

Action Item – Agenda Item 3b1 – Applicant #687
Licensure Committee Proposed Public Disciplinary Rehabilitation Order
April 7, 2011

Applicant #687 appeared before the Committee with counsel in executive session, on referral by the Executive Director. In open session, **Mr. Ellis moved to recommend to the full Board that the applicant's Texas medical license be reissued under a public order that includes the requirements specified in the checklist that has been distributed to the members of the Committee.** This recommendation is due to the applicant's history of substance abuse; disciplinary history with the board based on substance abuse, including licensure suspension based on intemperate use of alcohol; criminal history including two arrests for driving while under the influence; and time out of the active practice of medicine since 2003. Factors contributing to this recommendation include the applicant's demonstrated sobriety including AA participation and PHR County medical society activities, CME obtained since 2004, statement by treating psychiatrist supporting the applicant's fitness to practice medicine, completion of the KSTAR program with excellent evaluations and recommendations, and the applicant's demonstration that the applicant's return to medicine is in the public's best interest. **Dr. Benavides seconded the motion. All voted in favor. The motion passed.**

Term: 10 years

DRUG/ALCOHOL:

- []> 1. **[ABSTAIN & DRUG SCREENS]** Abstain from alcohol and drugs, except as prescribed; comply with TMB screening program; automatic suspension of license for positive test – [e01]
- []> 2. **[OTHER DRUG SCREENS]** Submit to alcohol and drug screens by any approved physician – [e10]
- []> 5. **[AA / NA]** []> **AA OR Caduceus** [] **NA** meeting at least 3_ times each []> week **OR** [] month. – [e16 or e17]

PSYCHIATRIC:

- []> 8. **[PSYCHIATRIC TREATMENT – No IPE]** with current psychiatrist; no less than once every two months. Treating psychiatrist to report to Board or monitoring psychiatrist 4 times each year. – [e05]
- []> 9. **[MONITOR FOR TREATMENT – Required with either 7 or 8]** Treating psychiatrist may agree to be monitoring psychiatrist or ED appoints a monitoring psychiatrist; monitoring psychiatrist to report to Board 2 times each year. – [e06]

MISC. PROVISIONS:

- [] 11. Standard Requirements:
 - [REPORTS]** Reports by Applicant/Respondent regarding physical or mental condition on request – [e11]
 - [NO UNILATERAL WITHDRAWAL]** Shall not withdraw from care, or treatment – [e12]
 - [NOTIFY/DISCONT'D CARE]** Notify Compliance upon discontinuation of care/treatment – [e14]

PRESCRIBING AUTHORITY

> 16. **[SELF-PRESCRIBE/FAMILY]** Shall not treat self or immediate family – [f09]

ADDITIONAL PROVISIONS

> 22. **[INSTITUTIONAL/GROUP PRACT]** Restriction to approved group/institutional setting – [g11]

> 23. **[ABILITY TO SUPERVISE]** > May May NOT supervise PA's and APN's – [o02]

NOTE: If Order includes restrictions on license; PA Act prohibits supervision.

PROBATION APPEARANCES

> 28. **[1 TIME 1st YEAR & THEN ON REQUEST]** At least once 1st year and on then request – [i05]

Note: Others standard closing paragraphs will be included in the Order, including provisions for:

- Tolling (or extending the term of) the order
- compliance with the law
- cooperation with board staff or representatives
- change of address notification
- Violation constitutes unprofessional conduct
- modification or termination request after one year

[\[1\]](#)