

**Texas Medical Board
News Release
FOR IMMEDIATE RELEASE**

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Medical Board issues 688 physician licenses, continues to reduce licensure processing time; Board disciplines 66 physicians

At its April 10-11 meeting, the Texas Medical Board took disciplinary action against 66 licensed physicians.

Actions included 19 violations based on quality of care; 12 actions based on unprofessional conduct; seven actions based on violation of probation or prior board order; nine actions based on inadequate medical records violations; three actions based on impairment due to alcohol or drugs; two actions based on non-therapeutic prescribing; three actions based on other states' actions; one action based on peer review action; three miscellaneous actions; and seven administrative orders based on minimal statutory violations.

At its April 10-11 meeting, the Texas Medical Board issued 688 physician licenses. While continuing to issue a large number of licenses, the board is moving towards meeting its legislative mandate to reduce the time it takes to issue a license; the average time for processing is down to 55.5 days, from a high of more than 90 before last year's legislative action to increase agency staff and resources to improve licensure processing times.

Proposed Rule Changes and Rule Review

The following rule changes and rule reviews will be published in the *Texas Register* for comment:

Chapter 161, General Provisions, with amendments to §161.6, Committees of the Board, updates the duties of the Licensure Committee; §161.8, Deputy Executive Director, to update the name of Deputy Executive Director to Chief of Staff.

Chapter 163, Licensure, with amendments to §163.4, Procedural Rules for Licensure Applicants, to specify instances under statute and Board rule when the Executive Director may determine applicants ineligible for licensure and not have staff process an applicant's entire application before review by the Licensure committee; §163.5, Licensure Documentation, clarifies when an applicant must submit documentation regarding inpatient treatment, and modifies language regarding alcohol/substance disorder and physical illness that did or could have impaired an applicant's ability to practice medicine; §163.6, Examinations Accepted for Licensure, provides an exception to the three-attempt limit to conform to statutory requirements adopted by the Legislature in 2007; §163.10, Relicensure, updates requirements to conform to

previous rule changes to require that Jurisprudence Examination be taken only once; §163.11, Active Practice of Medicine, deletes ♦passage of SPEX examination♦ as a stated remedy for applicants who cannot demonstrate that they have been in the active practice of medicine, §163.14, Interpretation of §1.51(d), Senate Bill 419, repeals emergency and temporary provision regarding interpretation of three-attempt rule.

Chapter 166, Registration , with amendments to §166.1, Physician Registration , updates rule to conform with biennial registration; §166.2, Continuing Medical Education , updates rule to conform with biennial registration and amends provisions related to administrative penalties to be consistent with provisions under Chapter 190 related to disciplinary guidelines; §166.5, Relicensure , clean-up of language; §166.6, Exemption from Registration Fee for Retired Physician Providing Voluntary Charity Care , updates rule to conform with biennial registration.

Chapter 169, Authority of Physicians to Supply Drugs, with amendments to §169.2, Definitions , updates name of Texas Medical Board.

Chapter 171, Postgraduate Training Permits , with amendments to §171.3, Physician-in-Training Permits , updates the name of the Texas Medical Board, extends period for submitting an application from 90 days to 120 days from the expected start date of the training program, specifies instances under statute and Board rule when the Executive Director may determine applicants ineligible for licensure and not have staff process an applicant's entire application before review by the Licensure committee, modifies language regarding alcohol/substance disorder and physical illness that did or could have impaired an applicant's ability to practice medicine; §171.4, Board-Approved Fellowships , repeals expired provisions for fellowships approved before September 1, 2007; §171.5, Institutional Permits , repeals expired provisions related to Institutional Permits and replaces with new rule regarding the ♦Duties of PIT Holders to Report♦; §171.6, Duties of Program Directors to Report , extends from 7 days to 30 days for program directors to report certain matters to the Board, requires reporting of all participants in the training programs, and deletes requirement for annual reports by program directors.

Chapter 172, Temporary and Limited Licenses , with amendments to §172.1, Purpose , adds citation of Medical Practice Act to clarify authority for the chapter; §172.2, Construction and Definitions , specifies instances under statute and Board rule when the Executive Director may determine applicants ineligible for licensure and not have staff process an applicant's entire application before review by the Licensure committee; §§172.3 Distinguished Professor Temporary License , 172.6 Visiting Professor Temporary License, and 172.8 Faculty Temporary License , refers to medical schools that are accredited by the Liaison Committee on Medical Education or the American Osteopathic Association Bureau of Professional Education, instead of listing each medical school; and §172.13, Conceded Eminence , clarifies that medical school applying on behalf of the physician must be accredited by the Liaison Committee on Medical Education or the American Osteopathic Association Bureau of Professional Education.

Chapter 182, Use of Experts , with amendments to §182.1, Purpose , provides the statutory authority for the chapter; §182.5, Expert Panel , clarifies that appointments to the Expert Panel are made by the Board; §182.8, Expert Physician Reviewers , amends the rule to provide that the

reviewing doctor of a physician (Respondent) under investigation have the same current practice specialty versus the same specialty that the Respondent had initially trained to become.

Chapter 184, Surgical Assistants, with amendments to § 184.1, Purpose , adds reference to Medical Practice Act and Surgical Assistants Act, authorizing rules; §184.2, Definitions , updates name of the Texas Medical Board; § 184.4, Qualifications for Licensure , clarifies what is an acceptable registered nurse first assisting program and a surgical physician assistant program, deletes surgical assistant programs that are not CAAHEP accredited from being acceptable for purposes of licensure, and updates name of LCC-ST; § 184.5, Procedural Rules for Licensure Applicants , deletes obsolete provision regarding an applicant who applied prior to September 1, 2002; § 184.6, Licensure Documentation , updates reference to alcohol/substance disorders; § 184.8, Licensure Renewal , clarifies the rule by setting forth requirements that an applicant must furnish supplemental explanations on renewal applications and prohibiting a Surgical Assistant from using the identification as a Licensed Surgical Assistant after a license is expired; § 184.9, Relicensure , provides that a license shall be considered to be cancelled if expired more than one year, unless an investigation is pending; § 184.18, Administrative Penalties , updates rule to refer to rules regarding imposition of an administrative penalty under chapter 187; § 184.19, Complaint Procedure Notification , updates references to other Board rules; § 184.20, Investigations , deletes misplaced reference to licensure procedure; and § 184.26, Voluntary Relinquishment or Surrender of a License , corrects title of Chapter 196 of the Board Rules.

Chapter 193 Standing Delegation Orders, with amendments to §193.1, Purpose , updates name of Texas Medical Board; §193.2, Definitions , updates name of Texas Physician Assistant Board; §193.4, 193.4, Scope of Standing Delegation Orders , clean-up language; §193.6, Delegation of the Carrying Out or Signing of Prescription Orders to Physician Assistants or Advance Practice Nurses , clarifies physician supervision at medically-underserved areas and alternate physician practice sites; §193.7, Delegated Drug Therapy Management , updates reference to the Texas Pharmacy Act; §193.8, Delegated Administration of Immunizations or Vaccinations by a Pharmacist Under Written Protocol , updates reference to the Texas Medical Practice Act; §193.9, Pronouncement of Death , updates reference to the Texas Medical Practice Act; §193.10, Collaborative Management of Glaucoma , updates reference to the Texas Optometry Act and the name of the Texas Medical Board; and §193.11, Use of Lasers , repeals this section.

Rule Changes Adopted

The board adopted the following rule changes that were published in the *Texas Register* :

Chapter 162, Supervision of Medical Schools. §162.1, Supervision of Medical Schools , updates the names of the Texas Medical Board and provides limited circumstances for when a physician who is employed by the federal government physician but who is not licensed in Texas may supervise a medical student..

Chapter 164, Physician Advertising. § 164.3, Misleading or Deceptive Advertising , redefines solicitation by deleting reference to door to door solicitation and referring to Sec. 102.001(a), Tex. Occ. Code. .

Chapter 173, Physician Profile . §173.3 , Physician-Initiated Updates , provides description information for citations to statutes and §173.7 Corrections and Dispute Process, clarifies that dispute process applies to any update of a profile discussed in Chapter 173.

Chapter 196, Voluntary Relinquishment or Surrender of a Medical License . §196.1, Relinquishment of License , requires request to relinquish a license to be submitted in writing and deletes requirement that full board review a request for relinquishment.

DISCIPLINARY ACTIONS

Open records requests for orders may be made to openrecords@tmb.state.tx.us . **Media** contact Jill Wiggins at (512) 305-7018 or jill.wiggins@tmb.state.tx.us .

QUALITY OF CARE VIOLATIONS

- **BIDNER, SANDY M., M.D., Lic. #J1192, Forney, TX**
On April 11, 2008, the Board and Dr. Bidner entered into an Agreed Order reprimanding Dr. Bidner and requiring that he complete 20 hours of continuing medical education in physician-patient communications, 10 hours of CME in risk management; complete a mini-fellowship in orthopedic trauma of a minimum of two weeks, plus a total of 14 days of courses in orthopedic trauma; and pay an administrative penalty of \$5,000. The action was based on his failure to exercise diligence and safeguard against potential complications in a surgical case for a hip fracture.
- **COOPER, VIRAF F., M.D., Lic. # G4553 , McAllen, TX**
On April 11, 2008, the Board and Dr. Cooper entered into a two-year Agreed Order requiring that Dr. Cooper obtain a concurring second opinion from a board-certified neurosurgeon before performing any spine surgery involving more than two motion segments, except for emergencies; obtain a concurring second opinion on his next 20 surgeries involving skull-based tumors before performing those surgeries, except for emergencies; have his practice monitored by another physician; submit all surgical records of the acoustic schwannoma surgeries he has done since 2002; submit records of 75 surgical cases performed in the last two years of which 70 per cent should be for spine surgeries and 30 per cent should be skull-based surgeries; and complete 10 hours of continuing medical education in neurosurgery, 10 hours of CME in risk management, and 10 hours of CME in medical recordkeeping. The action was based on Dr. Cooper's failure to meet the standard of care for two patients and his failure to adequately document his discussion of the off-label use of a device with another patient.
- **DESHAN, PRESTON W. JR., M.D., Lic. #D2211, Levelland , TX**
On April 11, 2008 , the Board and Dr. Deshan entered into an Agreed Order requiring that Dr. Deshan obtain Advanced Cardiac Life Support recertification. The action was based on Dr. Deshan's failure to review the monitoring strips of a patient who presented to the emergency department and diagnosed by Respondent as having a transient

ischemic episode rather than supraventricular tachycardia that the patient was later found to have had.

- **GARCIA, PHILIP E., M.D., Lic. #L4947, San Antonio , TX**
On April 11, 2008 , the Board and Dr. Garcia entered into an Agreed Order requiring that Dr. Garcia complete 20 hours of continuing medical education in medical recordkeeping and documentation and pay an administrative penalty of \$1,000. The action was based on Dr. Garcia's failure to document a patient's intraoperative awareness and provide appropriate follow-up.
- **HASKETT, WILLIAM R. JR., M.D., Lic. #H6279, Waco , TX**
On April 11, 2008 , the Board and Dr. Haskett entered into an Agreed Order requiring that Dr. Haskett write a letter of apology to a patient and pay an administrative penalty of \$2,500. The action was based on Dr. Haskett's failure to perform an endometrial sampling prior to a patient's subtotal hysterectomy, and his later reporting to the patient by phone in a blunt manner that the final pathology report revealed endometrial adenocarcinoma.
- **HO, KHAI-LINH V., M.D., Lic. #L1341, El Paso , TX**
On April 11, 2008 , the Board and Dr. Ho entered into an Agreed Order requiring that Dr. Ho have another surgeon assist with surgeries for the first 20 surgical procedures performed after the effective date of this order and that the charts for these cases be reviewed by another physician. The action was based on Dr. Ho's failure to meet the standard of care during a hand-assisted left laparoscopic nephrectomy in which he failed to identify relevant anatomy and failed to perform the procedure in a safe manner.
- **KENNAMER, KENAN K., M.D., Lic. #C9037, Abilene , TX**
On April 11, 2008 , the Board and Dr. Kennamer entered into an Agreed Order requiring that Dr. Kennamer complete 10 hours of continuing medical education in risk management and pay an administrative penalty of \$500. The action was based on Dr. Kennamer's mistakenly administering cyclopentolate that he thought was an anesthetic to a 2-year old for the removal of an item lodged in the patient's nostril.
- **KEY, JAMES D. SR., M.D., Lic. #E3339 Dallas, TX**
On April 11, 2008, the Board and Dr. Key entered into a two-year Agreed Order requiring that Dr. Key obtain a second opinion from a board-certified orthopedic surgeon on spinal surgeries/procedures before undertaking any surgery of that kind, have his practice monitored by another physician, obtain 10 hours of continuing medical education in medical recordkeeping, and pay a \$5,000 administrative penalty. The action was based on Dr. Key's failure to meet the standard of care in treating four surgical patients because of inadequate documentation of physical evaluations, indications for surgery, post-operative reports and summaries, and because of a lack of follow-up with the four patients.
- **LEE, JOON S., M.D., Lic. #E9766, Houston , TX**
On April 11, 2008 , the Board and Dr. Lee entered into a Mediated Agreed Order requiring that his practice be monitored by another physician for 18 months, and that he complete a course of at least 12 hours relating to cervical and lumbar MRIs. The action was based on his findings in his radiological reports of several patients that were not supported by MRIs.
- **NAAMAN, ADAM, M.D., Lic. #E3591, Houston, TX**
On April 11, 2008, the Board and Dr. Namaan entered into a Mediated Agreed Order

requiring that, if Dr. Naaman resumes doing bariatric surgery, his first 20 bariatric surgery cases must be reviewed by another physician, and he must complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. Whether or not he returns to bariatric surgery, he must pay a \$2,000 administrative penalty. The action was based on Dr. Namaan's failure to adequately document post-operative instructions to a patient and failure to appropriately monitor the patient in the immediate post-operative period following the laparoscopic removal of a gastric band.

- **O'NEAL, KENNETH W., M.D., Lic. #D6119, Breckenridge , TX**

On April 11, 2008 , the Board issued a Final Order revoking Dr. O'Neal's license. The action was based on his care of four patients where he failed to meet the standard of care, engaged in unprofessional conduct, prescribed or administered a drug or treatment that is non-therapeutic in nature or non-therapeutic in the manner the drug or treatment is administered or given, and failed to maintain adequate medical records for each patient that was complete, contemporaneous and legible. Dr. O'Neal may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

- **RODRIGUEZ-AGUERO, JESUS, M.D., Lic. #D2126, McAllen , TX**

On April 11, 2008 , the Board issued a two-year Final Order, suspending Dr. Rodriguez-Aguero's license, staying the suspension, and placing him on probation under the following terms and conditions: completion of 20 hours of continuing medical education in medical recordkeeping, and payment of a \$3,000 administrative penalty. The action was with regard to one patient and based on inadequate medical records and failure to medically manage a lung mass suspected of being cancerous for 11 months. Dr. Rodriguez-Aguero may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

- **SARKAR, ANKUR, M.D., Lic. K3450, El Campo, TX**

On April 11, 2008 , the Board and Dr. Sarkar entered into an Agreed Order requiring Dr. Sarkar to have his practice monitored by another physician, complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, and pay a \$5,000 administrative penalty. The action was based on Dr. Sarkar's failure to evaluate, diagnose, treat a patient who had gastric complaints and was subsequently diagnosed with annular adenocarcinoma.

- **SHERICK, KURT J., M.D., Lic. #H1210, Kingwood, TX**

On April 11, 2008, the Board and Dr. Sherick entered into a Mediated Agreed Order requiring that Dr. Sherick complete 30 hours of continuing medical education in the assessment and management of adult chest pain. The action was based on Dr. Sherick's failure to fully ascertain cardiac risk factors and obtain a chest x-ray for a patient who presented with complaints of chest pains with deep breaths and a recent cold and subsequently died from a ruptured aorta.

- **SHIRVANI, ALI R., M.D., Lic. #J7848, Carrollton , TX**

On April 11, 2008 , the Board and Dr. Shirvani entered into an Agreed Order requiring

that Dr. Shirvani complete 10 hours of continuing medical education in the area of urological indications for surgery and complications and pay an administrative penalty of \$1,000. The action was based on Dr. Shirvani performing a bilateral retrograde pyelogram, bilateral diagnostic ureteroscopy and bilateral ureteral stent placement without evidence of microhematuria.

- **SHOEMAKER, JAMES G., M.D., Lic. #E6617, Houston, TX**
On April 11, 2008, the Board and Dr. Shoemaker entered into a five-year Agreed Order reprimanding him and requiring that he not practice critical care medicine, his practice be monitored by another physician for three years, that he undergo a psychiatric evaluation and follow any recommendations, complete 10 hours of continuing medical education in communication skills/risk management and 10 hours of CME in documentation/medical records, pay an administrative penalty of \$10,000 and not be permitted to supervise or delegate prescriptive authority to physician assistants or advance practice nurses. The action was based on standard of care violations related to several patients and his surrender of hospital privileges in lieu of termination of his privileges.
- **TORRES, NORMAN J., M.D., Lic. #K8532, The Woodlands, TX**
On April 11, 2008, the Board and Dr. Torres entered into a Mediated Agreed Order requiring that Dr. Torres provide copies of records for 30 elective spine surgeries performed in the last year for retrospective review by another neurosurgeon, complete 10 hours of continuing medical education in the area of spine surgery and 10 hours of CME in the area of radiographic study interpretation. The action was based on Dr. Torres' failure to use proper diligence in his professional practice.
- **TRAN, HOA D., M.D., Lic. #G6034, Winchester, VA**
On April 11, 2008, the Board and Dr. Tran entered into a five-year Agreed Order requiring Dr. Tran to limit his work setting to a group or institutional setting; for the first six months under the Order have any intraocular surgical practice directly supervised by another physician; have his practice monitored by another physician; and complete 10 hours of continuing medical education in medical recordkeeping and 20 hours in ophthalmology or ophthalmological surgery techniques. The action was based on Dr. Tran's failure to meet the standard of care by failing to exercise proper diligence in his medical practice, maintaining inadequate medical records, and having his privileges restricted while employed by the U.S. Air Force.
- **WOERNER, DAVID R., M.D., Lic. #E6692, Austin, TX**
On April 11, 2008, the Board and Dr. Woerner entered into a two-year Agreed Order reprimanding Dr. Woerner and requiring that he obtain 10 hours of continuing medical education in the evaluation and treatment of common psychological problems in young adults or drug abuse related to a diagnosis of bipolar disorder, 10 hours of CME in pain management, and have his practice monitored by another physician. The action was based on his failure to appropriately diagnose, treat and monitor a patient's pain, and failure to adequately monitor the patient's use of narcotics under circumstances that Dr. Woerner reasonably should have known that the patient was abusing pain and anxiety medication.

UNPROFESSIONAL CONDUCT VIOLATIONS

- **BUCH, RICHARD G., M.D., Lic. #H5391, Dallas, TX**
 On April 11, 2008, the Board and Dr. Buch entered into an Agreed Order requiring that Dr. Buch undergo an independent medical evaluation by a psychiatrist and follow recommendations, obtain 15 hours of continuing medical education in ethics and 15 hours of CME in physician-interpersonal relationships, and pay an administrative penalty of \$5,000. The action was based on disciplinary action by a hospital where he had hospital privileges due to five reported instances of disruptive behavior.
- **BURCH, FRANCIS X., M.D., Lic. #F4774, San Antonio , TX**
 On April 11, 2008 , the Board issued a Final Order reprimanding Dr. Burch and requiring that he pay a \$3,000 administrative penalty and complete a HIPAA compliance course and 10 hours of continuing medical education in ethics/risk management. The action was based on inadequate medical records and improper disclosure of confidential medical information. Dr. Burch may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.
- **CAMPBELL, ANDREW F., M.D., Lic. #G1284, Dallas, TX**
 On April 11, 2008, the Board and Dr. Campbell entered into an Agreed Order reprimanding Dr. Campbell and requiring that he complete 10 hours total of continuing medical education in HIPAA requirements and in medical recordkeeping/disposal, and that he pay an administrative penalty of \$1,500. The action was based on Dr. Campbell's failure to properly dispose of patient records.
- **HANSON, ROBERT E. JR., M.D., Lic. #E1329, Beaumont , TX**
 On April 11, 2008 , the Board and Dr. Hanson entered into an Agreed Order assessing a \$1,000 administrative penalty. The action was based on his failure to comply with state regulations relating to abortion facilities.
- **HENWOOD, BEVERLEY L., M.D., Lic. #F2281, San Antonio , TX**
 On April 11, 2008 , the Board and Dr. Henwood entered into an Agreed Order requiring that Dr. Henwood complete 10 hours of continuing medical education in medical recordkeeping and confidentiality and that she pay an administrative penalty of \$2,000. The action was based on Dr. Henwood's failure to properly dispose of patient records.
- **KAUFMAN, JAMES K., M.D., Lic. #L0318, Fort Worth , TX**
 On April 11, 2008 , the Board and Dr. Kaufman entered into an Agreed Order requiring that he complete a medical recordkeeping course and pay an administrative penalty of \$500. The action was based on his failure to timely release medical records upon request and unprofessional behavior in an operating room where another physician was providing patient care.
- **LIKOVER, LARRY L., M.D., Lic. #E4483, Houston , TX**
 On April 11, 2008 , the Board and Dr. Likover entered into an Agreed Order requiring that Dr. Likover complete 10 hours of continuing medical education in physician-patient communications and patient relations and pay an administrative penalty of \$2,500. The action was based on Dr. Likover's disruptive behavior toward a patient and hospital personnel that could be reasonably be expected to adversely effect the quality of care rendered to the patient.
- **MARSHALL, HAROLD D., M.D., Lic. #K2530, Red Oak, TX**
 On April 11, 2008 , the Board issued a Final Order revoking Dr. Marshall's license. The

action was based on Dr. Marshall prescribing controlled substances to his wife and subsequently diverting the medication and being criminally charged with possession of a controlled substance in violation of §481.117 of the Health and Safety Code.

- **O'DONNELL, WILLIAM C. JR., M.D., Lic. #E3389, Kerrville , TX**
On April 11, 2008 , the Board and Dr. O'Donnell entered into an Agreed Order requiring that Dr. O'Donnell have a chaperone present during the physical examination of any patient and pay an administrative penalty of \$5,000. The action was based on Dr. O'Donnell inappropriately kissing a patient's mother during an office visit.
- **RAMIREZ, ARACELI , M.D., Lic. #L3083, Brownsville, TX**
On April 11, 2008, the Board and Dr. Ramirez entered into an eight-year Agreed Order requiring that Dr. Ramirez abstain from consuming prohibited substances, including alcohol and drugs not prescribed for her; participate in the Board's program for testing for drugs and alcohol; receive treatment from a psychiatrist at least once every two months; undergo a medical evaluation by a urologist and follow recommendations; not self-treat or serve as a physician for her immediate family; her prescriptive authority be limited to Schedules IV and V; participate in the activities of Alcoholics Anonymous at least five times per week; limit her work week to no more than 30 hours per week in a group or institutional setting; and prohibiting her from supervising or delegating prescriptive authority to a physician assistant or advanced nurse practitioner.
- **WARREN, RAY E., M.D., Lic. #D4453, Kingwood, TX**
On April 11, 2008, the Board and Dr. Warren entered into an Agreed Order reprimanding Dr. Warren and requiring that he complete a professional boundaries course offered by Vanderbilt Medical Center for Professional Health or a similar approved course and pay an administrative penalty of \$5,000. The action was based on his inappropriate personal relationship with a patient that included what the patient stated was non-consensual sexual actions.
- **WASSERMAN, MATTHEW W., M.D., Lic.#M0603, Katy, TX**
On April 11, 2008, the Board and Dr. Wasserman entered into an Agreed Order reprimanding Dr. Wasserman and requiring that he complete 10 hours of continuing medical education in ethics, 10 hours of CME in medical recordkeeping, and a course in professional boundaries; for two years have a chaperone present when examining female patients; and pay an administrative penalty of \$5,000. The action was based on Dr. Wasserman engaging in sexually inappropriate phone conversations with a patient and offering to examine the patient outside the office setting.

VIOLATION OF PROBATION OR PRIOR ORDER

- **ALLOJU, LISA D., D.O., Lic. #L6256, Bedford, TX**
On April 11, 2008, the Board and Dr. Alloju entered into an Agreed Order reprimanding Dr. Alloju and modifying her 2003 Order to require her to attend AA five times a week, to suspend her license for one month, complete an intensive outpatient treatment program for substance abuse, attend 90 AA meetings in 90 days, pay an administrative penalty of \$5,000, and complete 120 hours of community service at a public health clinic or public health service facility that provides counseling/psychiatric services related to substance abuse issues. The action was based on Dr. Alloju's violation of her 2003 Order.

- **BIXBY, RAYMOND R., M.D., Lic. #K0420, Garland, TX**
 On April 11, 2008, the Board and Dr. Bixby entered into an Agreed Order publicly reprimanding Dr. Bixby and requiring that within 90 days he pass the Medical Jurisprudence Examination and complete 10 hours of continuing medical education in medical recordkeeping and ethics, and that he undergo an independent medical evaluation, and if he fails to do any of these three things, that his license be automatically suspended. The action was based on his violation of his 2006 Order.
- **DERUSHA, MARTIN A. JR., D.O., Lic. #K0454 Arlington , TX**
 On April 11, 2008 , the Board and Dr. Derusha entered into a Voluntary Agreed Order of Suspension suspending Dr. Derusha's license for at least one year until Dr. Derusha requests that the suspension be lifted and demonstrates that he is physically, mentally, and otherwise competent to return to the practice of medicine. The action was based on Dr. Derusha's violation of his 2006 Order by failing to report the ingestion of a prohibited substance and failing to report to the Board that he had been arrested for Driving While Under the Influence.
- **GUERRERO, TERESA T., M.D., Lic. #H8471, Spring, TX**
 On April 11, 2008 , the Board and Dr. Guerrero entered into an Agreed Order suspending Dr. Guerrero's license until such time as she demonstrates that she is physically, mentally, and otherwise competent to safely practice medicine. All other terms of the June 2007 Order are to remain in effect that are not inconsistent with her suspension. The action was based on Dr. Guerrero's violation of her June 2007 Order by testing positive for morphine and failing to submit required specimens for examination for drug or alcohol consumption on two occasions.
- **NIKKO , ANTHONY P., M.D., Lic. #K5639, Houston , TX**
 On April 11, 2008 , the Board and Dr. Nikko entered into an Agreed Order requiring that Dr. Nikko pay an administrative penalty of \$500. The action was based on Dr. Nikko's failure to timely complete the CME requirements of his October 2006 Order.
- **WERNER, TIMOTHY H., D.O., Lic. #G4508, Dallas, TX**
 On April 11, 2008, the Board and Dr. Werner entered into a 10-year Agreed Order Superseding Prior Order reprimanding Dr. Werner and requiring that he abstain from the consumption of prohibited substances, participate in the Board's drug screening program, continue to receive monthly psychiatric treatment, participate in AA five times a week with one of the five meetings to be a Caduceus meeting, limit his practice to a group or institutional setting and not work more than 40 hours per week, and not supervise physician assistants, surgical assistants, or advance practice nurses. Dr. Werner's failure to comply with all terms of his Order shall result in the automatic suspension of his license. The action was based on Dr. Werner's violation of his 2006 Order.
- **ORTIZ, AURELIO A., M.D., Lic.#F7870, Del Rio , TX**
 On April 11, 2008 , the Board and Dr. Ortiz entered into a Second Agreed Order Modifying Prior Order that requires Dr. Ortiz to pass the Medical Jurisprudence Examination within 90 days of the effective date of the Order and pay an administrative penalty of \$1,000. The action was based on Dr. Ortiz's failure to timely complete CME and pass the JP Exam as required by his 2006 Order.

INADEQUATE MEDICAL RECORDS

- **CARUSO, MICHELA, M.D., Lic. #K8721, Mesquite, TX**
 On April 11, 2008, the Board and Dr. Caruso entered into an Agreed Order requiring that Dr. Caruso obtain 10 hours of continuing medical education in medical recordkeeping, 10 hours of CME in risk management with an emphasis in patient communication, document procedural changes in her documentation process to ensure completeness and accuracy, and pay an administrative penalty of \$2,000. The action was based on Dr. Caruso's failure to adequately document the treatment of a patient who had a tumor on her supraglottic larynx and left lymph nodes and provide updated information to the patient about possible consequences of her condition.
- **CURVIN, THOMAS J., M.D., Lic. #H8616, Corpus Christi , TX**
 On April 11, 2008 , the Board and Dr. Curvin entered into an Agreed Order requiring that Dr. Curvin complete 16 hours of continuing medical education in medical recordkeeping and eight hours of CME in patient communications. The action was based on Dr. Curvin's failure to maintain adequate medical records for a patient diagnosed with myocardial infarction, and his communication with the patient's family was found to be unprofessional.
- **DONOVITZ, JAMES A., M.D., Lic. #K1747, Denton , TX**
 On April 11, 2008 , the Board and Dr. Donovanitz entered into a Mediated Agreed Order requiring that Dr. Donovanitz complete 10 hours of continuing medical education in acute cardiac care and 10 hours CME in medical recordkeeping and that he pay an administrative penalty of \$2,000. The action was based on his diagnosis of bursitis without a differential diagnosis and inadequate medical records for the patient.
- **FREZZA, ELDO E., M.D., Lic. #M1684, Lubbock , TX**
 On April 11, 2008 , the Board and Dr. Frezza entered into an Agreed Order requiring that Dr. Frezza complete 10 hours of continuing medical education in medical recordkeeping and that he pay an administrative penalty of \$3,000. The action was based on Dr. Frezza's failure to record a patient's symptoms and adequately prepare office notes for a patient who had undergone a lap-band procedure.
- **GARCIA, ROBERT W., M.D., Lic. #H4341, Andrews, TX**
 On April 11, 2008 , the Board and Dr. Garcia entered into an Agreed Order requiring Dr. Garcia to complete 20 hours of continuing medical education in medical recordkeeping. The action was based on Dr. Garcia's failure to document a patient's refusal of medical testing.
- **STEFFEK, JOHN C., M.D., Lic. #D6184 Houston , TX**
 On April 11, 2008 , the Board and Dr. Steffek entered an Agreed Order requiring that Dr. Steffek complete five hours of continuing medical education in medical recordkeeping. The action was based on Dr. Steffek's failure to document two patients' height and weight who were diagnosed with ADHD and perform mental status exams after the initial examination and include them in the patients' records.
- **WINNIE, MICHAEL G., M.D., Lic. #K3953, Corpus Christi , TX**
 On April 11, 2008 , the Board and Dr. Winnie entered into an Agreed Order requiring Dr. Winnie to complete 10 hours of continuing medical education in the area of pharmacology with a focus on the risk of medications and 10 hours of CME in the area of medical recordkeeping. The action was based on Dr. Winnie's failure to properly monitor the use of Zonegran he prescribed to a patient who had severe headaches.

- **RICE, KENNETH M., M.D., Lic. #J8737, Lubbock , TX**
On April 11, 2008 , the Board and Dr. Rice entered into a Mediated Agreed Order requiring that Dr. Rice complete 10 hours of continuing medical education in medical recordkeeping/risk management. The action was based on Dr. Rice's failure to document an indication for leaving a central subclavian venous line in place at the time of a patient's admission to a skilled nursing facility.
- **SEIFERT, JOHN D., M.D., Lic. #D4855, Garland, TX**
On April 11, 2008, the Board and Dr. Seifert entered into a five-year Mediated Agreed Order requiring that Dr. Seifert's practice be monitored by another physician, that he complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and 10 hours of continuing medical education with some of the hours in medical recordkeeping and some in risk management, and that he pay an administrative penalty of \$10,000. The action was based on his failure to adequately document his pre-operative assessments or post-operative care for four patients.

IMPAIRMENT DUE TO ALCOHOL OR DRUGS

- **BURGER, DAVID L., M.D. Lic. #F8758, Houston, TX**
On April 11, 2008, the Board and Dr. Burger entered into a 10-year Agreed Order requiring Dr. Burger to abstain from the consumption of prohibited substance, participate in the Board's drug screening program, participate in AA five times per week, enter into a Physician Health and Rehabilitation contract with the Harris County Medical Society, receive treatment from a psychiatrist every two months for the first 12 months of the order and then every three months thereafter, and pay an administrative penalty of \$1,000. The action was based on Dr. Burger's alcohol dependency and coming to work under the influence on two occasions.
- **SALMOND, RONALD, M.D., Lic. #G3758, Fort Worth , TX**
On April 11, 2008 , the Board and Dr. Salmond entered into an Agreed Order indefinitely suspending Dr. Salmond's license until he can demonstrate that he is physically, mentally and otherwise competent to return to the practice of medicine. This action followed the temporary suspension of Dr. Salmond's license based on his non-therapeutic prescribing of medications without first establishing a physician-patient relationship, use of cocaine, diversion of controlled substances, and arrest for a firearm violation and drug paraphernalia possession.
- **SILVA, JOSE J., M.D., Lic. # J0675, El Paso, TX**
On April 11, 2008 the Board and Dr. Silva entered into a 20-year Agreed Order requiring Dr. Silva to follow aftercare recommendations made by Talbott Recovery Center, abstain from the consumption of prohibited substances, participate in the Board's drug screening program, continue to see his therapist weekly, continue to see his addictionologist monthly, receive psychiatric treatment monthly, participate in AA by attending 90 meetings in 90 days and then five times a week thereafter, continue to participate in the activities of a county medical society's physician and rehabilitation committee, not register to for controlled substance certificates with DEA or DPS until authorized by the Board, and limit his work week to that recommended by Talbott. The action was based

on Dr. Silva's intemperate use and self-prescribing of controlled substances and fictitious prescription writing.

NON-THERAPEUTIC PRESCRIBING

- **BLAKE, BROOKS, M., D.O., Lic. #L4187 Marble Falls, TX**
On April 11, 2008, the Board and Dr. Blake entered into a two-year Agreed Order requiring that Dr. Blake limit his practice to primary care only with a treatment emphasis on osteopathic manipulative therapy (OMT), have his practice monitored by another physician, surrender his DEA and DPS controlled substances certificates, complete 10 hours of continuing medical education in medical recordkeeping, pass the Special Purpose Examination (or alternatively, obtain board certification in OMT) and pass the Medical Jurisprudence Examination, and pay an administrative penalty of \$2,500. The action was based on Dr. Blake's overprescribing of controlled substances to patients with complaints of pain.
- **PEACE, MICHAEL C., D.O., Lic. #H6504, Seagoville , TX**
On April 11, 2008 , the Board and Dr. Peace entered into an Agreed Order of Voluntary Surrender whereby Dr. Peace surrendered his license in lieu of further disciplinary action. The action was based on his non-therapeutic prescribing of medications to a patient.

ACTIONS BASED ON OTHER STATES' ACTIONS

- **DERICKS, GERARD HENRY JR., Lic. #E6764, Concord, CA**
On April 11, 2008, the Board and Dr. Dericks entered into a two-year Agreed Order requiring that Dr. Dericks complete 15 hours of continuing medical education in medical recordkeeping each year of the order, have his practice monitored by another physician, pay an administrative penalty of \$1,000, and pass the Special Purpose Examination. The action was based on action taken by the New Mexico Medical Board for violations related to the keeping of patient medical records.
- **IMAM, NAIYER, M.D., Lic. #M1782, Roanoke , VA**
On April 11, 2008 , the Board and Dr. Imam entered into an Agreed Order requiring that he pay an administrative penalty of \$2,000 and complete 10 hours of continuing medical education in ethics. The action was based on disciplinary actions taken by three other state medical boards regarding false statements made to those boards and by falsely reporting to the Texas Medical Board on his licensure application that he had never been placed on academic probation.
- **VAUGHAN, THOMAS A.J., M.D., Lic. #E0299, Jackson , MS**
On April 11, 2008 , the Board issued a Final Order revoking Dr. Vaughan's license. The action was based on the revocation of Dr. Vaughan's license by the Mississippi State Board of Medical Licensure due to his mental illness that affects his professional competency and violation of a prior order with the Mississippi Board. Dr Vaughan may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

ACTIONS BASED ON PEER REVIEW ACTIONS

- **GREEN, DAVID A., M.D., Lic. #K9073, Richardson , TX**

On April 11, 2008 , the Board and Dr. Green entered into an Agreed Order requiring that Dr. Green complete 20 hours of continuing medical education in ethics and pay an administrative penalty of \$1,000. The action was based on his suspension of hospital privileges for failure to timely complete delinquent medical records.

MISCELLANEOUS ACTIONS

- **BOUDREAU, DANIEL A., D.O., Lic. #D5354, Corpus Christi , TX**

On April 11, 2008 , the Board and Dr. Boudreau entered into an Agreed Order requiring that Dr. Boudreau reimburse \$600 to a former patient. The action was based on Dr. Boudreau's failure to notify the patient that he had relocated and so the patient was unable to locate the physician for a reimbursement for services not rendered.

- **SAMONTE, MIGUEL B. JR., M.D., Lic. #K0184, El Paso , TX**

On April 11, 2008 , the Board and Dr. Samonte entered into an Agreed Order requiring that Dr. Samonte pay an administrative penalty of \$3,000, complete 10 hours of continuing medical education in medical recordkeeping and ethics, and pass the Medical Jurisprudence Examination. The action was based on Dr. Samonte removing the operative anesthetic record of a patient and inappropriately replacing it with another version.

- **JAMALUDDIN, AHMED U., M.D., Lic. #H5326, Houston, TX**

On April 11, 2008, the Board and Dr. Jamaluddin entered into a Mediated Agreed Order requiring that Dr. Jamaluddin pass the Medical Jurisprudence Examination within three attempts, complete 10 hours of continuing medical education in ethics in the practice of medicine and 20 hours of CME in risk management, and that he pay an administrative penalty of \$10,000. The action was based on Dr. Jamaluddin employing her brother to serve as the clinic's administrator and marketing director and permitting him to take patient medical histories and vital signs when she should have known his medical license had been suspended by the Maryland Board of Medicine due to sexual misconduct with patients.

ADMINISTRATIVE ORDERS/MINIMAL STATUTORY VIOLATIONS

Seven licensees agreed to enter into administrative orders with the Board for minimal statutory violations.

The Texas Medical Board, the state agency that regulates physicians, physician assistants, surgical assistants and acupuncturists, provides consumer protection through licensure, investigation and disciplinary action. The Board, under President Roberta M. Kalafut, D.O., and Executive Director Donald W. Patrick, M.D., J.D., and mandated by Senate Bill 104 of the 78th Legislature and S.B. 419 of the 79th Legislature, has strengthened and accelerated the disciplinary process for licensees who fail to meet the required standards of professional

proficiency and behavior. Information on filing a complaint is on the agency web site at www.tmb.state.tx.us or by calling (800) 201-9353.