

2002 Press Releases

Tuesday, October 8, 2002

Board Announces Regulatory Totals for Fiscal Year 2002

The Texas State Board of Medical Examiners increased the rate of physician disciplinary actions in FY 2002 to 187, up from 105 in FY 2001. The state fiscal year runs from September 1-August 31. The actions include 19 temporary suspensions; 37 revocations/surrenders; 20 suspensions; 61 restrictions; 13 public reprimands; and 37 administrative penalties, totaling \$175,800. Disciplinary actions were also taken against two acupuncturists, and the Texas State Board of Physician Assistant Examiners took action against 14 physician assistants.

Licenses were issued to 2,828 physicians, 407 physician assistants and 77 acupuncturists. In addition, 52,418 physicians renewed their licenses, as did 2,906 physician assistants and 499 acupuncturists.

36 Doctors Disciplined

During its October 3-4 Board meeting, the Texas State Board of Medical Examiners took disciplinary action against 35 licensed physicians, who received one or more of the following actions: four surrender/revocations, of which one was stayed and probated under various terms and conditions; nine suspensions, of which three were stayed and probated under various terms and conditions; 10 restrictions; and six public reprimands. Fifteen administrative penalties totaling \$104,500 were assessed. In addition, one temporary suspension was imposed since the August 15-16 Board meeting.

New Licenses Issued

During its October 3-4 Board meeting, the Board approved the licensure applications of 373 physicians.

Rule Changes

The Board adopted the following proposed rule changes that were published in the Texas Register: Chapter 173, Physician Profiles: Amendments to §173.3 and repeal of §173.6 regarding physician profiles, clarifying the rules regarding physician-initiated updates to the profile. Chapter 184, Surgical Assistants: Amendment to §184.6 regarding licensure requirements 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.

Proposed Rule Changes

The Board proposed the following rule changes for publication in the Texas Register and comment: Chapter 163, Licensure: proposed amendment regarding documentation required for physician licensure and examinations accepted for licensure. Chapter 171, Postgraduate Training Permits: proposed amendment regarding documentation required for the Physician in Training Permit. Chapter 173, Physician Profiles: proposed amendment to §173.1(b)20, Profile Contents, to include both nondisciplinary and disciplinary public board actions in physician profiles. Chapter 175, Fees, Penalties and Applications: proposed amendment to §§175.1 and 175.4 regarding fees for issuance and reinstatement of physician assistant licenses. Chapter 187, Procedural Rules: proposed amendment to §§187.16, .18, .27 and .28, regarding informal show compliance and settlement proceedings, default judgments, and discovery. Chapter 199, Public Information: proposed amendment to §199.2, Requests to Speak, adding a deadline for members of the public to request to speak to the committee.

For copies of rule changes or proposed rules, write the Board at MC 901, P.O. Box 2018, Austin, TX 78768-2018, or e-mail pat.wood@tmb.state.tx.us

Disciplinary Actions

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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 10-04-02, 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 may file a Motion for Rehearing within 20 days of the Order. If a Motion 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.

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

An Agreed Order was entered on 10-04-02 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 10-04-02 in which the physician permanently surrendered his Texas medical license. Action due to violation of a previous order.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

Holbrook, Thomas L., M.D., Oconomowoc, WI, Lic. #D7086

An Agreed Order was entered on 10-04-02 that restricts the physician from treating patients in Texas. Action due to failure to practice medicine in an acceptable manner consistent with public health and welfare; and unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public.

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

An Agreed Order was entered on 10-04-02 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 10-04-02, 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 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.

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

An Agreed Order was entered on 10-04-02 assessing an administrative penalty in the amount of \$2,500. Action due to violation of Board rules.

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.

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

An Agreed Order was entered on 10-04-02 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 10-04-02 assessing an administrative penalty in the amount of \$500. Action due to practicing medicine without annual registration/license in place on a timely basis.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 assessing an administrative penalty in the amount of \$5,000. Action due to unprofessional or dishonorable conduct by violation of a previous order.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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

An Agreed Order was entered on 10-04-02 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.

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 10-04-02 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.

The Texas State Board of Medical Examiners, the state agency that regulates physicians, physician assistants, surgical assistants and acupuncturists, provides consumer protection through licensure, investigation and disciplinary action. The Board, under President Lee S. Anderson, M.D., and Executive Director Donald W. Patrick, M.D., J.D., is strengthening and accelerating the disciplinary process for licensees who fail to meet the required standards of professional competency and behavior. The agency is seeking new legislation to expand current statutory authority to better fulfill its mission to ensure only competent licensees are providing medical care.

For more information, call Jill Wiggins, Public Information Director, at

(512) 305-7018 or write to:

Texas State Board of Medical Examiners
MC 251
P.O. Box 2018
Austin, TX 78768-2018

To receive press releases by e-mail: jill.wiggins@tmb.state.tx.us