

Medical Board Report

Newsletter of the Texas State Board of Medical Examiners

Fall 2002

Volume 24, Number 2

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Please note: The Medical Drug Review information that formerly appeared in the *Medical Board Report* is now available at the [Texas Department of Health, Drug Utilization Review Board](#).

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Board Shows Regulatory Improvements

Organizational changes, aided by a governor's grant, have brought about significant improvements in the regulatory record of the Texas State Board of Medical Examiners in the past year.

In May, Governor Rick Perry appropriated \$200,000 from the Governor's Office for State Agency Grant Assistance. The intent of the grant was to allow TMB to hire additional investigations staff to look at medical malpractice claims.

Along with the reorganization of the enforcement functions of the agency (see the Medical Board Report's Spring 2002 issue), the agency hired additional attorneys and investigators to focus on malpractice cases. The agency's legal staff increased from four to nine attorneys litigating cases. The additions allowed the agency to reduce the backlog of old cases and take more cases to the State Office of Administrative Hearings.

In addition to beefing up enforcement, the agency has improved licensure functions as well, reducing the size of the application and the processing time for routine applications.

In fiscal year 2002, the board issued 2,828 new physician licenses, compared to 1,370 in FY 2001; 407 physician assistant licenses, compared to 258; 77 acupuncture licenses, compared to 55. As of September 1, there are 52,324 licensed Texas physicians; 2,257 physician assistants; and 498 acupuncturists.

In the enforcement area, the agency received 5,164 complaints in FY 2002, of

which 3,439 were nonjurisdictional. The agency opened 1,725 investigations. Agency staff completed 1,448 investigations and conducted 172 informal settlement conferences. On October 31, 97.9 percent of all active investigations were under one year old, and the average length of investigations was 132 days.

Disciplinary and regulatory highlights during calendar year 2002 (based on projections through the end of the year) include 32 revocations/surrenders, compared to 23 in 2001; 28 suspensions, compared to 19; 19 temporary suspensions, compared to 7; 57 restrictions, compared to 49; 42 administrative penalties, compared to 29; an increase in administrative penalty amounts from \$78,800 to \$285,380; an increase in cases filed at the State Office of Administrative Hearings to 50, up from 8; and an increase in the total number of disciplinary actions to 186, up from 142.

Physician Profile Project Complete

The physician profile project, begun as a pilot project in September 2000, is fully operational and the public can now access profile reports on more than 50,000 Texas physicians on the agency web site.

Physicians are required by statute to update their profile information at least annually at the time of annual registration. Physicians can obtain a copy of their current profile by submitting a written request to TMB or by viewing it online. Those who use the new online registration process can submit changes electronically when registering.

TMB established a dispute resolution process which allows for reconciliation of contested information. Fewer than five profiles are currently in dispute and the disputed section of those profiles will state "not available." License verification reports are also available online.

Board Approves Proficiency Requirement

The Texas State Board of Medical Examiners became the first state medical board to formally endorse implementation of a program requiring periodic demonstration of current proficiency by all physicians with adoption of a resolution on August 16.

New legislation would be required to enable the board to begin using the proficiency requirement. Implementation could occur no earlier than 2005. Stakeholders will advise TMB on the exact structure and details of the procedure.

Currently the board is complaint-driven, identifying and remediating competency problems only after patients or peers have filed a complaint with the board. This process identifies problems after they occur, and the board is trying to better fulfill its mission of public protection by more proactively determining that all licensees are fully qualified.

Out-of-state physicians seeking licensure in Texas must have demonstrated proficiency by passing a nationally recognized examination within the last 10 years. The proposed plan would extend that requirement to all licensed Texas physicians.

Other states are considering implementation of some sort of proficiency testing for physicians, while other professions on which the public depends for safety have long required continued re-testing. The Federal Aviation Administration has a range of requirements for pilot re-testing, depending on

types of aircraft flown and amounts of flying time logged.

Proposals for methods of re-testing for physicians began appearing in the early 1980s. The Statewide Health Coordinating Council was the first Texas body to address the issue in the Texas State Health Plan: 1999-2004 Ensuring a Quality Health Care Workforce for Texas. The Texas report echoed recommendations of a report published in 1995 by the Pew Health Professions Commission's Taskforce on Health Care Workforce Regulation, which said that regulated health professionals should periodically demonstrate competence through appropriate testing mechanisms. The report also said that continuing education courses have not proven to be an effective way of assuring continuing competency.

In its 1999 report on medical errors, "To Err is Human," the Institute of Medicine recommended that "Health professional licensing bodies should implement periodic re-examinations and relicensing of doctors, nurses, and other key providers based on both competence and knowledge of safety practices."

The American Board of Medical Specialties has had a recertification policy since 1975, but since each of its 24 boards is a separate entity, implementation has varied. Most boards began issuing time-limited certificates in the 1980s and 1990s, and all member boards now issue time-limited certificates, although certification requirements may vary from board to board. The time for recertification also varies from seven to 10 years. Fiscal impact on the agency is expected to be minimal and may be offset by conversion to a system of biennial registration, which would reduce the staff time spent on administering annual registration.

Osteoporosis Brochures Available Free from Texas Department of Health

The Texas Department of Health has developed free materials on Osteoporosis to help educate women. The brochures are available in a generic format as well as customized materials for African-American, Asian, Caucasian and Hispanic (English/Spanish) women. You may order quantities at no charge for use within your practice by contacting the Texas Department of Health at (800) 422-2956. The materials can be viewed on the Texas Department of Health web site www.tdh.state.tx.us/osp/osteol/.

Rule Changes

Since the last issue of the Medical Board Report, the Board has adopted the following proposed rule changes that were published in the Texas Register: Chapter 161, General Provisions: Amendments to §161.6 regarding the committees of the board. The amendments relate to the status and duties of the Non-Profit Health Organizations Committee and the Licensure Committee. Chapter 163, Licensure: Amendments to §§163.1 and 163.5 regarding the definitions of "medical school curriculum" and "substantially equivalent"; and supervision of medical school students. Chapter 164, Physician Advertising: Amendments to §164.3 regarding testimonials used in advertising. Chapter 165, Medical Records: Amendments to §§165.2-165.4 regarding fees charged for copies of billing records and general clean-up of the sections. Chapter 166, Physician Registration: Amendment to §166.2, continuing medical education. The amendments relate to CME hours obtained during the

30-day grace period, audit of CME and CME temporary permit.
Chapter 173, Physician Profiles: Amendments to §§173.1 and 173.3 and repeal of §173.6 regarding physician profiles, deleting status dates and clarifying the rules regarding physician-initiated updates to the profile.
Chapter 175, Fees, Penalties, and Applications: Amendments to §175.1 regarding an increase in the annual registration permit fee for physicians and physician assistants to be used to create a system for on-line renewals.
Chapter 183, Acupuncture: Amendments to §§183.4 and 183.20 regarding evaluation of English proficiency and continuing acupuncture education.
Chapter 184, Surgical Assistants: New §§184.4 and 184.17-184.24, regarding qualifications for licensure of surgical assistants and disciplinary guidelines, administrative penalties, investigations, complaint procedure notification, and compliance. Amendment to §184.6 regarding licensure documentation required for surgical assistants.
Chapter 185, Physician Assistants: Amendments to §§185.2-185.4, 185.6, 185.7; repeal of §§185.8-185.30; and new §§185.8-185.25, concerning general cleanup of the chapter and updates to the Texas Occupations Code cites. Chapter 187, Procedural Rules: Amendment to §187.25; repeal of §187.41; and new §§187.55-187.62, concerning temporary suspension procedures.
Chapter 190, Disciplinary Guidelines: Amendment to §190.1 regarding clarification of the definition of practice inconsistent with public health and welfare and general clean-up of the chapter.
Chapters 171, Postgraduate Training Permits, and 180, Rehabilitation Orders, were reviewed and adopted with no changes.

Board Begins On-line Renewals for Physicians

Physicians may now register their license using an on-line registration system, available for those who meet eligibility requirements. Payment is by credit card (Visa, MasterCard, Discover or American Express) or electronic check. When registration is completed, the physician will receive a confirmation notice. The system is being phased in according to renewal date, and physicians will be notified as renewals come due. Licensees will access the form from the Board's web site at www.tmb.state.tx.us. Additional funding needed to implement and maintain the on-line registration system comes from a \$4 increase in the annual registration fee, which is already in effect. Physician assistant on-line registration will be added later this year.

Formal Complaints

The following Formal Complaints have been filed with the State Office of Administrative Hearings regarding the licensees listed below. The cases are unresolved as the Medical Board Report goes to press.

Jerry W. Biddix, M.D. E3855 8-23-02

Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct.

Cordell Clark, M.D. F8827 11-14-02

Unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public, including committing an act violating the laws of this state if the act is connected with the practice of medicine; prescribing or administering a drug in a manner inconsistent with public health and welfare.

James E. Elbaor, M.D. E7062 8-26-02

Violation of Board rules; failing to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public; commission of an act that violates the laws of this state if the act is connected with the practice of medicine; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner it is administered or prescribed.

Neely Joe Ellis, M.D. C3647 8-20-01

Violation of a prior board order.

Lydia H. Grotti, M.D. J6122 10-18-02

Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct; inability to practice medicine with reasonable skill and safety because of a mental or physical condition; commission of an act that violates the laws of this state if the act is connected with the practice of medicine.

Robert F. Hofmann, M.D. G1918 8-30-02

Commission of an act that violates the laws of this state if the act is connected with the practice of medicine; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner it is administered or prescribed.

John D. Huff Sr., M.D. D7993 7-17-02

Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct; violation of board rules; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner it is administered or prescribed.

Danny R. Johnston, M.D. H0499 8-23-02

Unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public; dispensing to a person who is known to be an abuser of narcotics or controlled substances; prescribing, administering or dispensing dangerous drugs in a manner inconsistent with public health and welfare.

Bernhard A. Kats Jr., M.D. F4898 7-17-02

Disciplinary action in another state.

Kimberly A. S. Schup, M.D. J6739 7-2-02

Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; violation of board rules; unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public; writing false or fictitious prescriptions for controlled substances or dangerous drugs; aiding or abetting the practice of medicine by someone not licensed to practice medicine; inability to practice medicine with reasonable skill and safety; using drugs in an intemperate manner that could endanger a patient's life.

Robert B. Kimmel, M.D. E6457 11-1-02

Unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public; disciplinary action by a hospital or medical staff; conviction of a felony.

Dennis M. King, M.D. D7122 8-8-02

Inability to practice medicine with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance, or a mental or physical condition; failing to practice medicine in an acceptable professional manner consistent with public health and welfare; using alcohol or drugs in an intemperate manner that could endanger a patient's life; unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public.

James T. Parsons, M.D. C6816 9-12-02

Conviction of a felony.

B.R. Ringer, D.O. G0011 10-9-01

Violation of a prior board order; unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; inability to practice medicine with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance, or a mental or physical condition.

Armando Sanchez G., M.D. H3164 8-30-02

Unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public; deferred adjudication for first degree felony offense of solicitation of capital murder.

Michael C. Scally, M.D. G0066 8-30-02

Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner it is administered or prescribed; prescribing dangerous drugs or controlled substances in a manner inconsistent with public health and welfare.

Kenneth E. Speak, D.O. C4555 10-29-02

Prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner it is administered or prescribed; writing prescriptions to a person known to be an abuser of narcotics, controlled substances or dangerous drugs; prescribing dangerous drugs or controlled substances in a manner inconsistent with public health and welfare.

Monte I. Stavis, M.D. F8684 8-30-02

Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; aiding and abetting the unlicensed practice of medicine; improper billing.

Marvin A. Stone, M.D. H3164 11-4-02

Unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public; violation of a crime directly related to the practice of medicine involving moral turpitude.

Disciplinary Actions

Adams, John J., M.D., Pasadena, TX, Lic. #D0771

An Agreed Order was entered on 10-4-02 restricting the physician's license for three years under certain terms and conditions. Action due to prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed; administering dangerous or controlled drugs in an improper manner; failure to supervise adequately the activities of those acting under the physician's supervision; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and persistently and flagrantly overcharging or over-treating patients.

Adelman, Harold F., M.D., Desoto, TX, Lic. #H3965

An Interim Agreed Order was entered on 8-16-02 restricting the physician's license under certain terms and conditions. Action due to allegations set forth in Formal Complaint filed by the Board against Dr. Adelman.

Alsop, Ernest C., M.D., Rockport, TX, Lic. #J6300

A Temporary Suspension Order was entered effective 7-8-02 temporarily suspending the physician's license due to evidence and information that the

physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Baker, Merrimon W., M.D., Cleveland, TX, Lic. #G4807

An Agreed Order was entered on 10-4-02 restricting the physician's license for three years under certain terms and conditions. Action due to prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

Bartasis, Dennis Lee, D.O., Kemah, TX, Lic. #F5463

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$1,000 and placing the physician's license under certain terms and conditions. Action due to failure to keep complete and accurate records of purchases and disposal of dangerous drugs and controlled substances.

Baula, Giovanni M., M.D., St. Petersburg, FL, Lic. #K3088

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$5,000. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Baylan, Salvador P., M.D., San Antonio, TX, Lic. #E7371

An Agreed Order was entered on 10-4-02 imposing a \$25,000 administrative penalty and a public reprimand and certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare; prescribing or administering a drug or treatment that is nontherapeutic in nature; and inadequate records.

Berezoski, Robert N., M.D., Cleveland, TX, Lic. #E0812

On 10-4-02, the Board voted to suspend the physician's license until such time as the physician appears before the Board and demonstrates that the physician is physically and mentally capable to return to practice and has met certain terms and conditions, including payment of an administrative penalty in the amount of \$25,000. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare. The physician 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.

Blinkov, Andrew, M.D., Houston, TX, Lic. #K1368

A Temporary Suspension Order was entered effective 7-16-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Boatright, Daniel K., D.O., Fort Worth, TX, Lic. #K5823

An Agreed Order was entered on 8-16-02 restricting the physician's license for five years under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare, and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Brown, Michael G., M.D., Houston, TX, Lic. #G3190

A Temporary Suspension Order was entered effective 11-6-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Bryson, David L., M.D., Kerrville, TX, Lic. #E7013

On 8-16-02, the Board voted to order the revocation of the physician's Texas medical license. Action based on failure to maintain adequate medical records; failure to practice medicine in an acceptable manner consistent with public health and welfare; unprofessional conduct that is likely to deceive or defraud the public or injure the public; prescribing dangerous drugs and controlled substances in a manner inconsistent with the public health and welfare; prescribing dangerous drugs and controlled substances without establishing a proper physician-patient relationship; and failure to follow Board guidelines for treatment of intractable pain. Respondent filed a motion for rehearing on 9-4-02. Effective 9-23-02, motion for rehearing denied by Board. Order was final effective 9-23-02.

Caderao, Jess B., M.D., Arlington, TX, Lic. #F6363

An Agreed Order was entered on 8-16-02 restricting physician's license for four years under certain terms and conditions. Action due to failure to

practice medicine in an acceptable professional manner consistent with public health and welfare.

Chalifoux, Roland Jr., D.O., Arlington, TX, Lic. #J8953

A Temporary Suspension Order was entered effective 7-19-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Cranfill, General Lee III, M.D., Jonesboro, AR, Lic. #H5229

An Agreed Order was entered on 10-4-02 suspending the physician's medical license. Action due to disciplinary action by another state; using alcohol or drugs in an intemperate manner that, in the Board's opinion, could endanger a patient's life; and writing false or fictitious prescriptions.

Deur, Charles J., M.D., Arlington, TX, Lic. #F4804

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$2,500. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Dotson, Rodney N., M.D., Hereford, TX, Lic. #D9988

An Agreed Order was entered on 10-4-02 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for five years under certain terms and conditions. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public by the violation of a previous order.

Elliott, Paul T., M.D., Richardson, TX, Lic. #D5979

On 10-4-02, the Board voted to revoke the physician's license. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct that is likely to deceive or defraud the public; prescribing or administering a drug or treatment that is nontherapeutic in the manner the drug or treatment is administered or prescribed; prescribing, administering, or dispensing dangerous drugs and controlled substances in a manner inconsistent with public health and welfare; and persistently and flagrantly over-treating patients. The physician filed a motion for rehearing on 11-12-02.

Ellis, Charles T., M.D., Riyadh 11536, SA, Lic. #J1654

An Agreed Order was entered on 10-4-02 imposing a public reprimand and a \$1,000 administrative penalty. Action due to unprofessional conduct.

Falbey, Robert J., D.O., Fort Worth, TX, Lic. #F4817

An Agreed Order was entered on 10-4-02 in which the physician permanently surrendered his Texas medical license. Action due to violation of a previous order.

Garmon, Robert G., D.O., Weatherford, TX, Lic. #E3279

An Agreed Order was entered on 8-16-02 publicly reprimanding the physician and restricting his medical license for five years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients because of a mental condition.

Garwin, Sylvia, M.D., Herrin, IL, Lic. #G5077

An Agreed Order was entered on 8-16-02 restricting the physician's license under certain terms and conditions. Action due to disciplinary action by another state; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Gladney, Samuel L., M.D., Grapevine, TX, Lic. #D7830

An Agreed Order was entered on 8-16-02 revoking the physician's license sixty days from the signing of the Order by the presiding officer of the Board. The revocation was effective on 10-15-02. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Gouverne, Max L., M.D., Corpus Christi, TX, Lic. #H9644

An Agreed Order was entered on 8-16-02 publicly reprimanding the physician and restricting the physician's medical license for three years under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare; disciplinary action by peers; and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Granek, Harold, M.D., Fort Worth, TX, Lic. #F8495

A Proposal for Decision was reheard on 8-16-02. The Board voted to enter an order on 8-16-02 changing the penalty of a Board order of 4-5-02, suspending the physician's license with the suspension immediately stayed, and placing the physician on probation for three years under certain terms and conditions. In addition, the physician was assessed an administrative penalty of \$25,000. Action due to unprofessional conduct that is likely to deceive, defraud, or injure the public; failure to practice medicine consistent

with public health and welfare; and disciplinary action by peers. On 9-23-02, an amended final order was entered correcting an error in the 8-16-02 order. Dr. Granek may file a motion for rehearing within 20 days. A 6-27-02 temporary injunction remains in force, staying the enforcement of the 4-5-02 order, the 5-17-02 judgment nunc pro tunc order, the 8-16-02 final order and the 9-23-02 amended final order of the Board.

Green, Demetris A., M.D., Houston, TX, Lic. #J4168

An Agreed Order was entered on 8-16-02 revoking the physician's license; however, the revocation was stayed and physician was placed on probation for 10 years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition.

Grotti, Lydia H., M.D., Midland, TX, Lic. #J6122

A Temporary Suspension Order was entered effective 8-14-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. On 9-23-02, a temporary agreed injunction order was issued by District Court enjoining the Board from enforcing the temporary suspension order and placing the following restrictions on Dr. Grotti: (1) prior to performing or ordering a termination of a resuscitation, withdrawal of life support, terminal care, weaning of terminal comfort care, or do-not-resuscitate order (except when there is an advance directive signed by the patient), Dr. Grotti shall obtain a written consultation from a licensed Texas physician; (2) Dr. Grotti shall maintain a logbook for all actions or orders concerning termination of a resuscitation, withdrawal of life support, terminal care, terminal comfort care, or do-not-resuscitate orders.

Guajardo, Frank, D.O., Uvalde, TX, Lic. #K4072

A Temporary Suspension Order was entered effective 7-8-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Gulde, Robert E., M.D., Amarillo, TX, Lic. #D0679

An Agreed Order was entered on 8-16-02 publicly reprimanding the physician and placing the physician under certain terms and conditions for three years. Action due to disciplinary action by a licensed hospital or medical staff of a hospital, including limitation of hospital privileges.

Hall, Barrett C., M.D., Fort Worth, TX, Lic. #H6834

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$500. Action due to violation of Board rules.

Harmon, John B. Jr., M.D., Austin, TX, Lic. #G3432

On 8-16-02, the Board voted to order the revocation of the physician's Texas medical license. In addition, the physician was assessed an administrative penalty in the amount of \$1,000 and costs in the amount of \$3,530. Action based on unprofessional or dishonorable conduct that is likely to injure the public. The physician did not file a Motion for Rehearing. The order was final effective 9-10-02.

Harman, P. Kent, M.D., Denison, TX, Lic. #G8703

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$5,000 and placing his license under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare, and disciplinary action by peers.

Hartin, Richard B., M.D., Georgetown, TX, Lic. #G6524

An Agreed Order was entered on 10-4-02 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for 10 years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety because of illness or substance abuse, and intemperate use of alcohol.

Haymes, David A., M.D., Dallas, TX, Lic. #D3258

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$250. Action due to violation of Board rules.

Head, Philip A. Jr., M.D., Galveston, TX, Lic. #J5097

A Temporary Suspension Order was entered effective 7-11-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. An Agreed Order was entered on 8-16-02 suspending the physician's license. Action due to inability to practice medicine with reasonable skill and safety to patients because of illness; drunkenness; excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition, and intemperate use of alcohol or drugs that in the Board's opinion, could endanger a patient's life.

Hemphill, Robert A., D.O., Bonita Springs, FL, Lic. #H3474

An Agreed Order was entered on 10-4-02 publicly reprimanding the physician, assessing an administrative penalty in the amount of \$1,000, and restricting

the physician from treating patients in Texas. Action due to conviction of a felony or crime of a lesser degree that involves moral turpitude.

Hildebrand, James R., M.D., North Little Rock, AR, Lic. #E9232

An Agreed Order was entered on 8-16-02 restricting the physician's license for three years under certain terms and conditions. Action due to intemperate use of alcohol or drugs that, in the Board's opinion, could endanger a patient's life, and disciplinary action taken by another state.

Horsley, Sheila K., M.D., Fort Worth, TX, Lic. #F7785

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$4,500. Action due to administering a drug in a nontherapeutic manner.

Howard, Annette M., M.D., Houston, TX, Lic. #J5161

On 10-4-02, the Board voted to publicly reprimand the physician, assess an administrative penalty in the amount of \$5,000, and suspend the physician's medical license until such times as certain terms and conditions are met. Action due to unprofessional conduct. The physician did not file a Motion for Rehearing and the order was final on 11-25-02.

Howland, William C. III, M.D., Austin, TX, Lic. #F9591

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$2,500. Action due to violation of Board rules.

Huddleston, Howard L., M.D., Mineral Wells, TX, Lic. #F2286

An Agreed Order was entered on 8-16-02 restricting the physician's license for three years under certain terms and conditions. Action due to failure to keep complete and accurate records of purchases and disposals of drugs or of controlled substances; and failure to maintain adequate medical records.

Huggins, Michael J., M.D., San Antonio, TX, Lic. #G4474

An Agreed Order was entered on 08-16-02 restricting the physician's license for five years under certain terms and conditions. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public by writing false or fictitious prescriptions.

Huggins, Teresa J., M.D., San Antonio, TX, Lic. #G4475

An Agreed Order was entered on 08-16-02 restricting the physician's license for five years under certain terms and conditions. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public by writing false or fictitious prescriptions.

Jifi-Bahloul, Samer Izzat, M.D., Corpus Christi, TX, Lic. #L0304

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$500. Action due to violation of Board rules.

Key, Webb B. Jr., D.O., Wichita Falls, TX, Lic. #G9934

An Agreed Order was entered on 8-16-02 revoking the physician's license. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct that is likely to deceive or defraud the public; writing prescriptions for or dispensing to a person that the physician knows to be an abuser of narcotic drugs, controlled substances or dangerous drugs; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed; and prescribing, administering or dispensing dangerous drugs or controlled substances in a manner inconsistent with public health and welfare.

Kim, Dong Soo, M.D., Houston, TX, Lic. #G1689

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$1,000. Action due to violation of Board rules.

Kimmel, Robert B., M.D., San Antonio, TX, Lic. #E6457

An Order was entered on 8-16-02 suspending the physician's license. Action due to his incarceration in a federal penitentiary.

Leath, Robert M., M.D., Houston, TX, Lic. #H4480

An Agreed Order was entered on 8-16-02 revoking the physician's license; however, the revocation was stayed and physician was placed on probation for seven years under certain terms and conditions. Action due to use of alcohol or drugs in an intemperate manner that, in the Board's opinion, could endanger a patient's life; unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public; failure to keep complete and accurate records of purchases and disposals of drugs or controlled substances; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed; and failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Lowe, Walter R., M.D., Houston, TX, Lic. #G5315

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$1,000. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public.

Mack, William H., M.D., Houston, TX, Lic. #D3923

An Agreed Order was entered on 10-4-02 publicly reprimanding the physician and placing the physician's license under certain terms and conditions. Action

due to unprofessional conduct; and persistent and flagrant overcharging or over-treating patients.

Mahoney, Patricia, M.D., San Antonio, TX, Lic. #L2439

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$500. Action due to practicing medicine without annual registration/license in place on a timely basis.

Manning, Allen B., M.D., Arlington, TX, Lic. #D0210

An Agreed Order was entered on 8-16-02 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$2,500. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed; failure to maintain adequate medical records regarding the treatment of pain; and failure to practice medicine in an acceptable professional manner consistent with public health and welfare in the treatment of one patient.

Marbach, James C., M.D., Temple, TX, Lic. #H2561

A Temporary Suspension Order was entered effective 6-27-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. An Agreed Order was entered on 10-4-02 suspending the physician's medical license. Action due to inability to practice medicine with reasonable skill and safety to patients because of illness or as a result of any mental or physical condition; and disciplinary action by another state.

Martinez, Jorge A., M.D., Edinburg, TX, Lic. #H1801

A Temporary Suspension Order was entered effective 7-16-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

McAnally, Royce, D.O., Stanton, TX, Lic. #H3215

An Agreed Order was entered on 8-16-02 suspending the physician's license. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare; inability to practice medicine with reasonable skill and safety to patients because of excessive use

of drugs, narcotics, chemicals, or another substance; and intemperate use of drugs that, in the Board's opinion, could endanger a patient's life.

McCloskey, Karin A., M.D., Rochester, NY, Lic. #J8052

An Agreed Order was entered on 8-16-02 restricting the physician's license under certain terms and conditions. Action due to violation of Board rules.

McDonald, Russell N., D.O., Groves, TX, Lic. #E8705

An Agreed Order was entered on 10-4-02 publicly reprimanding the physician and placing the physician's license under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and failure to supervise adequately the activities of those acting under the physician's supervision.

McFarland, Bruce R., M.D., Rockport, TX, Lic. #H3353

An Agreed Order was entered on 08-26-02 suspending the physician's license. Action due to using alcohol or drugs in an intemperate manner that, in the Board's opinion, could endanger a patient's life.

McKown, Michael W., D.O., Corpus Christi, TX, Lic. #K2243

An Agreed Order was entered on 8-16-02 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for seven years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition; intemperate use of alcohol or drugs; and writing false or fictitious prescriptions for dangerous drugs.

McLean, Paul, M.D., Rockport, TX, Lic. #E2719

An Agreed Order was entered on 10-4-02 revoking the physician's license; however, the revocation was stayed and the physician was placed on probation for 10 years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety because of illness or substance abuse; and intemperate use of alcohol or drugs.

Mosby, Richard A., M.D., Houston, TX, Lic. #D7201

On 8-16-02, the Board voted to order the revocation of the physician's Texas medical license. Action based on prescribing a drug that is nontherapeutic in nature or nontherapeutic in the manner in which the drug was administered; prescribing controlled substances in a manner inconsistent with public health and welfare; unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public; failure to keep adequate medical records for each patient; prescribing controlled substances without sufficient medical information about his patients and without appropriate documentation; and

failure to practice medicine in an acceptable professional manner consistent with public health and welfare. Effective 9-16-02, motion for rehearing denied by Board. Order was final effective 9-16-02.

Muncrief, Kim I., D.O., Amarillo, TX, Lic. #G7284

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$500. Action due to violation of Board rules.

Norbeck, John C., M.D., Tacoma, WA, Lic. #G7938

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$100. Action due to violation of Board rules.

Ortez, Gustavo A., M.D., Houston, TX, Lic. #D5564

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$500. Action due to violation of laws connected with the practice of medicine.

Pearlman, Allen, M.D., Dallas, TX, Lic. #E0120

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$1,000. Action due to violation of Board rule by failure to provide a complete set of medical records within 15 days of request.

Priestley, John F., D.O., Richardson, TX, Lic. #H4627

An Agreed Order was entered on 8-16-02 revoking the physician's license; however, the revocation was stayed, and physician was placed on probation for 10 years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients because of excessive use of drugs and narcotics and/or as the result of mental or physical condition; use of alcohol or drugs in an intemperate manner; unprofessional or dishonorable conduct that is likely to deceive or defraud the public; and prescribing drugs without a valid medical purpose that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

Quenneville, Kenneth B., M.D., Eagle Lake, TX, Lic. #H1404

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$5,000. Action due to unprofessional or dishonorable conduct by violation of a previous order.

Ravichandran, G. K., M.D., Houston, TX, Lic. #F3588

An Agreed Order was entered on 8-16-02 restricting the physician's license for five years under certain terms and conditions. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Reed, Jimmie L., M.D., Lubbock, TX, Lic. #D8063

An Agreed Order was entered on 10-4-02 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for 10 years under certain terms and conditions. Action due to using alcohol in an intemperate manner that, in the Board's opinion, could endanger a patient's life.

Roell, Joseph C., M.D., Beeville, TX, Lic. #G9688

On 8-16-02, the Board ordered the revocation of the physician's Texas medical license. Action based on failure to practice medicine consistent with public health and welfare, and nontherapeutic prescribing or treatment. Effective 9-23-02, motion for rehearing denied by Board. Order was final effective 9-23-02.

Sanchez G., Armando, M.D., Houston, TX, Lic. #H3164

A Temporary Suspension Order was entered effective 6-13-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board. On 6-18-02, the District Court issued a Temporary Restraining Order staying the enforcement of the Temporary Suspension Order. On 7-9-02 the District Court issued a Temporary Injunction staying the temporary suspension.

Sanders, Patricia F., M.D., Longview, TX, Lic. #H4674

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$1,000. Action due to violation of Board rules by failure to provide medical records within 15 days of request.

Sartor, Charles Don, M.D., Leander, TX, Lic. #G2473

A Temporary Suspension Order was entered effective 6-13-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. An Agreed Order was entered on 8-16-02 suspending the physician's license. Action due to inability to practice medicine with reasonable skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition.

Schickner, David J., M.D., Waco, TX, Lic. #J3597

An Agreed Order was entered on 10-4-02 restricting the physician's license for five years under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and persistently and flagrantly overcharging or over-treating patients.

Schooler, Joe Frank Jr., M.D., Fort Worth, TX, Lic. #C5453

An Agreed Order was entered on 10-4-02 in which the physician voluntarily and permanently surrendered his Texas medical license. Action due to failure to practice medicine consistent with public health and welfare.

Shippel, Allan, M.D., Roswell, GA, Lic. #G6613

An Agreed Order was entered on 8-16-02 restricting the physician's license under certain terms and conditions. Action due to disciplinary action taken by another state.

Shultz, Charles R., M.D., Keene, TX, Lic. #D9287

An Agreed Order was entered on 8-16-02 in which the physician voluntarily and permanently surrendered his Texas medical license. Action due to inability to practice medicine with reasonable skill and safety due to mental or physical condition.

Smith, Gregory L., M.D., Gainesville, TX, Lic. #K9670

An Agreed Order was entered on 10-4-02 assessing an administrative penalty in the amount of \$2,500. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Smith, Regina M., M.D., Whitney, TX, Lic. #F3620

On 8-16-02, the Board voted to order a public reprimand and an assessment of an administrative penalty in the amount of \$2,500. Action due to failure to practice medicine in an acceptable manner consistent with public health and welfare, unprofessional or dishonorable conduct that is likely to deceive or defraud the public, and violation of a law of this state related to the practice of medicine. Motion for rehearing denied by Board on 11-18-02. Order was final effective 11-18-02.

Sneed, David Lee, D.O., Austin, TX, Lic. #F4549

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$500. Action due to false and misleading advertising.

Spangher, Guido G., M.D., Fort Meade, SD, Lic. #J1046

An Agreed Order was entered on 10-4-02 suspending the physician's medical license. Action due to inability to practice medicine with reasonable skill and safety because of illness or substance abuse; disciplinary action by another

state; intemperate use of alcohol or drugs; and writing false or fictitious prescriptions.

Spector, Bernard, M.D., El Lago, TX, Lic. #E6016

An Agreed Order was entered on 8-16-02 in which the physician voluntarily and permanently surrendered his license. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, and failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Stavis, Monte I., M.D., Houston, TX, Lic. #F8684

An Agreed Order was entered on 10-4-02 imposing a \$25,000 administrative penalty and a public reprimand and certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare and unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public.

Valadez, Charles D., M.D., Burnet, TX, Lic. #H8879

An Agreed Order was entered on 8-16-02 assessing an administrative penalty in the amount of \$1,000. Action due to violation of Board rules.

Walker, Randall D., M.D., Magnolia, TX, Lic. #G5744

A Temporary Suspension Order was entered effective 9-24-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Wilson, W. Brad, M.D., Nacogdoches, TX, Lic. #H3293

An Agreed Order was entered on 10-4-02 restricting the physician's license for three years under certain terms and conditions. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public; prescribing or dispensing to a habitual user; and administering dangerous or controlled drugs in an improper manner.

Correction:

Disciplinary action listed in the Spring 2002 Medical Board Report for Andrew L. Rabinowitz, M.D., Phoenix, AZ, Lic. #K6253, should have been Andrew I. Rabinowitz, M.D. Dr. Andrew L. Rabinowitz is not a Texas physician.

Physician Assistants

Dial, Rocky, P.A., Dallas, TX, Lic. #PA-00784

A Temporary Suspension Order was entered effective 6-28-02 temporarily suspending the physician assistant's license due to evidence and information that the physician assistant's continuation in the practice of medicine would constitute a continuing threat to public welfare. An Agreed Order was entered by the Texas State Board of Physician Assistant Examiners on 8-2-02 revoking the physician assistant's license; however, the revocation was stayed and the physician assistant was placed on probation for five years under certain terms and conditions. On 11-6-02, an order was entered revoking the physician assistant's license. Action due to habitually using drugs or intoxicating liquors, and unprofessional conduct.

Acupuncturist

Vuu, Lam, L. Ac., Houston, TX, Lic. #AC-00079

An Agreed Order was entered on 8-16-02 in which the acupuncturist voluntarily and permanently surrendered his Texas acupuncture license in lieu of a hearing.