

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

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TMB disciplines 22 physicians at August meeting

At its August 16, 2024, meeting, the Texas Medical Board disciplined 22 licensed physicians.

The disciplinary actions included: three orders related to unprofessional conduct, four orders related to quality of care, three voluntary surrenders/revocations, one voluntary suspension, one restriction, seven orders related to other states' actions, two orders related to violation of Board rules, and one order related to nontherapeutic prescribing. The Board also ratified five cease and desist orders.

The Board issued 330 physician licenses at the August meeting, bringing the total number of physician licenses issued in Fiscal Year 2024 to 7,610.

DISCIPLINARY ACTIONS

Unprofessional Conduct

Delaguila, Cesar, M.D., Lic. No. M5124, Nacogdoches

On August 16, 2024, the Board and Cesar Delaguila, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Jurisprudence Examination; complete at least 12 hours of continuing medical education in topics divided as follows: four hours in the topic of anger management, four hours in the topic of risk management, including patient communications, and four hours in the topic of ethics. The Board found that Dr. Delaguila committed unprofessional conduct by making unwanted physical contact with another medical professional on her shoulder during a procedure.

Synek, Thomas Robert, M.D., Lic. No. N6054, Spring

On August 16, 2024, the Board and Thomas Robert Synek, M.D., entered into an Agreed Order suspending Dr. Synek's medical license; however, the suspension is stayed and he is placed on probation for 15 years under the following terms and conditions: shall not practice medicine either in person or via telemedicine beyond 40 hours per week, and shall abstain from the consumption of prohibited substances except as prescribed by another physician for legitimate and documented therapeutic purposes. The Board found that Dr. Synek suffers from an impairment and is unable to safely practice medicine due to a substance use disorder and failed to comply with the terms of his December 2022 Agreed Order that requires him to abstain from prohibited substances when he, in fact, tested positive multiple times for use of alcohol and other drugs while subject to the terms of the 2022 Order.

Tolleson, Thaddeus Rex, M.D., Lic. No. J6770, Tyler

On August 16, 2024, the Board and Thaddeus Rex Tolleson, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Jurisprudence Examination; complete at least 16 hours of continuing medical education in topics divided as follows: eight hours in the topic of either medical record keeping or risk management and eight hours in the topic of prescribing controlled

substances. The Board found that Dr. Tolleson improperly prescribed controlled substances to members of his family in the absence of immediate need without performing a physical examination or taking or documenting an adequate medical history.

Quality of Care

Casey, Donna Lynn, M.D., Lic. No. L7681, Dallas

On August 16, 2024, the Board and Donna Lynn Casey, M.D., entered into an Agreed Order that requires her to within one year complete at least 16 hours of continuing medical education in topics divided as follows: four hours in the topic of risk management, four hours in the topic of physician-patient communications, and eight hours in the topic of medical recordkeeping. The Board found that Dr. Casey failed to adequately evaluate a patient, or refer the patient for further evaluation, which resulted in the worsening of the patient's condition and led to the patient's death.

Lesem, Michael David, M.D., Lic. No. F9730, Houston

On August 16, 2024, the Board and Michael David Lesem, 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; and have his practice monitored by another physician for six consecutive monitoring cycles. The Board found that Dr. Lesem failed to provide reasonable notice of his termination of the physician-patient relationship with one patient, failed to treat a patient according to the generally accepted standard of care, and failed to use proper diligence in his professional practice.

Thakkar, Aminidhan Dayanidhan, M.D., Lic. No. K8519, Colleyville

On August 16, 2024, the Board and Aminidhan Dayanidhan Thakkar, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Jurisprudence Examination; complete at least 16 hours of continuing medical education in topics divided as follows: eight hours in the topic of prescribing opioids, four hours in the topic of risk management, and four hours in the topic of ethics. The Board found that Dr. Thakkar's care for three patients fell below the standard of care when he prescribed large quantities of dangerous drugs and controlled substances to them months after they were discharged from the emergency department, and inappropriately used hospital resources to do so. Dr. Thakkar also failed to document the prescribing, reevaluate the need to continue the medications, or check the Prescription Monitoring Program before prescribing.

Trevino, Abram, M.D., Lic. No. M4602, New Braunfels

On August 16, 2024, the Board and Abram Trevino, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of continuing medical education in topics divided as follows: four hours in the topic of medical record keeping and four hours in the topic of risk management. The Board found that Dr. Trevino failed to recognize a patient's primary tumor, to review the tumor profile, to prescribe appropriate chemotherapy, to adjust therapy as needed, and maintain an adequate medical record. The delay of proper treatment shortened and decreased the patient's quality of life.

Voluntary Surrender/Revocation

Brish, Eldor, M.D., Lic. No. N5593, Houston

On August 16, 2024, the Board and Eldor Brish, M.D., entered into an Agreed Order of Voluntary Surrender in which he agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Brish was under investigation for issues related to professionalism and has been convicted of a federal felony.

McMorries, Kim Elliot, M.D., Lic. No. E8710, Nacogdoches

On August 16, 2024, the Board and Kim Elliot McMorries, M.D., entered into an Agreed Order of Voluntary Surrender in which he agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. McMorries was under investigation for professionalism related to alleged lack of informed consent when providing fertility treatment to multiple patients.

Powell, Steven Wayne, M.D., Lic. No. S9383, San Francisco, CA

On August 16, 2024, the Board and Steven Wayne Powell, M.D., entered into an Agreed Order of Voluntary Surrender in which he agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found that Dr. Powell is not board certified and entered a guilty plea to felony health care fraud related charges in the US District Court NH.

Voluntary Suspension

Staheli, James R., D.O., Lic. No. Q0831, Sugar Hill, GA

On August 16, 2024, the Board and James R. Staheli, D.O., entered into an Agreed Order of Voluntary Suspension in which his Texas medical license is suspended. After 90 calendar days the suspension will be automatically stayed, and he will be placed on probation until such time as he submits evidence that he complied with all terms, conditions, and requirements of the Order with the State Medical Board of Ohio and the order has been terminated. The Board found that Dr. Staheli was the subject of a disciplinary action and entered into a Consent Order with the State Medical Board of Ohio and his medical license was suspended and placed on probation for failure to conform to the minimal standards of acceptable medical practice. Specifically, he renewed prescriptions for phentermine and other non-opioid controlled substances without proper examination of patients.

Restriction

Gallagher, Michael Patrick, M.D., Lic. No. N1322, Dallas

On August 16, 2024, the Board and Michael Patrick Gallagher, M.D., entered into an Agreed Order publicly reprimanding Dr. Gallagher and restricting his Texas medical license under the following terms: practice limited to anesthesia medicine; shall not be permitted to supervise and delegate prescriptive authority to physicians assistants, advanced practice nurses and surgical assistants, however, is permitted to oversee CRNA's under medical direction; shall comply with the seven TEFRA documentation requirements for every case he concurrently medically directs; complete 20 consecutive monitoring cycles; and within 6 months and three attempts pass the Jurisprudence Examination; within 6 months schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program, specifically focused on medical supervision and delegation and risk mitigation. The Board found that while serving as the medical director for Luxe MedSpa in Wortham, Texas, Dr. Gallagher failed to properly supervise the spa's owner who was not licensed or qualified to make treatment decisions or administer prescription drugs. Despite this, she was allowed to administer IV therapy containing prescription drugs, leading to one patient's death from cardiac arrest. Dr. Gallagher did not ensure that proper safety protocols or emergency procedures were in place, and he allowed untrained and unlicensed individuals to perform medical treatments without proper oversight, putting patients at serious risk.

Other States' Actions

Khaw, Adrian Judson, M.D., Lic. No. T0257, Truckee, CA

On August 16, 2024, the Board and Adrian Judson Khaw, M.D., entered into a Waiver Order publicly reprimanding Dr. Khaw and requiring him to comply with all terms, conditions, and requirements of the

agreement entered with the Maryland Board of Physicians; within one year and three attempts pass the Jurisprudence Examination; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Khaw entered a Consent Order with the Maryland Board of Physicians and was reprimanded for violation of statute and/or rule of the board. Specifically, Dr. Khaw delegated medical acts to a Physician Assistant, which were performed on Maryland patients, without filing a delegation agreement with the Board.

Newton, Thomas, M.D., Lic. No. N5282, Houston

On August 16, 2024, the Board and Thomas Newton, M.D., entered into an Agreed Order requiring him to not diagnose, treat, or prescribe for patients in Texas or use his Texas license to practice medicine in any jurisdiction until he requests permission in writing to resume the practice of medicine in Texas, personally appears before the Board to orally petition for permission to resume such practice, and provides evidence and information which in the discretion of the Board adequately indicates that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found that Dr. Newton's Colorado medical license was suspended by the Colorado Medical Board due to his failure to be interviewed and evaluated by the Colorado Physician Health Program and failed to respond to the Board's requests for information.

Schwartz, Jaime Scott, M.D., Lic. No. U9659, Los Angeles, CA

On August 16, 2024, the Board and Jaime Scott Schwartz, M.D., entered into a Waiver Order requiring him to within one year and three attempts pass the Jurisprudence Examination; and pay an administrative penalty of \$2,500 within 60 days. The Board found Dr. Schwartz was the subject of a disciplinary action by the Medical Board of California for unprofessional conduct, aiding and abetting in the practice of medicine without a license, and violating the ban on the corporate practice of medicine by engaging in a contractual relationship with a lay corporation that directly or indirectly controlled his medical practice at multiple med spa clinic locations throughout California.

Simmons, Donald Rae, M.D., Lic. No. L2010, Bartlesville, OK

On August 16, 2024, the Board and Donald Rae Simmons, M.D., entered into a Waiver Order requiring him to not diagnose, treat, or prescribe for patients in Texas or use his Texas license to practice medicine in any jurisdiction until such time as he requests permission in writing to resume the practice of medicine in Texas, personally appears before the Board to orally petition for permission to resume such practice, and provides evidence and information which in the discretion of the Board adequately indicates that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Simmons was the subject of a disciplinary action and placed on a three-year probation by the Oklahoma State Board of Medical Licensure and Supervision for unprofessional misconduct with a patient.

Son, Monivirin, M.D., Lic. No. U7144, Irvine, CA

On August 16, 2024, the Board and Monivirin Son, M.D., entered into a Waiver Order requiring him to comply with all the terms, conditions, and requirements of the agreement with the Nevada State Board of Pharmacy. The Board found Dr. Son was the subject of a disciplinary action and had his license to practice medicine placed on probation by the Nevada State Board of Pharmacy for practicing with an expired license, practicing without a valid license, and inappropriate or unauthorized prescribing of medication. Specifically, he issued prescriptions to 484 patients without a valid controlled substance registration and without accessing the prescription monitoring program to review the patient utilization reports.

Sundaram, Shankar, M.D., Lic. No. L6191, Kettering, OH

On August 16, 2024, the Board and Shankar Sundaram, M.D., entered into a Waiver Order requiring him to comply with all terms, conditions, and requirements of the Stipulated Settlement and Disciplinary order entered on or around March 11, 2024, with the Medical Board of California. The Board found Dr. Sundaram had disciplinary action taken against him by the Medical Board of California, Department of Consumer Affairs for the inadequate care of two patients. Specifically, Dr. Sundaram was accused of gross negligence, repeated negligent acts, and failure to maintain adequate and accurate records in respect to the two patients.

Von Maluski, Frank Clark, M.D., Lic. No. G9396, Centerville, OH

On August 16, 2024, the Board and Frank Clark Von Maluski, M.D., entered into a Waiver Order publicly reprimanding him. The Board found Dr. Von Maluski had a disciplinary action taken against him by the State Medical Board of Ohio for controlled substances violations. Specifically, Dr. Von Maluski failed to check the "Ohio Automated Rx Reporting System" before prescribing a patient a controlled substance that the patient was already prescribed by another physician.

Violation of Board Rules**Douty, Deborah Rae, M.D., Lic. No. F1621, Trenton, GA**

On August 16, 2024, the Board and Deborah Rae Douty, M.D., entered into an Agreed Order requiring her to within one year complete the missing continuing medical education credits and an additional eight hours in ethics. The Board found that Dr. Douty failed to provide documentation evidencing completion of the required amounts of CME for the renewal period of March 1, 2020, to February 28, 2023, and failed to respond to TMB correspondence requesting information regarding CME documentation.

Jifi-Bahloul, Haitham, M.D., Lic. No. J9719, Corpus Christi

On August 16, 2024, the Board and Haitham Jifi-Bahloul, M.D., entered into an Agreed Order requiring him to within 90 days complete the missing 20 hours of continuing medical education credits in topics divided as follows: 12 hours on the topic of supervision and delegation and eight hours on the topic of medical recordkeeping. The Board found that Dr. Jifi-Bahloul violated his March 2022 Remedial Plan by failing to timely complete his CME hours and provide proof of completion.

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

On August 16, 2024, the Board and Alejandro Felix Marquis, M.D., entered into an Agreed Order under the following terms: shall not possess, administer, distribute, or prescribe Schedule II, III, or IV controlled substances in Texas other than prescriptions written to him by a licensed provider for personal use; shall not use his Texas license in any jurisdiction to diagnose, treat, or prescribe dangerous drugs or controlled substances or engage in the practice of pain management in Texas; shall refer any and all current pain management patients to appropriate specialists within 30 days; shall have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Jurisprudence Examination; and complete at least 16 hours of continuing medical education in topics divided as follows: eight hours in the topic of medical recordkeeping and eight hours in the topic of risk management; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Marquis non-therapeutically prescribed large volumes and high doses of controlled substances including Norco and Soma and violated the standard of care in his treatment of 15 patients. Dr. Marquis did not consider or implement alternative non-opioid treatments, routinely characterized patients as low risk for substance abuse/misuse despite indications otherwise, failed to appropriately respond to

overtly high-risk behavior demonstrated by patients, and continued to prescribe high volumes of opioids despite multiple abnormal urine drug screens.

Cease & Desists

Gray, Chelsy, No License, Trinity

On August 16, 2024, the Board and Chelsy Gray entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Gray treated patients and issued prescriptions without the supervision, knowledge, or consent of a physician or midlevel practitioner.

Morrison, Joel, No License, Waxahachie

On August 16, 2024, the Board and Joel Morrison entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Morrison, while employed as a patient coordinator in a remote setting online by Cornerstone House Calls, ordered a chest x-ray for a patient without a written or standing order in place from a licensed healthcare provider.

Uresti, Jessenia, No License, Trinity

On August 16, 2024, the Board and Jessenia Uresti entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Uresti treated patients and issued prescriptions without the supervision, knowledge, or consent of a physician or midlevel practitioner.

Velez, Adrian, No License, Brownsville

On August 16, 2024, the Board and Adrian Velez entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Velez is using an NPI (National Provider Identifier) number and is impersonating a physician and/or physician assistant. Further, Mr. Velez performed Botox services without adequate supervision of a medical director or midlevel practitioner.

Zhang, Xin Yi, No License, Sachse

On August 16, 2024, the Board and Xin Yi Zhang entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Zhang, who holds a cosmetology license and operates Ibeauty Med Spa, has engaged in the practice of medicine offering to perform microneedling and Botox injection services without a physician license in the state of Texas.

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To view disciplinary orders and Board action history, 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 "Current Board Action."

All releases and bulletins are also available on the TMB website under the "Newsroom" heading.