

**Texas Medical Board
Press Release**

**FOR IMMEDIATE RELEASE
Tuesday, July 6, 2010**

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Medical Board Lifts Temporary Suspension of License of Don Martin O'Neal, M.D., of Sulphur Springs

On July 2, 2010, a disciplinary panel of the Texas Medical Board lifted the temporary suspension of the license of Don Martin O'Neal, M.D., of Sulphur Springs, Lic. No. E2769, after a Temporary Suspension Hearing With Notice.

The Temporary Suspension Hearing With Notice followed a May 24, 2010 Temporary Suspension Hearing Without Notice that took place under the Board's authority, granted by the Medical Practice Act, to suspend or restrict a physician's license without notice when it determines the physician's continuation in practice would constitute a continuing threat to the public welfare.

The Medical Practice Act mandates that the Temporary Suspension Without Notice be followed shortly thereafter by a Temporary Suspension With Notice, at which time the doctor may appear to present evidence to challenge the board's prior action. At this hearing, the Temporary Suspension is either lifted or confirmed, based on any additional evidence presented at the hearing.

Evidence presented by Dr. O'Neal led the panel to conclude that Dr. O'Neal's continuation in the practice of medicine did not present a continuing threat to public health and safety.

The panel found no evidence that the prescriptions given by Dr. O'Neal were non-therapeutic for the patients noted; that Dr. O'Neal's actions were intended to circumvent the requirements of the DEA (as opposed to an internal process misunderstanding); or that Dr. O'Neal had been prescribing to known drug abusers.

Testimony from some of the witnesses at the hearing contradicted evidence presented in some of the medical records gathered in the course of the investigation.

Additionally, Dr. O'Neal's recent June 4, 2010 Board Order, coupled with his lack of a DEA certificate, was found to be sufficient protection for the public. The June 2010 Board Order requires Dr. O'Neal to have a physician monitor his practice, and his lack of a DEA certificate prohibits him from prescribing controlled substances.

The May 24 action was based in part on Dr. O'Neal's April 13, 2010 arrest in which he was charged with felony counts alleging fraud for ordering narcotic prescriptions without a valid DEA registration.

The lifting of the suspension was effective immediately.