating and delegated professional medical responsibility to an unqualified person.

#### **CRIMINAL BEHAVIOR**

##### **Molina, Julio Cesar, M.D., Lic. No. H5010**

On February 8, 2013, the Board and Julio Cesar Molina, M.D., entered into an Agreed Order requiring Dr. Molina to submit to an evaluation by the Physician Health Program within 30 days, pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME in ethics and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Molina failed to report to the Board his arrest and conviction in 2008 for DWI and his arrest for assault and public intoxication in 2011.

#### **INADEQUATE MEDICAL RECORDS**

##### **Chuong, Tony Tuan, M.D., Lic. No. K3136**

On February 8, 2013, the Board and Tony Tuan Chuong, M.D., entered into an Agreed Order requiring Dr. Chuong to complete within one year 15 hours of CME including 10 hours in treatment of hepatitis and five hours in risk management, pay an administrative penalty of \$1,500 within 90 days and within 60 days correct his medical record documentation to include a section for "lab, x-ray and other." The Board found Dr. Chuong failed to maintain an adequate medical record or use diligence in his treatment of one patient.

##### **Locke, James Perry, M.D., Lic. No. K4489**

On February 8, 2013, the Board and James Perry Locke, M.D., entered into an Agreed Order requiring Dr. Locke to complete within one year 18 hours of CME including 10 hours in geriatric medicine and eight hours in medical record-keeping. The Board found Dr. Locke failed to use diligence and failed to maintain medical records. This order resolves a formal complaint at the State Office of Administrative Hearings.

#### **CEASE AND DESIST**

##### **Santillan, Claudia, No License, Grand Prairie**

On February 8, 2013, the Board and Claudia Santillan entered into an Agreed Cease and Desist Order prohibiting Ms. Santillan from acting as or holding herself out to be a licensed physician in Texas. The Board

found Ms. Santillan examined an adult female and indicated that the individual had a urinary tract infection or a tumor. The individual was in fact pregnant.