

**Texas Medical Board
News Release
FOR IMMEDIATE RELEASE
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Media contact: Public Information Officer Jill Wiggins at jill.wiggins@tmb.state.tx.us or (512) 305-7018. Non-media contact: (512) 305-7030 or (800) 248-4062.

Medical Board Disciplines 92 Doctors and Issues 843 Physician Licenses

At its June 26-27 meeting, the Texas Medical Board took disciplinary action against 92 licensed physicians.

Actions included 12 violations based on quality of care; five actions based on unprofessional conduct; eight actions based on violation of probation or prior board order; five actions based on inadequate medical records violations; eight actions based on impairment due to alcohol or drugs or mental/physical condition; one action based on non-therapeutic prescribing; one action based on another state's action; two actions based on unprofessional conduct; four actions based on criminal convictions; and 46 administrative orders based on minimal statutory violations.

At its June 26-27 meeting, the Texas Medical Board issued 843 physician licenses. TMB continues to reduce the time for licensing physicians and is on track to meet the legislative goal of an average of 51 days.

Proposed Rule Changes

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

Chapter 183, Acupuncture, with amendments to §183.2, Definitions, to clarify changes to the NCAAOM examination requirements based on changes to the exam in 2004; to §183.4, Definitions, to increase the number of exam attempts allowed for licensure, remove the exam attempt limit on the JP exam, specify that licensure applications over one year old are considered expired, remove requirement for presentation of original documentation from acceptable Acupuncture schools in the U.S. and Canada, and deletion of language referencing approved schools since the Acupuncture Board no longer approves schools; to §183.8, Investigations, to list rules cited on the professional liability claim report form; to §183.9, Impaired Acupuncturists, to allow the Board to order a person to submit to a physical or mental examination based on statements or actions by a licensee or applicant at a meeting of the Board; to §183.18, Administrative Penalties, to refer to Chapter 187 regarding new procedures for fast-track administrative penalty orders in certain circumstances; to §183.19, Acupuncture Advertising, deleting (a) and (b) to no longer require licensees to have their license number of print advertising; to §183.20 Continuing Acupuncture Education, to correct rule citations, require one hour of CAE in biomedicine effective 2010, and clarify that to be an approved CAE provider, the provider must have three years of continuous experience in providing CAE; to §183.21 Continuing Auricular Acupuncture Education for Acudetox Specialists, to update rule

citation; and to §183.24, Reinstatement and Reissuance, addition of new section that references Chapter 167's applicability for applications for reinstatement and reissuance.

Rule Changes Adopted

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

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 seven 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 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, Relic ensure, 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, Scope of Standing Delegation orders, clean-up language; §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 repeal of §193.11, Use of Lasers.

Proposed rule changes withdrawn:

Proposed change to **Chapter 182, Use of Experts**, was withdrawn.

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

CREEDON-MCVEAN, MORRIS, D.O., Lic. #F6549, Wichita Falls, TX

On June 27, 2008, the Board and Dr. Creedon-McVean entered into a three-year Agreed Order that prohibits Dr. Creedon-McVean from prescribing to or treating himself or family members. The order also requires that within the first year, Dr. Creedon-McVean must obtain 10 hours of continuing medical education in the area of ethics, and he is to pay an administrative penalty of \$1,000. The order is based on his prescribing of controlled substances to himself and his family members, his acting as a physician for his family members, and his failure to document adequate medical records regarding his prescriptions to family members.

FRASER, RONALD LEO, M.D., Lic. #E7929, Houston, TX

On June 27, 2008, the Board and Dr. Fraser entered into an Agreed Order that includes a public reprimand and requires that Dr. Fraser do the following: attend a Board-approved course in boundary violations within one year; submit 30 medical charts for review, and if found deficient, be subject to quarterly reviews of charts by the Board for one year; have a female chaperone present during exams on female patients and document the medical record accordingly; take and pass the medical jurisprudence exam within one year; obtain 10 hours of continuing medical education in pharmacology/drug interactions and medical record-keeping for each year the order is in effect; and pay an administrative penalty of \$10,000. The order was based on Dr. Fraser's admitted sexual relationship in 2005 to 2006 with a patient he had treated since 1998, during which time he continued to prescribe excessive and nontherapeutic amounts of pain medication without adequate documentation in the patient's medical record.

HOBLIT, DAVID L., M.D., Lic. #E0056, Dallas, TX

On June 27, 2008, the Board and Dr. Hoblit entered into an Agreed Order of Voluntary Suspension whereby Dr. Hoblit's license is suspended indefinitely or until further action by the Board. The action was based on numerous violations including the following: failure to maintain adequate medical records; failure to meet the standard of care; negligence; failure to exercise professional diligence; unprofessional or dishonorable conduct likely to deceive or injure the public; violations of federal or state law; and aiding and abetting the practice of medicine by an unlicensed person. All violations were related to Dr. Hoblit's actions as medical director for, and medical consultant to, two clinics.

KANNEGANTI, RAVIKUMAR, M.D., Lic. #H6867, Beaumont, TX

On June 27, 2008, the Board and Dr. Kanneganti entered into a two-year Agreed Order that requires Dr. Kanneganti to obtain continuing medical education including 10 hours in chemical dependency within one year of the effective date of the order and 10 hours in psychopharmacology for each of the two years of the order; and to pay an administrative penalty of \$500. The order is based on Dr. Kanneganti's failure to exercise diligence in ensuring that a patient followed his instruction on the use of dangerous drugs he had prescribed, and his failure

to stop prescribing the medications after he knew or should have known the patient was abusing the drugs.

MECH, ARNOLD WALTER, M.D., Lic. #G9499, Plano, TX

On June 27, 2008, the Board and Dr. Mech entered into a five-year Agreed Order that requires him to be subject to a Board chart monitor's quarterly review of his medical records; to obtain, on a yearly basis, 20 hours of continuing medical education in child and adolescent psychopathology (10 hours) and child and adolescent psychopharmacology (10 hours); to obtain, each year for the first two years, 10 hours of continuing medical education in medical record-keeping; and to pay an administrative penalty of \$2,500. The order was based on Dr. Mech's use of a variety of psychotropic medications, some in high doses, in the treatment of a child. In addition, in the child's treatment, Dr. Mech had failed to document adequate medical records, and had employed a test normally used in research to assist his clinical diagnosis.

NIGHTINGALE, JOSEPH ADRIAN, M.D., Lic. #J6022, Port Neches, TX

On June 27, 2008, the Board and Dr. Nightingale entered into an Agreed Order that requires him to obtain 10 hours of continuing medical education in risk management and to pay an administrative penalty of \$1,000. The order is based on Dr. Nightingale's error in interpreting a CT scan with an incorrect date, which resulted in a delay in the interpretation of the correct CT scan and the patient's treatment.

PROVOST, DAVID ANDERS JR., M.D., Lic. #H4629, Dallas, TX

On June 27, 2008, the Board and Dr. Provost entered into an Agreed Order requiring that, within one year of the effective date of the order, Dr. Provost obtain a total of 50 hours of continuing medical education as follows: 20 hours in risk management; 20 hours in post-operative complications; and 10 hours in medical record-keeping. The order was based on the medical records of three surgery patients that did not adequately document Dr. Provost's rationale for treatment decisions made during or after surgery, and in one case, did not adequately document the patient's informed consent for the procedure.

TAYLOR, ROOSEVELT JR., M.D., Lic. #D9896, Dallas, TX

On June 27, 2008, the Board and Dr. Taylor entered into an Agreed Order requiring that Dr. Taylor be subject to quarterly reviews of his medical records by a Board chart monitor for a period of two years from the effective date of the order; obtain 20 hours of continuing medical education in medical record-keeping (10 hours) and wound care management (10 hours) within one year; and pay an administrative penalty of \$5,000. The order is based on Dr. Taylor's failure to provide diligent patient follow-up, record-keeping, and appropriate wound care for a patient following a cesarean section delivery.

ROJAS-WALSSON, ROMEO, M.D., Lic. #J8360, San Antonio, TX

On June 27, 2008, the Board and Dr. Rojas-Walsson entered into an Agreed Order that requires Dr. Rojas-Walsson to obtain 20 hours of continuing medical education in pediatric emergencies and to pay an administrative penalty of \$3,000. The order is based on Dr. Rojas-Walsson's failure to order appropriate tests, diagnose, and order treatment for an infant who presented with fever and a history of kidney infection.

SESSIONS, ROGER CARL, M.D., Lic. #G5595, Henderson, TX

On June 27, 2008, the Board and Dr. Sessions entered into an Agreed Order that requires Dr. Sessions to obtain 10 hours of continuing medical education in pain management and to pay an administrative penalty of \$1,000. The order is based on Dr. Sessions prescribing controlled substances for pain to a foot surgery patient over an extended period of time without sufficient patient contact, or related documentation, to justify the prescriptions, and his failure to comply with Board guidelines for the treatment of pain.

WALL, HAROLD JAMES, M.D., Lic. #F6159, Schulenburg, TX

On June 27, 2008, the Board and Dr. Wall entered into an Agreed Order requiring that Dr. Wall obtain 20 hours in continuing medical education as follows: 10 hours in acute pediatric hematology and 10 hours in medical record-keeping. Dr. Wall is also required to pay an administrative penalty of \$1,500. The order was based on Dr. Wall's admitted error of misreading a child patient's platelet count, which delayed the diagnosis and treatment intervention that later occurred.

ZAHEER, SYED JAVEED, M.D., Lic. #L2065, Sugarland, TX

On June 27, 2008, the Board and Dr. Zaheer entered into a Mediated Agreed Order requiring that Dr. Zaheer obtain 30 hours of continuing medical education in emergency medicine and critical care and 10 hours of continuing medical education in medical record-keeping. The order was based on Dr. Zaheer's failure to practice medicine in a manner that safeguarded a patient against potential complications.

UNPROFESSIONAL CONDUCT VIOLATIONS

CURTIS, LAUREN MARY, M.D., Lic. #H8615, San Antonio, TX

On June 27, 2008, the Board and Dr. Curtis entered into a Mediated Agreed Order requiring that Dr. Curtis obtain eight hours of continuing medical education, and pay an administrative penalty of \$500. Although denied in fact by Dr. Curtis, the Order was based on the Board's findings and conclusion that a physician may be disciplined for providing false information to the Board.

DOSSETT, LUCY MARYANNA, M.D., Lic. #H5438, Dallas, TX

On June 27, 2008, the Board and Dr. Dossett entered into an Agreed Order that requires Dr. Dossett to pay an administrative penalty of \$3,000. The order was based on Dr. Dossett's failure to inform the Board of a 2003 arrest for driving while intoxicated on her 2004, 2005, and 2006 renewal forms, and for which she was similarly sanctioned by other medical licensing boards in the states of Arkansas, California, and Colorado.

McCARTY, TODD MASON, M.D., Lic. #J0108, Dallas, TX

On June 27, 2008, the Board and Dr. McCarty entered into an Agreed Order requiring that Dr. McCarty attend 10 hours of continuing medical education in patient communication and pay an administrative penalty of \$5,000. The order was based on Dr. McCarty's failure to adequately communicate with, or respond to communications from, a patient and patient's family during the period she was hospitalized for surgery.

WALKER, ERIC PRIME, M.D., Lic. #M2186, Temple, TX

On June 27, 2008, the Board and Dr. Walker entered into an Agreed Order requiring that Dr. Walker satisfactorily complete all additional requirements, terms and conditions, personal and professional, required by the Infectious Diseases Fellowship at Scott and White Hospital in the aftermath of disciplinary action taken by the hospital. The basis for this order, and the hospital's disciplinary action, resulted from Dr. Walker's accessing a patient's medical records on several occasions without having a valid physician-patient relationship with the patient.

ZAYAS, ROBERTO JR., M.D., Lic. #K2832, Oroville, WA

On June 25, 2008, the Board entered a Termination of Temporary Suspension and Entry of an Agreed Order. Dr. Zayas's license had been temporarily suspended on April 29, 2008, for failure to supervise delegates, lacking standing delegation orders, operating an unlicensed pharmacy, failure to exercise diligence, and inadequate medical records at a series of weight loss clinics known as Internet Medical Clinics. The first of two informal settlement conferences followed on May 30, 2008, and a decision was deferred to allow Dr. Zayas to provide proof of changes at IMC that include a cessation of dispensing medications on-site, development of protocols for care extenders, and correction of deficiencies in the electronic medical and billing records. Dr. Zayas provided satisfactory proof at a second ISC held on June 25. Currently, Dr. Zayas is not actively practicing in Texas but does act as a consultant to IMC. Conditions required of the order terminating Dr. Zayas' temporary suspension impose the following disciplinary actions: a public reprimand; 10 hours of continuing medical education in risk management or ethics; successfully passing the medical jurisprudence exam, and a \$5,000 administrative penalty.

VIOLATION OF PROBATION OR PRIOR ORDER

DAVIS, HOWELL EUGENE, D.O., Lic. #H2109, Killeen, TX

On June 27, 2008, the Board and Dr. Davis entered an Agreed Order Modifying Prior order modifying Dr. Davis' 10-year 2005 order, which was based on intemperate use of drugs or alcohol, as follows: the term of the 2005 order shall be extended for an additional seven years; Dr. Davis shall undergo weekly basis therapy by a Board-approved psychiatrist or psychologist, in addition to his ongoing treatments by his treating psychiatrist, for the specific purpose of addressing personality issues; and Dr. Davis shall pay a \$5,000 administrative penalty. The order is based on Dr. Davis' admission that he consumed two alcoholic beverages that resulted in two positive screens for alcohol in violation of his 2005 order.

LAMPLEY, JOSEPH CARVER, D.O., Lic. #J9149, Seminole, TX

On June 27, 2008, the Board and Dr. Lampley entered into an Agreed Order Modifying Prior order that provided for disciplinary action and modification of his 2006 order. This order publicly reprimands Dr. Lampley and assesses another administrative penalty of \$2,500. It also extends the time allowed for Dr. Lampley to take and pass the medical jurisprudence exam. The order is based on Dr. Lampley's failure to comply with the requirements of the 2006 order. Dr. Lampley had failed to pay an administrative penalty on time, and he failed to register for the medical jurisprudence examination he was required to take and pass within a prescribed period set out in the 2006 order.

LORENTZ, RICK GENE, M.D., Lic. #J2169, Spring, TX

On June 27, 2008, the Board and Rick Gene Lorentz, M.D., entered into an Agreed Order Modifying Prior Order that extended the terms and conditions of his 2006 Agreed Order, and its 2007 modification, for an additional six months. The action was based on Dr. Lorentz's delay in completing required continuing medical education, and his failure to document compliance with that requirement in a timely manner.

OKOSE, PETER CHUKWUEMEKA, M.D., Lic. #J2714, Friendswood, TX

On June 27, 2008, the Board and Dr. Okose entered into an Agreed Order Modifying Prior order providing for disciplinary action and modification of his 2006 order, including the following terms: Dr. Okose shall surrender all (Schedules 1-5) DEA/DPS prescription certifications, and shall re-apply for any one or more certifications only with the prior written approval of the Board; Dr. Okose shall take and pass the medical jurisprudence exam within one year of the order's effective date; and Dr. Okose shall pay an administrative penalty of \$1,000. The order was based on Dr. Okose's failure to obtain the Board's prior approval to apply for Schedule 2N and 3N DEA/DPS prescription certifications in violation of his 2006 order.

POTTERF, RAYMOND DEWAYNE, M.D., Lic. #E8824, San Antonio, TX

On June 27, 2008, the Board and Dr. Potterf entered into an Agreed Order publicly reprimanding Dr. Potterf and requiring him to pay an administrative penalty of \$1,000. The order was based on Dr. Potterf's failure to comply in part with the requirement of his 2003 order that he have a licensed healthcare professional as a chaperone while examining adult patients. Dr. Potterf had complied with the requirement at his office, but had failed to comply with this requirement while seeing patients at two hospitals.

PURYEAR, BILLY HOUSTON, D.O., Lic. #D6314, Fort Worth, TX

On June 27, 2008, the Board and Dr. Puryear entered into an Agreed Order of Voluntary Surrender whereby Dr. Puryear permanently surrendered his license in lieu of further disciplinary action. The action was based on his failure to comply with the terms and conditions of a five-year 2007 Agreed Order, and his stated desire to stop practicing medicine.

RANELLE, JOHN BARRY, D.O., Lic. #E9349, Harlingen, TX

On May 19, 2008, The Board issued an indefinite Automatic Suspension order against Dr. Ranelle's medical license. The action was based on a violation of his 10-year probation under a 1999 Agreed Order and related 2006 Modification order. The 2006 Modification order specifically provided for an automatic suspension for a violation of the 1999 order. As of this suspension date, Dr. Ranelle has been in violation of the 1999 order for failing to pay \$1,378 for drug testing, due since November 2007.

WHITE, ROBERT FRANK, M.D., Lic. #C7159, Mount Vernon, TX

On June 27, 2008, the Board and Dr. White entered into an Agreed Order Denying Termination and Granting Modification of Prior Agreed Order that requires Dr. White to obtain 50 hours of continuing medical education in the area of pain management. Dr. White's termination request was denied. In exchange for the CME requirement, Dr. White will no longer be required to shadow a rheumatologist as set forth in his 2005 order (as amended by a 2006 order). Although Dr. White is in substantial compliance with the 2005 order, the basis for this order is the Board

chart monitor's concerns that issues regarding the prescription of narcotics remain to be fully addressed.

INADEQUATE MEDICAL RECORDS

HARDWICK, JACK FRANKLIN, M.D., Lic. #C6352, Fort Worth, TX

On June 27, 2008, the Board and Dr. Hardwick entered into a Mediated Agreed Order requiring that Dr. Hardwick obtain 30 hours of continuing medical education including: 20 hours in oncology and 10 hours in medical record-keeping. In addition, Dr. Hardwick shall pay an administrative penalty of \$5,000. The order was based on Dr. Hardwick's failure to document a differential diagnosis on a patient.

KUSHWAHA, VIVEK, M.D., Lic. #K3290, Bellaire, TX

On June 27, 2008, the Board and Dr. Kushwaha entered into a Mediated Agreed Order requiring that Dr. Kushwaha attend the University of California at San Diego Physician Assessment and Clinical Education (PACE) course in medical record-keeping, and pay an administrative penalty of \$5,000. The order was based on Dr. Kushwaha having medical record deficiencies in the pre- and post-operative reports, as well as other records, of a patient who had received extensive spine surgery.

MAHONEY, JAMES JOSEPH, D.O., Lic. #H0591, Southlake, TX

On June 27, 2008, the Board and Dr. Mahoney entered into a Mediated Agreed Order requiring that Dr. Mahoney attend the University of California at San Diego Physician Assessment and Clinical Education (PACE) course in medical record-keeping, and have a Board chart monitor review for a six-month period. The order was based on Dr. Mahoney's failure to document adequate medical record information for concurrent providers of a patient he was treating with complementary and alternative therapies for a variety of health-related matters.

RAO, GULLAPALLI R. KRISHNA, M.D., Lic. #F2868, Victoria, TX

On June 27, 2008, the Board and Dr. Rao entered into an Agreed Order requiring that Dr. Rao attend the University of California at San Diego Physician Assessment and Clinical Education (PACE) course in medical record-keeping, obtain an audit by the Texas Medical Liability Trust within six months and provide a copy of the audit report to the Board. The order was based on errors and deficiencies in the medical records for a patient, and the Board's concerns regarding the electronic medical records system in use at Dr. Rao's practice.

RIOS, LUIS MANUEL JR., M.D., Lic. #J0221, Edinburg, TX

On June 27, 2008, the Board and Dr. Rios entered into an Agreed Order that requires Dr. Rios to pay an administrative penalty of \$2,000. The order is based on Dr. Rios' failure to adequately document office visits related to his care and treatment of a patient through two plastic surgery procedures.

IMPAIRMENT DUE TO ALCOHOL OR DRUGS OR MENTAL/PHYSICAL CONDITION

LOUIS, EDWARD EMILE, M.D., Lic. #D0953, Dickinson TX

On May 28, 2008, a Disciplinary Panel of the Board issued an order of Temporary Suspension Without Notice of Hearing, which temporarily suspended Dr. Louis' medical license after determining that Dr. Louis' continuation in the practice of medicine presents a continuing threat to the public welfare. The temporary suspension was based on a finding Dr. Louis is impaired due to a deficient cognitive status and inability to apply basic medical principles in response to inquiries, which demonstrated a lack of fitness to practice. On June 19, 2008, a Disciplinary Panel of the Board issued an order of Temporary Restriction (with notice) which temporarily restricts Dr. Louis' medical license after concluding that an inquiry was necessary to determine if Dr. Louis' continuation in the practice of medicine is a continuing threat to the public welfare. The Board had concerns regarding Dr. Louis' possible deficient cognitive status and ability to apply basic medical principles. This temporary restriction order supersedes the prior temporary suspension order of May 28, allowing Dr. Louis to return to practice subject to certain terms and conditions. These include an independent medical exam, a chart monitor retroactively and during the restriction period, continuing medical education, and passing the SPEX exam. After Dr. Louis completes the terms of the order, the Board will review his case for further appropriate action.

McCLURE, CLARENCE HAROLD, M.D., Lic. #D9561, Lufkin, TX

On June 27, 2008, the Board and Dr. McClure entered into an Agreed Order of Voluntary Surrender whereby Dr. McClure voluntarily and permanently surrendered his license because of his inability to continue in the practice of medicine with reasonable skill and safety due to illness or a physical condition. Dr. McClure suffered severe injuries and disability after a 1995 motor vehicle accident, which later evolved to inability to practice medicine with reasonable skill and safety. Dr. McClure eventually stopped seeing patients and closed his practice in 2007.

RIGGS, PATRICK KELLY, M.D., Lic. #H0760, Fort Worth, TX

On June 27, 2008, the Board and Dr. Riggs entered into an Agreed Order of Voluntary Surrender whereby Dr. Riggs voluntarily and permanently surrendered his license because of his inability to continue in the practice of medicine with reasonable skill and safety due to illness or a physical condition. Dr. Riggs closed his practice in 1997 and has not practiced medicine since that time.

ROBERTS, DENNIS DONALD, M.D., Lic. #M6362, Kingwood, TX

On April 28, 2008, a Disciplinary Panel of the Board temporarily suspended Dr. Roberts' medical license after determining that Dr. Roberts' continuation in the practice of medicine presents a continuing threat to the public welfare. The temporary suspension was based on a finding that Dr. Roberts revealed a substance abuse problem in 2007, and while making progress with initial steps toward recovery, had relapsed in 2008 while on duty as an emergency room physician. On June 27, 2008, the Board and Dr. Roberts entered into an Agreed Order following Dr. Roberts' automatic suspension in effect since March 18, 2008. The order stays the suspension and places Dr. Roberts on a 10-year probation with the following terms and conditions: abstinence from prohibited substances; random alcohol and drug screening; practice limited to primary care only, in a group or institutional setting; a limit of 45 working hours over five days per week; a restriction on supervising, and delegating prescription authority to, physician assistants or advance practice nurses; attendance at Alcoholics Anonymous; continuing

monitored treatment by both a psychiatrist and licensed chemical dependency counselor. Dr. Roberts' order was based on his substance abuse of drugs used in anesthesiology and his subsequent relapse while under a voluntary abstinence and drug screening agreement with Board.

SMITH, MICHAEL DEAN, M.D., Lic. #F4545, Houston, TX

On April 18, 2008, The Board issued an indefinite Automatic Suspension order against Dr. Smith's medical license. The action came as a result of a violation of his 10-year probation under a 2005 Agreed Order that was based on alcohol and drug abuse. The Board exercised a provision in the 2005 order to automatically suspend a license upon a positive alcohol or drug screen. On March 10, Dr. Smith tested positive for marijuana.

STOECKEL, MARK DAVID, M.D., Lic. #L3845, Cedar Park, TX

On June 27, 2008, the Board and Dr. Stoeckel entered into an Agreed Order of Suspension that suspends his license indefinitely and requires that he immediately cease the practice of medicine. The order also provides that Dr. Stoeckel may petition the Board in the future, and upon a showing of clear and convincing evidence deemed satisfactory by the Board that he is competent to safely return to the practice of medicine, he may have the suspension stayed or lifted. The order is based on Dr. Stoeckel's admission to the Board of substance abuse that could adversely impact patient safety, and his entry to an inpatient facility for treatment.

STUBBS, GARRY WAYNE, M.D., Lic. #H8442, Denison, TX

On June 27, 2008, the Board and Dr. Stubbs entered into a Mediated Agreed Order requiring that Dr. Stubbs, for a period of 10 years, abstain from prohibited substances; be subject to random alcohol and drug screens; have a psychiatric evaluation and possible continuing treatment; have continuing psychotherapy; attend Alcoholics Anonymous; be prohibited from supervising physician assistants and advance practice nurses, except for nurse anesthetists in the operating room; and he shall be subject to certain terms and conditions for up to six months if he elects to return to the practice of anesthesiology. The order was based on Dr. Stubbs diversion and use of fentanyl.

WARR, ROBERT B., M.D., Lic. #H6977, Texarkana, TX

On June 27, 2008, the Board entered an order Granting Termination of Suspension and Agreed Order. Dr. Warr's license had been temporarily suspended on December 7, 2005, after a finding that he had a mental or physical condition that impaired his ability to safely practice medicine. These conditions included self-prescribing multiple medications and his failure to report his treatment for depression to the Board. On December 22, 2005, the Board and Dr. Warr entered into an Agreed Order that suspended his license until such time as he could demonstrate that he could competently practice medicine. On February 28, 2008, Dr. Warr presented evidence to the Board that included the results of a forensic psychiatric exam, a neuro-psychological evaluation, and a physical exam. Based on these results, the Board granted Dr. Warr's request for termination of the suspension, and placed Dr. Warr under terms and conditions for five years that include a chart and practice monitor; continued, monitored, psychiatric treatment, and additional continuing medical education.

NONTHERAPEUTIC PRESCRIBING

WOLF, GARY DUKE, D.O., Lic. #E9029, Mansfield, TX

On June 27, 2008, the Board and Dr. Wolf entered into a five-year Agreed Order requiring that Dr. Wolf be publicly reprimanded; be subject to quarterly chart reviews; and attend the University of California at San Diego Physician Assessment and Clinical Education (PACE) course in medical record-keeping within two year of the order's effective date. The order was based on Dr. Wolf's non-therapeutic prescribing of several pain medications, and inadequate related documentation, over a several-year period on a patient that Dr. Wolf knew, or should have known, was exhibiting addictive behavior.

ACTIONS BASED ON OTHER STATES' ACTIONS

TRUITT, JOHN SAMUEL, M.D., Lic. #J5501, Hereford, AZ

On June 27, 2008, the Board and Dr. Truitt entered into an Agreed Order requiring that Dr. Truitt's medical records be subject to quarterly reviews by a Board chart monitor for a period of two years from the effective date of the order. The action is based upon a public reprimand issued by the Arizona Medical Board for unprofessional conduct related to his diagnosis and subsequent treatment of a patient for cancer when the patient's condition was actually non-cancerous.

UNPROFESSIONAL CONDUCT

MASSEY, CHARLES R. JR., M.D., Lic. #G5341, Fredericksburg, TX

On June 13, 2008, a Disciplinary Panel of the Board issued an order of Temporary Suspension Without Notice of Hearing, which temporarily suspended Dr. Massey's medical license, after determining that Dr. Massey's continuation in the practice of medicine presents a continuing threat to the public. The length of the temporary suspension is indefinite and it remains in effect until the Board takes further action. The temporary suspension was initiated after the Board attempted to investigate if Dr. Massey was prescribing human growth hormone without medical necessity. When the Board subpoenaed medical records from Dr. Massey, he refused to produce them. Based on Dr. Massey's intentional obstruction of a Board investigation, he was found to present a continuing threat to public safety.

PATEL, KANUBHAI A., M.D., Lic. #G4373, McKinney, TX

On June 27, 2008, the Board and Dr. Patel entered into an Agreed Order requiring that, within one year from the effective date of the order, Dr. Patel attend a course in patient boundaries and communication, as approved by the Board, and pay an administrative penalty of \$1,000. The order was based on Dr. Patel's failure to have a female chaperone present when he carried out a diagnostic test on a female patient that required her to remove her upper-body garments.

CRIMINAL CONVICTIONS

ANDERSON, NANCY LOUISE, M.D., Lic. #F7350, Houston, TX

On June 27, 2008, the Board and Dr. Anderson entered into a Mediated Agreed Order requiring that Dr. Anderson, for a period of 10 years, abstain from prohibited substances; be subject to random alcohol and drug screens; have a psychiatric evaluation and possible continuing

treatment; and attend Alcoholics Anonymous. The order was based on Dr. Anderson's three convictions between 2000 and 2006 for driving while intoxicated.

MILLER, STEPHEN, M.D., Lic. #G9623, Beaumont, TX

On June 27, 2008, the Board and Dr. Miller agreed to the entry of a Voluntary Revocation order that indefinitely revoked his license to practice. The order was based on Dr. Miller's conviction on a federal felony charge of income tax evasion.

THEAGENE, SAMUEL MICHAEL, M.D., Lic. #J7690, San Antonio, TX

On June 17, 2008, The Board issued an automatic order of suspension against Dr. Theagene's medical license. The action was based on his incarceration in federal prison. On September 26, 2007, Dr. Theagene was found guilty of bribery of a public official in the United States District Court for the Western District of Texas – San Antonio. On February 8, 2008, Dr. Theagene began serving a federal prison sentence of 97 months, and he is currently incarcerated in the Federal Correctional Institute in Three Rivers, Texas.

VU, KHANH NGUYEN, D.O., Lic. #L0676, Titusville, PA

On May 28, 2008, a Disciplinary Panel of the Board issued an order of Temporary Suspension Without Notice of Hearing which temporarily suspended Dr. Vu's medical license, after determining that Dr. Vu's continuation in the practice of medicine presents a continuing threat to the public welfare. The temporary suspension remains in effect until a hearing is held before a Disciplinary Panel of the Board. The hearing is scheduled for August 7, 2008. The temporary suspension was based on Dr. Vu's being criminally convicted and sent to prison in Pennsylvania on convictions for three counts of indecent assault involving fourteen female patients.

ADMINISTRATIVE ORDERS/MINIMAL STATUTORY VIOLATIONS

Forty-six licensees agreed to enter into administrative orders with the Board for minimal statutory violations.

CORRECTED ORDER (Nunc Pro Tunc)

KONJOYAN, THOMAS RICHARD, M.D., Lic. #G2173, Groves, TX

On June 27, 2008, the Board issued a Nunc Pro Tunc order that added language to his February 2008 order, permitting Dr. Konjoyan to supervise, and delegate prescription authority to, physician assistants and advanced practice nurses.