

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

June 30, 2017

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TMB disciplines 61 physicians at June meeting

At its June 16, 2017 meeting, the Texas Medical Board disciplined 61 licensed physicians and issued four cease and desist orders.

The disciplinary actions included: seven orders related to quality of care violations, twelve orders related to unprofessional conduct, two revocations, one suspension, eight voluntary surrenders/revocations, four restrictions, three orders related to peer review action, four orders related to nontherapeutic prescribing, three orders related to improper prescribing, three orders related to improper supervision or delegation, four orders related to violation of prior Board order, five orders related to other states' actions, four orders related to inadequate medical records, and one order related to impairment.

The Board issued 172 physician licenses at the June meeting, bringing the total number of physician licenses issued so far in FY17 to 3,816.

No rules were adopted at the June meeting.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Arauzo, Arturo C., M.D., Lic. No. G2896, Plano

On June 16, 2017, the Board and Arturo C. Arauzo, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 8 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in drug seeking behavior. The Board found Dr. Arauzo failed to meet the standard of care for one patient by prescribing exceedingly high doses of Adderall and Vyvanse.

Atun, Victor J., M.D., Lic. No. K6986, Sugar Land

On June 16, 2017, the Board and Victor J. Atun, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in surgical protocols, four hours in risk management and four hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Atun's operative report inaccurately stated that the tendon operated on during the wrong site surgery was severed and that Dr. Atun acknowledged his mistake and improved his process for marking patients for surgery.

Castaneda-Mendoza, Flavio, M.D., Lic. No. L9129, Laredo

On June 16, 2017, the Board and Flavio Castaneda-Mendoza, M.D., entered into an Agreed Order requiring him to complete at least 12 hours of CME, divided as follows: eight hours in interventional radiology including complications and abnormal anatomy, and four hours in risk management. The Board found Dr. Castaneda-Mendoza failed to review an existing CT scan to help select an alternative diagnostic modality to fluoroscopy-guided biopsy which likely led to injury to adjacent organs and complications.

Lane, Randall Brent, M.D., Lic. No. E2667, Dallas

On June 16, 2017, the Board and Randall Brent Lane, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in treating individuals with substance abuse histories. The Board found Dr. Lane failed to check the online prescription database to determine if a patient with substance abuse history was obtaining controlled substances from other providers and to verify the patient's compliance with treatment.

Loredo, Pedro Juan, III, M.D., Lic. No. N0228, Hurst

On June 16, 2017, the Board and Pedro Juan Loredo, III, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: 8 hours in medical recordkeeping, 4 hours in ethics and 4 hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Loredo failed to meet the standard of care in the treatment of a patient because there was no documented justification in the medical records for ordering toxicology and DNA testing at initial consult prior to a surgery.

Sparks, Vicki Jean, M.D., Lic. No. E6215, San Antonio

On June 16, 2017, the Board and Vicki Jean Sparks, M.D., entered into an Agreed Order requiring her to within one year complete at least 20 hours of CME, divided as follows: four hours in detecting signs of possible drug seeking behavior, eight hours in treating patients with psychiatric disorders, with a focus on attention-deficit disorder, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Sparks prescribed Adderall to a patient without documenting an appropriate history or evaluation that would support her diagnoses for ADHD.

Unini, Fidelis Kanayo, M.D., Lic. No. M5959, Fort Worth

On June 16, 2017, the Board and Fidelis Kanayo Unini, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in risk management and eight hours in medical recordkeeping. The Board found Dr. Unini violated the standard of care for six patients by ordering multiple CT scans which were not clinically indicated.

UNPROFESSIONAL CONDUCT

Anderson, Timothy W., M.D., Lic. No. F5819, Houston

On June 16, 2017, the Board and Timothy W. Anderson, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in ethics and/or risk management. The Board found Dr. Anderson failed to timely sign a death certificate using the Texas Electronic Death Registry (TEDR) system for one patient.

Boss, Donald Jeffrey, M.D., Lic. No. TM00013, Rolling Hills Estate, CA

On June 16, 2017, the Board and Donald Jeffrey Boss, M.D., entered into an Agreed Order publicly reprimanding Dr. Boss and requiring him to within one year complete at least four hours of CME in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Boss received a public reprimand from the Medical Board of California for a conviction of driving under the influence which was later expunged in 2016. Dr. Boss was disciplined by the Kentucky Board of Medical Licensure and New Mexico Medical Board for failure to report the DWI conviction in California. Dr. Boss failed to report his arrest and conviction on his 2015 Texas Medical license renewal application.

Buffa, Peter Michael, Sr., M.D., Lic. No. N4315, Harlingen

On June 16, 2017, the Board and Peter Michael Buffa, Sr., M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within 90 days complete the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Buffa was arrested and charged with a felony for allegedly physically assaulting a minor child, which he is contesting in court. Dr. Buffa did not report the 2016 arrest to the Board as is required.

Do, Khanh Gia, M.D., Lic. No. J6405, San Antonio

On June 16, 2017, the Board and Khanh Gia Do, M.D., entered into an Agreed Order requiring him to within 90 days obtain an independent medical evaluation and follow all recommendations for care and treatment; within one year complete the professional boundaries course offered by Vanderbilt Medical Center for Professional Health; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Do engaged in unprofessional conduct by engaging in conduct of a sexual nature with a patient. The incident was an isolated relationship and Dr. Do acknowledged the wrongdoing.

Fontenot, James T., M.D., Lic. No. E5518, Houston

On June 16, 2017, the Board and James T. Fontenot, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in ethics. The Board found Dr. Fontenot failed to utilize the Texas Electronic Death Registry (TEDR) system to electronically complete the death certificate of a patient.

Friday, Albert Delloyd, Jr., M.D., Lic. No. E6029, Trenton

On June 16, 2017, the Board and Albert Delloyd Friday, Jr., M.D., entered into an Agreed Order on Formal Filing requiring Dr. Friday to within one year complete the delinquent nine hours, which includes two hours of ethics, of category 1 CME, and the delinquent two hours of informal CME; within one year complete four hours in risk management; and within 180 days pay an administrative penalty of \$500. The Board found Dr. Friday failed to obtain and/or document all of his CME credit for his license renewal period audit of June 1, 2013 through May 31, 2015. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Madsen, Terry Douglas, M.D., Lic. No. L8816, Richardson

On June 16, 2017, the Board and Terry Douglas Madsen, M.D., entered into an Agreed Order publicly reprimanding him and requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 8 hours of CME in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Madsen failed to timely self-report a 2011 arrest for public intoxication for which charges were eventually dismissed, failed to self-report hospital suspensions for failing to complete medical records and resigned his privileges at Baylor Hospital while under investigation for being intoxicated while on call.

Palmer, J. Mark, M.D., Lic. No. G3047, Fort Worth

On June 16, 2017, the Board and J. Mark Palmer, M.D., entered into an Agreed Order requiring him to within one year complete and three attempts pass the Medical Jurisprudence Exam; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 12 hours of CME, divided as follows: four hours in appropriate prescribing, four hours in professional communications and four hours in ethics; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Palmer resigned his privileges while under investigation by his peers for sending inappropriate text messages to a hospital employee and Dr. Palmer admitted to inappropriately phoning in a prescription for a girlfriend.

Pierre, James Darian, M.D., Lic. No. L8474, Houston

On June 16, 2017, the Board and James Darian Pierre, M.D., entered into an Agreed Order restricting his practice under the following terms for five years: shall not prescribe for or otherwise treat chronic pain; shall not prescribe controlled substances for any period in excess of 72 hours; limit his practice to PPG (outpatient internal medicine group), Veteran's Administration Hospital, Harris County, institutional inpatient or outpatient primary care, behavioral or mental health practice approved in advance by the Board; have his practice monitored by another physician for 12 consecutive monitoring cycles; within two years complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Pierre operated an unregistered pain management clinic, and violated the standard of care by prescribing nontherapeutic medications to multiple patients.

Pratho, Scott Mason, M.D., Lic. No. G8350, Willow Park

On June 16, 2017, the Board and Scott Mason Pratho, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of

CME in risk management. The Board found Dr. Pratho pre-signed prescription forms used for Schedule II controlled substances and surrendered his DEA prescribing registration for Schedule II-V while under investigation.

Rodriguez, Gabriel, M.D., Lic. No. J8744, Nassau Bay

On June 16, 2017, the Board and Gabriel Rodriguez, M.D., entered into an Agreed Order requiring him to have a chaperone when completing a patient history and/or physical examination on a female patient for a period of two years; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least four hours of CME in ethics. The Board found Dr. Rodriguez had a prior professional relationship with the patient when the patient was employed as a nurse. The patient sought care from Dr. Rodriguez and he admitted to having a sexual relationship with her while she was his patient.

Rousch, Daniel Eric, D.O., Lic. No. J4488, Bedford

On June 16, 2017, the Board and Daniel Eric Rousch, D.O., entered into an Agreed Order publicly reprimanding Dr. Rousch and requiring him to within one year complete at least eight hours of CME in risk management. The Board found Dr. Rousch closed his office without providing proper notice to patients and an appropriate opportunity to obtain medical records. Dr. Rousch failed to timely respond to communications from a patient who contacted him several times regarding her treatment after the office closure.

REVOCACTION

Gross, Robert Hadley, M.D., Lic. No. G5125, San Angelo

On June 16, 2017, the Board entered a Final Order against Robert Hadley Gross, M.D., revoking his Texas medical license. The Board found Dr. Gross is imprisoned following his felony conviction for health care fraud and is scheduled for release on December 11, 2018. The order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Gross has 20 days from the service of the order to file a motion for rehearing. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Nguyen, Giam Minh, D.O., Lic. No. L9394, Houston

On June 16, 2017, the Board and Giam Minh Nguyen, D.O., entered into an Agreed Order of Revocation, revoking Dr. Nguyen's Texas medical license. The Board found Dr. Nguyen was incarcerated following his convictions on 47 counts of health care fraud. Dr. Nguyen agreed to the revocation of his license in lieu of further disciplinary proceedings. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

SUSPENSION

Hassenflug, Jeffrey Allyn, M.D., Lic. No. Q9370, Beaumont

On June 16, 2017, the Board and Jeffrey Allyn Hassenflug, M.D., entered into an Agreed Order suspending Dr. Hassenflug's Texas medical license until such a time as he appears before the Board and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine which shall include evidence that the criminal charges against him have been dismissed. The Board found that Dr. Hassenflug was indicted on three felony charges related to child pornography. His trial is set for September 25, 2017.

VOLUNTARY SURRENDER/REVOCACTION

Blumberg, Elliot Jay, M.D., Lic. No. C4944, Arlington

On June 16, 2017, the Board and Elliot Jay Blumberg, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Blumberg agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Blumberg self-reported to the Board that he has a medical/physical condition that precludes him from practicing medicine at this time.

Bullock, Gerald Lynn, M.D., Lic. No. F0802, The Woodlands

On June 16, 2017, the Board and Gerald Lynn Bullock, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Bullock agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Bullock was being investigated for allegations of failure to meet the standard of care for one patient. Dr. Bullock notified the Board that he has been diagnosed with Parkinson's disease and has indicated his desire to surrender his medical license.

Fischer, Stephen Carl, M.D., Lic. No. F9421, Spring

On June 16, 2017, the Board and Stephen Carl Fischer, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Fischer agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Fischer reports he has a physical condition that prevents him from continuing to practice medicine.

Foxx, Gerald Peter, M.D., Lic. No. E8473, Tyler

On June 16, 2017, the Board and Gerald Peter Foxx, M.D., entered into an Agreed Order of Voluntary and Permanent Surrender, in which Dr. Foxx agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Foxx was under investigation by the Board for allegations that he was indicted for violations of federal law related to the practice of medicine.

Friedman, Jeffrey E., M.D., Lic. No. P8901, Gainesville, FL

On June 16, 2017, the Board and Jeffrey E. Friedman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Friedman agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Friedman has a medical impairment that he is being treated for and desires to surrender his license.

Hawkins, Willie James, M.D., Lic. No. G2147, Missouri City

On June 16, 2017, the Board and Willie James Hawkins, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Hawkins agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Hawkins reported to the Board that he has a medical condition that precludes him from practicing medicine.

Porter, Charles Thomas, Jr., M.D., Lic. No. H5606, Galveston

On June 16, 2017, the Board and Charles Thomas Porter, Jr., M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Porter agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Porter was under investigation for allegations of violation of the Act related to the prescription of controlled substances.

Sumner, G. Gardner, M.D., Lic. No. F7210, Austin

On June 16, 2017, the Board and G. Gardner Sumner, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sumner agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Sumner self-reported that he has a medical condition that precludes him from practicing medicine at this time.

RESTRICTION

Goodman, Cynthia D., M.D., Lic. No. J1640, Richardson

On June 16, 2017, the Board and Cynthia D. Goodman, M.D., entered into an Agreed Order After Formal Filing restricting Dr. Goodman's license to the practice of administrative medicine. Dr. Goodman shall not engage in the clinical practice of medicine in any capacity that involves direct or indirect patient contact; shall not engage in any employment, practice or work in any professional capacity with a pain management clinic; within seven days surrender her DEA controlled substances registration certificates; and within 10 days pay an administrative penalty of \$10,000. The Board found that the allegations of aiding and abetting the operation of an unregistered pain management clinic and failure to adequately supervise those involved in patient care are supported by adequate evidence. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

McClung, Tony S., M.D., Lic. No. E6138, Houston

On June 16, 2017, the Board and Tony S. McClung entered into an Agreed Order on Formal filing restricting his license under the following terms: shall not engage in the treatment of chronic pain; shall not administer, dispense or prescribe any opioid, benzodiazepine, SOMA, or any derivative for a period longer than seven days, with one refill not to exceed an additional seven days; shall not be permitted to delegate prescriptive authority to a physician assistant or advanced practice nurse; within one year and three attempts pass the Medical Jurisprudence Exam; immediately surrender any and all existing pain management clinic certificates; immediately terminate all prescriptive delegation registrations and agreements; and within one year complete at least four hours of CME in medical ethics. The Board found Dr. McClung failed to adhere to the guidelines in the treatment of chronic pain, failed to adequately supervise the activities of those acting under his supervision and failed to obtain registration for a pain management clinic. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Moehlman, William David, M.D., Lic. No. E6526, Yoakum

On June 16, 2017, the Board and William David Moehlman, M.D., entered into an Agreed Order, lifting Dr. Moehlman's suspension and placing him under the following terms: public referral to the Texas Physician Health Program (TXPHP) and shall comply with all terms of his agreement with TXPHP; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board received confirmation that Dr. Moehlman's referral to TXPHP was resolved, and that he has entered an interim testing agreement with the Board.

Smith, Jack Coldwell, III, M.D., Lic. No. L3131, Amarillo

On June 16, 2017, the Board and Jack Coldwell Smith, III, M.D., entered into a Modified Agreed Order, modifying his August 2014 Order. The modification restricts Dr. Smith's practice to a group or institutional setting, prohibits him from performing cardiac intervention procedures, and requires him to see a Board-approved mental health provider practicing in the area of addiction to provide quarterly reports to the Board. The Board determined in order to protect the public health and welfare it would be appropriate to modify Dr. Smith's 2014 order as he returns to practice in Texas as addressed in the termination of his 2015 order.

PEER REVIEW ACTION

Haygood, Kenneth D., M.D., Lic. No. K2341, Tyler

On June 16, 2017, the Board and Kenneth D. Haygood, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: 4 hours in anger management, 4 hours in ethics, 4 hours in risk management and 4 hours in communication with colleagues. The Board found Dr. Haygood was subject to peer review action for failure to complete a contested Professional Practice Evaluation.

Ibanez, Marc Albert, M.D., Lic. No. M4188, Corpus Christi

On June 16, 2017, the Board and Marc Albert Ibanez, M.D., entered into an Agreed Order publicly reprimanding Dr. Ibanez and requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Ibanez was disciplined by peer review action and subsequently had his hospital privileges terminated for delinquent charts.

Mummert, Diana Ioana, M.D., Lic. No. M8858, Denton

On June 16, 2017, the Board and Diana Ioana Mummert, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in prescribing with a focus on controlled substances, four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Mummert resigned her privileges at the JPS Health Network prior to an investigation into the allegation that she had a resident under her supervision sign a blank prescription which was used in an attempt to acquire controlled substances for a close family member.

NONTHERAPEUTIC PRESCRIBING

Costa, Dennis James, M.D., Lic. No. H5160, Flower Mound

On June 16, 2017, the Board and Dennis James Costa, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 8 consecutive monitoring cycles; have his billing monitored for 8 consecutive monitoring cycles; within one year complete at least 20 hours of CME, divided as follow: 8 hours in billing, 4 hours in medical recordkeeping, four hours in physician-patient communications and 4 hours in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Costa violated the standard of care by nontherapeutically prescribing Rituximab to 13 cancer patients beyond the time period guidelines, adding significant costs to the treatment. Dr. Costa has not published results of his alternative treatment protocol nor has he conducted a study to establish the protocol's efficacy.

Easter, Thomas Glenn, M.D., Lic. No. G7801, El Paso

On June 16, 2017, the Board and Thomas Glenn Easter, M.D., entered into an Agreed Order restricting his practice under the following terms for 10 years: shall not treat any patients for chronic pain complaints or conditions, refer all patients with chronic pain complaints or conditions to another provider for pain treatment; within seven days restrict DEA controlled substances registration to Schedule V controlled substances and shall not reregister without Board permission; within 30 days enroll into Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) and complete any recommendations within one year; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follow: eight hours in identifying drug-seeking patients and eight hours in risk management; and shall not be permitted to supervise or delegate prescriptive authority for Schedules II, III, or IV to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Easter failed to meet the standard of care in the treatment of chronic pain for 15 patients, failed to maintain adequate medical records and document a therapeutic benefit to justify repeated prescriptions, failed to include a rational for prescribed medications and failed to meet the minimum guidelines for treatment of chronic pain.

Flores, Michael A., M.D., Lic. No. L7377, Donna

On June 16, 2017, the Board and Michael A. Flores, M.D., entered into an Agreed Order prohibiting him from treating patients for chronic pain; have his practice monitored by another physician for four consecutive monitoring cycles to run consecutively to any remaining cycles required the 2016 Order for a total of 12 cycles; and within 90 days pay an administrative penalty of \$1,500. The Board found Dr. Flores failed to address non-compliant drug screens for street drugs as well as non-compliance through negative tests for opioids, did not document failure of other treatments or interventions before commencing treatment with opioids and did not adequately discuss and document a discussion with patients regarding risks, benefits and potential side-effects of opioid treatment.

Jamal, Syed M. A., M.D., Lic. No. J8000, Jacksboro

On June 16, 2017, the Board and Syed M. A. Jamal, M.D., entered into an Agreed Order publicly reprimanding Dr. Syed and prohibiting him from treating chronic pain or engaging in the practice of pain management for five years. Dr. Syed shall refer all current chronic paint patients to appropriate specialists within 30 days; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 32 hours of in-person CME, divided as follows: eight hours in chronic pain, eight hours in anxiety, eight hours in medical recordkeeping and eight hours in drug seeking behavior; within 60 days pay an administrative penalty of \$5,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Jamal was operating an unlicensed pain management clinic and that his prescribing to 15 patients was below the standard of care and nontherapeutic in nature.

IMPROPER PRESCRIBING

Caivano, Roy Louis, D.O., Lic. No. J7923, Burleson

On June 16, 2017, the Board and Roy Louis Caivano, D.O., entered into an Agreed Order prohibiting him from treating or otherwise serving as a physician for his immediate family or anyone for whom he has a close personal relationship and

shall not prescribe, dispense, administer, or authorize controlled substances or dangerous drugs to anyone with whom he had a close relationship; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in drug seeking behavior; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Caivano prescribed benzodiazepines and Adderall to a family member in absence of immediate need and did not maintain adequate medical records.

Procter, Brian Charles, M.D., Lic. No. K7202, McKinney

On June 16, 2017, the Board and Brian Charles Procter, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in treatment of ADHD. The Board found Dr. Procter prescribed controlled substances to himself and family members without appropriately documenting the medical records and prescribed beyond the 72-hour period of immediate need.

Thurman, Benjamin Hill, V, M.D., Lic. No. F4604, Fort Worth

On June 16, 2017, the Board and Benjamin Hill Thurman, V, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 28 hours of CME, divided as follows: 8 hours in risk management, 8 hours in appropriate prescribing of controlled substances, 8 hours in obtaining informed consent and 4 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$4,000. The Board found Dr. Thurman improperly prescribing testosterone to himself and to someone with whom he has a close personal relationship, beyond the 72-hour period of immediate need, failed to maintain accurate logs of his purchase and dispensation of testosterone, improperly managed controlled substances at his home practice location, failed to use proper diligence in obtaining informed consent for ozone treatment and failed to adhere to guidelines for practicing complementary and alternative medicine.

IMPROPER SUPERVISION OR DELEGATION

Cortes, Zenia Esther, M.D., Lic. No. L8658, Garden Grove, CA

On June 16, 2017, the Board and Zenia Esther Cortes, M.D., entered into an Agreed Order requiring her to within one year complete at least 12 hours of CME in supervision and delegation; within 30 days submit all written delegation orders to the Board; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Cortes failed to adequately supervise a midlevel Advanced Practice Nurse who inappropriately prescribed and failed to register the collaboration with the Board.

Qureshi, Parvez Anjum, M.D., Lic. No. K5384, Houston

On June 16, 2017, the Board and Parvez Anjum Qureshi, M.D., entered into an Agreed Order publicly reprimanding Dr. Qureshi; prohibiting him from treating chronic pain conditions outside of a hospice or hospital setting; have his practice monitored by another physician for 12 consecutive monitoring cycles; within 30 days schedule an assessment with Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) and complete any recommendations; within one year complete at least 24 hours of CME, divided as follows: 8 hours in prescribing opioids, 8 hours in medical recordkeeping, 4 hours in identifying drug-seeking behavior and 4 hours in supervision and delegation; shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Qureshi failed to ensure written protocols and standing delegation orders were in place for his delegate, an APRN, who failed to meet the standard of care for 15 patients and failed to maintain adequate medical records. Dr. Qureshi also assisted in the operation of the unregistered pain management clinic by supervising and delegating to the APRN at the clinic.

Springer, Paula Lynn, M.D., Lic. No. G3810, Houston

On June 16, 2017, the Board and Paula Lynn Springer, M.D., entered into a Mediated Agreed Order under the following terms: shall not administer, dispense, or prescribe medications containing hydrocodone or carisoprodol for any purpose; shall only prescribe Schedule II controlled substances for the treatment of ADHD; may prescribe controlled substances for treatment of acute pain but not beyond 72-hours of immediate need; shall not treat chronic pain; have her practice

monitored by another physician for six consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year pay an administrative penalty of \$5,000. The Board found Dr. Springer failed to adequately supervise APRNs which resulted in a failure to meet the standard of care for five chronic pain patients. The APRNs failed to justify the therapeutic benefit for the related controlled substances prescriptions and Dr. Springer failed to ensure the delegates followed the minimum documentation guidelines for the treatment of chronic pain. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

VIOLATION OF PRIOR BOARD ORDER

Ince, Christopher Werner, M.D., Lic. No. N4491, Willow Park

On June 16, 2017, the Board and Christopher Werner Ince, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Ince did not provide notice of his June 2016 Order to health care entities in a timely manner as required by the order.

Maat, Owen, M.D., Lic. No. J5609, Bellaire

On June 16, 2017, the Board and Owen Maat, M.D., entered into a Mediated Agreed Order revoking his Texas medical license, immediately staying the revocation and placing him on probation under the following terms: restricting his practice to a group or institutional setting and may not petition the Board for modification of this provision for a minimum of two years; for 15 years shall abstain from the consumption of prohibited substances as defined in the order and may not petition the Board for modification of this provision for a minimum of 10 years; participate in the Board's drug testing program; within seven days surrender DEA controlled substances registration certificates for Schedules II and III and shall not petition the Board for modification of this provision for two years; participate in 90 meetings of AA for the first 90 days and three times a week thereafter; within 30 days obtain names of three treating psychiatrists to submit to the Board and follow treating psychiatrist's recommendations for care and treatment; participate in all activities of a county and state medical society committee on physician health and rehabilitation; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Maat admitted to violating the terms of his 2013 order by consuming alcohol. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

McCall, Norman Joel, M.D., Lic. No. E6137, Richardson

On June 16, 2017, the Board and Norman Joel McCall, M.D., entered into an Agreed Order Modifying Prior Order modifying his 2009 as modified by the 2010 and 2012 order. The modification requires him to within one year complete at least four hours of CME in risk management. The Board found Dr. McCall violated his prior order by failing to timely pay his chart monitor and failing to timely notify his compliance officer of his change in place of employment. All other terms of the 2009 order, as modified, remain in full effect.

Uribe-Botero, Gonzalo, M.D., Lic. No. E1956, Houston

On June 16, 2017, the Board and Gonzalo Uribe-Botero, M.D., entered into an Agreed Order requiring him to within 30 days undergo an independent neuro-psychological evaluation and follow all recommendations for care and treatment; comply with all terms of his 2015 order, including all recommendations made by the chart monitor; and as recommended by the chart monitor, within six months complete the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program assessment and complete any and all retraining recommendations. The Board found that Dr. Uribe-Botero violated his February 2015 Order by failing to follow the recommendations of his chart monitor and failed to enroll and complete the KSTAR program, as recommended.

OTHER STATES' ACTIONS

De La Garza, Miguel Adan, M.D., Lic. No. N3605, New Port Richey, FL

On June 16, 2017, the Board and Miguel Adan De La Garza, M.D., entered into an Agreed Order requiring him to complete and comply with all terms and conditions of the 2016 Order entered by the Florida Department of Health

(FDOH). The Board found Dr. De La Garza entered into a Settlement Agreement with the FDOH related to deficiencies in medical record documentation.

Olade, Roger, M.D., Lic. No. Q2173, Pearland

On June 16, 2017, the Board and Roger Olade, M.D., entered into an Agreed Order requiring him to complete and comply with all terms set forth in the 2015 Order entered by the Maryland Board of Physicians and the 2016 Letter of Reprimand issued by the Arizona Medical Board. The Board found Dr. Olade was reprimanded by the Arizona Medical Board following an investigation involving the care of one patient, and Dr. Olade failed to disclose the investigation upon applying for renewal of licensure in the state of Maryland and, as a result, he was disciplined by the Maryland Board of Physicians.

Ravipudi, Sanjeev D., M.D., Lic. No. K0366, Brownwood

On June 16, 2017, the Board and Sanjeev D. Ravipudi, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Ravipudi was disciplined by the Missouri Board of Registration for the Health Arts related to his failure to properly delegate to and supervise a physician assistant in Missouri. A reciprocal order was also issued by the Medical Board of California.

Rodney, John Rocco MacMillan, M.D., Lic. No. N4707, Memphis, TN

On June 16, 2017, the Board and John Rocco MacMillan Rodney, M.D., entered into an Agreed Order requiring him to complete and comply with all terms required by the Tennessee Board of Medical Examiners (TBME) Consent Order issued on July 20, 2016. The Board found Dr. Rodney entered into a Consent Order with TBME, placing him on probation for two years, requiring him to undergo an evaluation at Bradford Health Services, and requiring him to pay a penalty of \$2,000. The action was the result of his unprofessional and dishonorable conduct.

Tran, Ann Anh, M.D., Lic. No. TM00126, Eden Prairie, MN

On June 16, 2017, the Board and Ann Anh Tran, M.D., entered into an Agreed Order publicly reprimanding Dr. Tran and requiring her to complete and comply with all terms required by the Wisconsin Medical Examining Board (WMEB) Order issued on December 21, 2016. The Board found Dr. Tran was disciplined by the WMEB with a Board Order for Public Reprimand arising out of treatment of a patient in Massachusetts in 2009.

INADEQUATE MEDICAL RECORDS

Bosquez, Lourdes Ramirez, M.D., Lic. No. K2422, The Woodlands

On June 16, 2017, the Board and Lourdes Ramirez Bosquez, M.D., entered into an Agreed Order requiring her to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Bosquez did not maintain adequate medical records because she failed to record a concise mental status exam and patient history.

Konen, Andrew Albert, M.D., Lic. No. K0506, Dallas

On June 16, 2017, the Board and Andrew Albert Konen, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Konen's medical recordkeeping did not sufficiently document his efforts to monitor a patient's follow-up on his specialist referrals. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Mark, Corey Justin James, M.D., Lic. No. M5351, Granbury

On June 16, 2017, the Board and Corey Justin James Mark, M.D., entered into an Agreed Order requiring him to within one year complete at least four hours of CME in risk management. The Board found Dr. Mark did indeed have a discussion regarding complications of surgery with the patient but failed to document it post-operatively in the medical records.

Shelton, Michael Vise, M.D., E8905, Odessa

On June 16, 2017, the Board and Michael Vise Shelton, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of in-person CME, divided as follows: four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Shelton failed to take an adequate history for a patient and portions of his medical records are illegible.

IMPAIRMENT**Theodore, Gregory, M.D., Lic. No. H7839, Carlise, PA**

On June 16, 2017, the Board and Gregory Theodore, M.D., entered into an Agreed Order Modifying Prior Order, modifying his August 2016 Order. The modification allows Dr. Theodore to return to practice in Texas and places him under the following terms for 10 years, which after passage of a five year period, he may seek amendment: shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; participate in Narcotics Anonymous activities no less than four times a week; and receive care and treatment from a Board approved psychiatrist no less than once a month. The Board found Dr. Theodore pleaded guilty to intentional unauthorized purchase and to unlawful possession of a schedule II controlled substance and was sentenced to three years' probation in Pennsylvania. He has been sober since July 1, 2015. The Board panel concluded Dr. Theodore deserves the chance to return to practice in Texas doing locum tenens and that stringent monitoring is in the best interest of Dr. Theodore and the public. All other terms of the 2016 order remain in full effect.

CEASE AND DESIST**Fortner, Lance, No License, Dallas**

On June 16, 2017, the Board and Lance Fortner entered into an Agreed Cease and Desist Order prohibiting Mr. Fortner from practicing medicine in the state of Texas and ordering him to cease and desist from identifying himself as a doctor. The Board found that on or after February 2010, Mr. Fortner held himself out as or otherwise impersonated a physician using the fictitious name "Brendan DeMarco, M.D.," as well as his legal name, Lance Fortner.

Morrow, Robert, D.C., No License, Houston

On June 16, 2017, the Board and Robert Morrow, D.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Morrow from practicing medicine in the state of Texas without a license issued by the Texas Medical Board and requiring him to ensure that all medical services provided by independent contract physicians and that all services provided by Mr. Morrow remain administrative in nature or within the parameters of his license as a chiropractor. The Board found Mr. Morrow contracted with two physicians to provide medical care to clinic patients, who delegated specific medical tasks to assistants and Mr. Morrow, including initial patient examinations.

Precourt, Laura, D.C., No License, Plano

On June 16, 2017, the Board and Laura Precourt, D.C., entered into an Agreed Cease and Desist Order prohibiting Ms. Precourt from practicing medicine in the state of Texas, shall cease and desist using the titles Doctor, Medical Doctor, or Physician unless licensed by the Texas Medical Board. Because Ms. Precourt is a licensed Chiropractor, she may use the title of "Doctor of Chiropractic" or "D.C." Ms. Precourt shall cease and desist from using the post-nominal titles of Doctor of Functional Medicine, Doctor of Pastoral Medicine, or any other title that is not recognized by Texas as an authority authorizing her use of the prenominal title of Doctor. Ms. Precourt shall denote in all promotional materials and biographies that she is not licensed to practice medicine in Texas. The Board found Ms. Precourt has identified herself in online promotional materials and biographies using the prenominal title Doctor and used the post-nominal title of Doctor of Pastoral Sciences and Functional Medicine Doctor as the authority authorizing her use of the prenominal title of Doctor neither of which is recognized in the state of Texas.

Rivaux, George Richard, No License, San Antonio

On June 16, 2017, the Board and George Richard Rivaux entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Rivaux was alleged to have engaged in the unlicensed practice of medicine by fraudulently portraying himself as a

physician assistant when meeting with patients and to bill Medicare. He was indicted on June 15, 2016 on two counts of health care fraud and has pleaded not guilty to all the charges.

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To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."

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