

Texas Medical Board

News Release

FOR IMMEDIATE RELEASE

Thursday, August 30, 2007

Media contact: Public Information Officer Jill Wiggins at jill.wiggins@tmb.state.tx.us or (512) 305-7018. Non-media contact: (512) 305-7030 or (800) 248-4062.

Medical Board Disciplines 88 Doctors and Licenses a Record Number of Physicians

At its August 23-24 meeting, the Texas Medical Board took disciplinary action against 88 licensed physicians.

Actions included 11 violations based on quality of care; seven actions based on unprofessional conduct; five actions based on violation of probation or prior board orders; four actions based on inadequate medical records violations; three actions based on impairment due to alcohol or drugs; three action based on nontherapeutic prescribing; one action based on inadequate supervision; two actions based on violations of board rules; seven voluntary surrenders; four advertising violations; one action based on another state board's action; one temporary restriction and 39 minimal statutory violations by 38 physicians. The board issued two cease and desist orders against unlicensed practitioners.

New Licenses Issued; Record High Total Number of Licenses Issued

The board issued 980 physician licenses at the August 23-24 meeting. This brings the total number of physician licenses issued in Fiscal Year 2007 to 3,324, compared to 2,516 for FY-2006. This was accomplished with additional resources from the 80th Legislature, along with grant money to allow for hiring temporary workers and paying overtime, while maintaining the same high standards of evaluation for licensure applicants, assuring that public protection is maintained by licensing only qualified applicants to practice medicine in Texas.

Rule Changes Adopted

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

Chapter 161, General Provisions, proposed amendments to 161.3, Organization and Structure, regarding standards of conduct for Board members, including prohibiting expert testimony by board members in cases in which a licensee is a party and in which the expert testimony relates to the standard of care or medical malpractice.

Chapter 176, Health Care Liability Lawsuits and Settlements, to include rule review and amendments to 176.1 Definitions; 176.2 Reporting Responsibilities; 176.4 Timeframes and Attachments; 176.6 Penalty; 176.8 Board Review of Health Care Liability Lawsuits and Settlements; and 176.9 Reporting Form. Provides statutory references to Chapter 74 of the Texas Civil Practices and Remedies Code and Chapters 82 and 1901 of the Insurance Code, and updates name of Texas Medical Board.

Chapter 181, Contact Lens Prescriptions, to include rule review and amendments to 181.2 Definitions; 181.3 Release of Contact Lens Prescription; and 181.6 Physician's Prescriptions: Delegation, relating to establishing that the verification of a contact lens prescription may substitute for an original signature to create a valid contact lens prescription.

Chapter 191, District Review Committees, to include rule review of 191.1-191.5, and amendments to 191.4 Activities and Scope of Authority. Deletes provision that allows District Review Committee (DRC) members to evaluate medical competency of physicians under investigation. Establishes DRC members are allowed to participate in mediation and requires DRC members to have the same qualifications as expert panel members.

Chapter 194, Non-certified Radiologic Technicians, to include rule review of 194.1-194.11 and amendments to 194.2 Definitions; 194.3 Registration; 194.4 Annual Renewal; 194.5 Non-Certified Technician's Scope of Practice; 194.6 Suspension, Revocation or Nonrenewal of Registration. Provides updates regarding the names of the Texas Medical Board and Department of State Health Services, and clarifies that NCT registrations that are not renewed within 90 days will be considered expired.

Chapter 197, Emergency Medical Service, to include rule review 197.1-197.6 and amendments to 197.1 Purpose; 197.2 Definitions; 197.3 Off-line Medical Director; and 197.4 On-Line Medical Director. Provides updates regarding the names of the Texas Medical Board and Department of State Health Services, requires that EMS medical directors report to the board the names and license numbers of all emergency medical personnel who work under a medical director's supervision, and removes the requirement that on-line physicians be familiar with the capabilities of the pre-hospital providers, as well as local EMS operational policies and regional critical care referral protocols.

Chapter 200, Standards for Physicians Practicing Complementary and Alternative Medicine, to include rule review. No proposed changes.

Proposed Rule Changes Withdrawn

Chapter 172, Temporary Licenses, proposed amendments to 172.14 Limited License for Practice of Administrative Medicine.

Chapter 182, Use of Experts, proposed new rule 182.9. Selection of Reviewers in Cases of Utilization, provides that review of cases regarding the assessment and/or determination of the medical necessity of treatment will be referred to experts randomly selected from among those experts who participate in making such decisions for another individual, entity, or organization.

Chapter 190, Violation Guidelines, sets forth standard procedures necessary to make a reasoned medical decision in the assessment and/or determination of the medical necessity of treatment for another individual, entity, or organization.

Proposed Rules and Rule Review

The following proposed rules and rule reviews will be published in the *Texas Register* for comment, in accordance with [§2001.039](#), Gov't Code:

Chapter 162, Supervision of Medical Students, to include changes in [§162.1](#), relating to supervision of medical students.

Chapter 164, Physician Advertising, rule review.

Chapter 173, Physician Profiles, to include changes to [§173.1](#) relating to Profile contents, [§173.2](#), Profile Update and Correction Form, and [§173.5](#), Updates to the Physician's Profile Due To Information Received by a Third Party.

Chapter 196, Voluntary Surrender or Relinquishment of a Medical License, to include changes to [§196.2](#), Surrender Associated with Disciplinary Action and [§196.3](#), Surrender Associated with Impairment.

Chapter 198, Unlicensed Practice, rule review and proposed amendment to include changes to [§198.2](#), Complaints, and [§193.3](#), Investigation of Complaints.

Chapter 199, Public Information, rule review and proposed amendments to include changes to [§199.3](#) relating to Requests for Information; [§199.4](#) relating to Charges for Copies of Public Records, and amendment to [§199.5](#), Notice of Ownership Interest in a Niche Hospital.

Open records requests for orders may be made to openrecords@tmb.state.tx.us. **Media** contact Jill Wiggins at (512) 305-7018 or jill.wiggins@tmb.state.tx.us.

DISCIPLINARY ACTIONS

QUALITY OF CARE VIOLATIONS

- **CARLSON, DAVID W., GARLAND, TX, Lic. #H0233**
On August 24, 2007, the Board and Dr. Carlson entered into an Agreed Order requiring Dr. Carlson to obtain 12 hours of CME in cardiovascular disease and payment of an administrative penalty of \$2,000. The action was based on Dr. Carlson's inadequate treatment and monitoring of a patient with atrial fibrillation.
- **CHANG, JUNE-CHIEH, M.D., CONROE, TX, Lic. #K4020**
On August 24, 2007, the Board and Dr. Chang entered into a three-year Agreed Order requiring that he have his practice monitored by another physician, complete a course in record-keeping, and complete an additional 10 hours of CME in pain management for each year of the order. The action was based on Dr. Chang's failure to maintain adequate medical records, failure to examine whether treatment followed was effective and if there were any alternatives to that treatment, and inadequate monitoring of medications prescribed.

- DAVIS, JENNIFER L., M.D., CORPUS CHRISTI, TX, Lic. #J4070**
 On August 24, 2007, the Board and Dr. Davis entered into an Agreed Order requiring that she complete 10 hours of CME in risk management and that she pay an administrative penalty of \$1,000. The action was based on Dr. Davis's inappropriately prescribing antidepressants to herself and a family member.
- ELDERS, GREGORY J., M.D., GRAPEVINE, TX, Lic. #L8677**
 On August 24, 2007, the Board and Dr. Elders entered into a three-year Agreed Order requiring that Dr. Elder not treat or provide medications to his immediate family or himself, that he maintain a logbook of all prescriptions for controlled substances or dangerous drugs with addictive potential or potential for abuse, and that he complete an eight hour course in medical record-keeping and an eight hour course in ethics/risk management. The action was based on Dr. Elders's inappropriate prescribing of medications to family members without maintaining medical records.
- HOZDIC, RICHARD L. II, M.D., ATLANTA, TX, Lic. #J8587**
 On August 24, 2007, the Board and Dr. Hozdic entered into an Agreed Order requiring that Dr. Hozdic complete 10 hours of CME in the area of pediatric ENT emergencies and that he pay an administrative penalty of \$1,000. The action was based on Dr. Hozdic's failure to adequately treat a patient who had a pebble lodged in his ear.
- MASSEY, WARNER, M.D., GRAND SALINE, TX, Lic. #D6084**
 On August 24, 2007, the Board and Dr. Massey entered into an Agreed Order which is an addendum to his February 16, 2007 Order and requires that Dr. Massey complete an additional 10 hours CME per year in pain management, 15 hours CME per year in the areas of psychiatry or psychiatric illnesses, and that he purchase and use a PDA in his regular practice with PDR/medical software installed. The action was based on Dr. Massey's failure to adequately treat two patients with chronic headaches and anxiety.
- MONTELONGO, JUAN A., M.D., EL PASO, TX, Lic. #H6445**
 On August 24, 2007, the Board and Dr. Montelongo entered into an Agreed Order publicly reprimanding Dr. Montelongo and requiring the completion of 30 hours total in courses related to risk management, pediatric emergencies, and pediatric surgical conditions; passage of the Texas Medical Jurisprudence examination with a score of at least 75 within three attempts; completion of an Advanced Pediatric Life Support Course and Pediatric Life Support certification. The action was based on Dr. Montelongo's failure to meet the standard of care by sending a child patient, who presented with bowel obstruction and gastroenteritis, to the ICU without obtaining an emergent surgical consultation to evaluate for an acute abdomen as a possible source of sepsis.
- PETEREK, WILLIAM, M.D., GALVESTON, TX, Lic. #D7384**
 On August 24, 2007, the Board and Dr. Peterek entered into an Agreed Order requiring that Dr. Peterek's practice be monitored by another physician for two years and that he complete a course in record-keeping of at least eight hours. The action was based on his failure to adequately treat three patients with symptoms of hypertension, urinary dysfunction, and/or prostatitis, and failure to maintain adequate medical records.
- ROJAS, PETER P., M.D., VICTORIA, TX, Lic. #D7276**
 On August 24, 2007, the Board and Dr. Rojas entered into an Agreed Order requiring that Dr. Rojas complete eight hours of CME in medical record-keeping and eight hours of CME in risk management, and that he pay an administrative penalty of \$2,000. The action was based on his failure to meet the standard of care for a patient who underwent ulcer surgery, as demonstrated by his failure to exercise diligence in his examination and treatment of the patient after the surgery and by failing to make and keep adequate records of examinations performed on two dates.
- SMITH, JEFFREY S., M.D., MIDLAND, TX, Lic. #K3476**
 On August 24, 2007, the Board and Dr. Smith entered into a three-year Mediated Agreed Order

requiring that Dr. Smith's practice be monitored by another physician, that he complete a course in spinal surgery of at least 20 hours and a course in medical record-keeping of at least 10 hours, and that he pay an administrative penalty of \$3,000. The action was based on Dr. Smith's not obtaining a discography as part of the pre-operative workup for two patients who underwent interbody fusions, and for pre-operative documentation for a patient that did not consistently document the presence of radiculopathy to substantiate surgical intervention.

- **WIENER, ISIDORO, M.D., HOUSTON, TX, Lic. #G5769**

On August 24, 2007, the Board and Dr. Wiener entered into an Agreed Order requiring that the physician obtain 10 hours of CME in the management of surgical complication. The action was based on Dr. Wiener's delay in performing a second-look laparotomy for a patient who underwent a laparoscopic lysis of adhesions and excision of a cecal cyst initially completed without complication, but who subsequently developed complications.

UNPROFESSIONAL CONDUCT VIOLATIONS

- **BELL, WAYNE L., M.D., POTTSBORO, TX, Lic. #E8319**

On August 24, 2007, the Board and Dr. Bell entered into an Agreed Order requiring that the physician complete at least 30 hours of additional CME in risk management, medical record-keeping, and ethics; have a chaperone present any time he performs a physical examination on a female patient; and pay an administrative penalty of \$1,000. The action was based on the physician's examination of a female patient on two occasions without a chaperone present and without creating a medical record based on the examinations.

- **KERN, SUSAN B., M.D., KINGWOOD, TX, Lic. # G6785**

On August 24, 2007, the Board and Dr. Kern entered into an Agreed Order requiring that Dr. Kern limit her practice to research medicine and see patients only as part of institutional research and medicine and that she may not prescribe or authorize approval or refills of dangerous drugs. The action was based on allegations that she violated her December 2005 order by prescribing and refilling, on several occasions, controlled substances and dangerous drugs with addictive or abusive potential.

- **KEY, JAMES D. SR, M.D., BROWNSVILLE, TX, Lic. #E3339**

On August 24, 2007, the Board and Dr. Key entered into an Agreed Order requiring that Dr. Key obtain 20 hours of CME in ethics and that he pay an administrative penalty of \$3,000. The action was based on Dr. Key's becoming financially involved with a patient in an inappropriate manner.

- **LINDLEY, HERBERT, M.D., ANADARKO, TX, Lic. #H4018**

On August 24, 2007, the Board and Dr. Lindley entered into an Agreed Order requiring that he obtain eight hours of ethics courses or ethics programs yearly for three years, and that he pay an administrative penalty of \$500. The action was based on Dr. Lindley's performance of a genital examination of a patient with abdominal pain without providing adequate explanation of the indication for the examination, failing to document the examination, and failing to adequately document the findings of the examination.

- **MAXWELL, SETH C., M.D., GALVESTON, TX, PIT Lic. #BP30013291**

On August 24, 2007, the Board and Dr. Maxwell entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on instances of unprofessional conduct and disruptive behavior while in residency at UTMB.

- **RANA, PUSHPA R., M.D., DALLAS, TX, Lic. #E5900**

On August 24, 2007, the Board and Dr. Rana entered into an Agreed Order requiring that Dr.

Rana's practice be monitored by another physician for one year and that she complete 15 hours of CME in risk management and 15 hours of CME in the treatment of allergies. The action was based on her placement on deferred adjudication due to indictments for Medicaid fraud.

- **RAPER, THOMAS B., NEW ORLEANS, LA, Lic. #L9442**
On August 24, 2007, the Board and Dr. Raper entered into an Agreed Order requiring that Dr. Raper take and pass the Medical Jurisprudence Examination and pay an administrative penalty of \$5,000. The action was based on Dr. Raper's failure to honor an agreement to practice in a rural area in Arkansas upon completion of his medical education and on his initial failure to timely repay the student loan. The agreement with the Arkansas Rural Medicine Practice Student Loan and Scholarship Board had given him special consideration to be admitted to medical school.

VIOLATION OF PROBATION OR PRIOR ORDER

- **DEEP, ANTHONY M., M.D., SAN ANTONIO, TX, Lic. #K9254**
On August 24, 2007, the Board and Dr. Deep entered into an Agreed Order requiring him to obtain 15 additional hours of CME in prescribing controlled substances, medical record-keeping, and risk management; and payment of an administrative penalty of \$500. The action was based on his violation of his 2001 order prior to its expiration on December 7, 2006, that required Dr. Deep to surrender all samples of controlled substances and dangerous drugs to DPS Narcotic Services.
- **KHAN, RABIA, M.D., IRVING, TX, Lic. #K4103**
On August 24, 2007, the Board and Dr. Khan entered into an Agreed Order requiring that she comply with all CME requirements of her December 10, 2004, Order with the Board within 180 days and that she pay an administrative penalty of \$1,000. The action was based on her violation of the 2004 Order by failing to obtain an additional 10 hours of approved CME in medical record-keeping for 2006.
- **OKOSE, PETER C., M.D., FRIENDSWOOD, TX, Lic. #J2714**
On August 24, 2007, the Board and Dr. Okose entered into an Agreed Order extending his 2006 order by two years, prohibiting him from treating pain patients or prescribing any pain medications, assessing an administrative penalty of \$6,000, and requiring the revocation of his license if he again violates his 2006 order. The action was based on his treatment of pain management patients in violation of his 2006 order.
- **ORTIZ, AURELIO A., M.D., MIAMI, FL, Lic. #F7870**
On August 24, 2007, the Board and Dr. Ortiz entered into an Agreed Order requiring that he pass the JP exam within 90 days and that he pay an administrative penalty of \$1,000. The action was based on his violation of his 2006 Order by failing to timely complete the CME requirements and pass the JP exam as required.
- **PATTESON, MORRIS K., M.D., LAMPASAS, TX, Lic. #E2779**
On August 24, 2007, the Board and Dr. Patteson entered into a 10-year Agreed Order requiring that he abstain from consuming prohibited substances, including alcohol and drugs not prescribed for him; participate in the Board's program for testing for drugs and alcohol; undergo an independent psychiatric evaluation; continue receiving care from his current treating psychiatrist at least once per month for the first year of treatment, and thereafter as requested; participate in the activities of Alcoholics Anonymous at least five times per week; continue to participate in the activities of a county or state medical society committee on physician health and rehabilitation; continue to participate in the Texas Medical Association random drug screening program; not treat immediate family or himself; maintain a log for every prescription written for controlled substances or dangerous drugs with addictive potential or potential for abuse; not have access to controlled substances in his office; and limit his practice to no more than 50 hours per week in a

group setting. The action was based on Dr. Patterson's testing positive for Butalbital and EtG after submitting to a random drug screening.

INADEQUATE MEDICAL RECORDS

- **BOND, WILLIAM M., M.D., HOUSTON, TX, Lic. #F9220**
On August 24, 2007, the Board and Dr. Bond entered into a two-year Agreed Order requiring that Dr. Bond have his practice monitored by another physician and that he obtain 10 additional hours of CME in medical record-keeping. The action was based on Dr. Bond's failure to maintain adequate and legible medical records.
- **FRANCIS, ALBERTO, M.D., McALLEN, TX, Lic. #F8484**
On August 24, 2007, the Board and Dr. Francis entered into an Agreed Order requiring that Dr. Francis complete a 10-hour course in medical record-keeping and that he pay an administrative penalty of \$500. The action was based on Dr. Francis' failure to maintain adequate medical records for a patient on whom he performed a tubal ligation.
- **McDONALD, BRUCE B., M.D., AUSTIN, TX, Lic. #E0261**
On August 24, 2007, the Board and Dr. McDonald entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on Dr. McDonald's prescription of Tenuate Dospan to a family member for the purpose of weight reduction without maintaining medical records to document the circumstances under which he prescribed the medication.
- **VEMURU, RAVIKUMAR, M.D., ODESSA, TX, Lic. #J5044**
On August 24, 2007, the Board and Dr. Vemuru entered into an Agreed Order requiring that he complete five hours of CME in medical record-keeping and five hours in risk management. The action was based on his failure to document his interactions with a patient being treated for iron deficiency and the reason for the delay in providing results from a diagnostic study.

IMPAIRMENT DUE TO ALCOHOL OR DRUGS

- **LONGMOOR, CHARLES E., M.D., DALLAS, TX, Lic. #J4307**
On August 24, 2007, the Board and Dr. Longmoor entered into a seven-year Agreed Order limiting his practice of medicine to a group or institutional setting; requiring he abstain from the consumption of prohibited substances, participate in the Board's drug screening program, undergo a 96-hour inpatient evaluation for substance abuse, be treated by a psychiatrist and psychotherapist, attend AA at least five times a week, and pay an administrative penalty of \$1,000. The action was based on his intemperate use of alcohol and his 30-day jail sentence for violation of his deferred adjudication agreement related to charges of criminal trespass of a habitation.
- **SILVA, SERGIO, M.D., AUSTIN, TX, Lic. #J8773**
On August 24, 2007, the Board and Dr. Silva entered into an Agreed Order suspending Dr. Silva's license until at least May 11, 2008, and until he can provide evidence that he is able to safely practice medicine. The action was based on his nontherapeutic prescribing of medications to a seven-year old patient who subsequently suffered from medication induced toxicity and his impairment due to his use of cocaine.
- **WRIGHT, MARK L., M.D., WACO, TX, Lic. #H4810**
On August 24, 2007, the Board and Dr. Wright entered into a 10-year Agreed Order requiring that Dr. Wright abstain from consuming prohibited substances, including alcohol and drugs not prescribed for him; participate in the Board's program for testing for drugs and alcohol; continue receiving care from his current treating psychiatrist at least one time every other week in group therapy and once a month on an individual basis; and participate in the activities of Alcoholics Anonymous at least three times per week. The action was based on Dr. Wright's abuse of alcohol.

NONTHERAPEUTIC PRESCRIBING

- **CABANSAG, DEANA., M.D., ARLINGTON, TX, Lic. #L3255**
On August 24, 2007, the Board and Dr. Cabansag entered into a three-year Agreed Order requiring that he limit his practice to a group or institutional setting, that he maintain a logbook of all prescriptions written for controlled substances or dangerous drugs with addictive potential or potential for abuse, that his practice be monitored by another physician, that he pass the Special Purpose Examination, that he personally attend and complete 10 hours of ethics and 10 hours of CME in pain management, and that he pay an administrative penalty of \$3,000. The action was based on his failure maintain adequate medical records related for patients with intractable pain, and his nontherapeutic prescribing of medications.
- **GIBSON, DONALD II, M.D., SUGARLAND, TX, Lic. #H5209**
On August 24, 2007, the Board and Dr. Gibson entered into a five-year Agreed Order requiring that Dr. Gibson become familiar with state and federal law pertaining to dangerous drugs and controlled substances, that his practice be monitored by another physician, that he complete 10 hours of CME in medical ethics and medical record-keeping, and that he complete the process of becoming re-certified by the American Board of Internal Medicine. The action was based on Dr. Gibson's maintenance of inadequate and illegible medical records for patients with intractable pain and his nontherapeutic prescribing of dangerous or addictive drugs.
- **MANIA, WILLIAM M., M.D., RICHARDSON, TX, Lic. #F9770**
On August 24, 2007, the Board and Dr. Mania entered into an Agreed Order requiring that he obtain an additional six hours of medical record-keeping, six hours in the diagnosis and treatment of psychiatric disorders, and pay an administrative penalty of \$1,000. The action was based on his nontherapeutic prescribing of Xanax to patient.

INADEQUATE SUPERVISION OR DELEGATION

- **SCHROEDER, VINITA B., M.D., HIGHLAND PARK, TX, Lic. #J4504**
On August 24, 2007, the Board and Dr. Schroeder entered into an Agreed Order assessing an administrative penalty of \$5,000. The action was based on her delegation of a medical act and failure to supervise a physician not licensed in the state of Texas.

VIOLATION OF BOARD RULES

- **OLIVENCIA-YURVATI, ALBERT H., D.O., FORT WORTH, TX, Lic. #H2655**
On August 24, 2007, the Board and Dr. Olivencia-Yurvati entered into an Agreed Order assessing an administrative penalty of \$5,000 and requiring that the physician research and write a paper suitable for publication regarding the steps to follow in the diagnosis and treatment of esophageal injuries. The action was based on his failure to use proper diligence in his workup of a patient who required esophageal repair after a perforation by the anesthesiologist during a surgical procedure by another physician.
- **PIGOTT, SHIRLEY P., M.D., VICTORIA, TX, Lic. #F7054**
On August 24, 2007, the Board and Dr. Pigott entered into a Mediated Agreed Order requiring that Dr. Pigott obtain 10 hours of CME in the area of medical record keeping, that she submit written office policies relating to the office's practice and procedure for managing requests for medical records and lab reports, and that she pay an administrative penalty of \$500. The action was based on Dr. Pigott's failure to timely release certain lab tests to a single patient.

VOLUNTARY SURRENDERS

- **BLINKOV, ANDREW, M.D., HOUSTON, TX, Lic. #K1368**
On August 24, 2007, the Board and Dr. Blinkov entered into an Agreed Order permitting Dr.

Blinkov to voluntarily surrender his license. The surrender was permitted in lieu of further investigation related to his alleged violation of his August 2006 order.

- **BRYAN, GARY L., M.D., PLANO, TX, Lic. #M0024**
On August 24, 2007, the Board and Dr. Bryan entered into an Agreed Order revoking Dr. Bryan's license. The action was based on Dr. Bryan's alcohol relapse on January 24, 2007, while under a suspension order of the Board requiring abstinence from alcohol.
- **CONNER, W. KEITH, D.O., AUSTIN, TX, Lic. #G8683**
On August 24, 2007, the Board and Dr. Connor entered into an Agreed Order prohibiting him from maintaining a medical office and requiring the cancellation of his license at the end of November 2007 based on his voluntary surrender of his license. The action was based on his placement on deferred adjudication for a misdemeanor for prescribing Xanax to a patient without a physical examination or an adequate medical record.
- **CREAMER, DICK O., M.D., SAN ANTONIO, TX, Lic. #C1830**
On August 24, 2007, the Board and Dr. Creamer entered into an Agreed Order whereby the Board accepted Dr. Creamer's voluntary and permanent surrender of his license. The action was based on Dr. Creamer's prescribing of controlled substances for family members, former patients, and himself without maintaining adequate medical records.
- **GORDON, WILLIAM H. Jr., M.D., LUBBOCK, TX, Lic. #D0890**
On August 24, 2007, the Board and Dr. Gordon entered into an Agreed Order accepting the voluntary surrender of Dr. Gordon's license. The action was based on his failure to comply with a Board subpoena for medical records while under a suspension order of the Board.
- **KHAN, NASIM, M.D., SPRING, TX, Lic. #G5947**
On August 24, 2007, the Board and Dr. Khan entered into an Agreed Order whereby the Board accepted Dr. Khan's voluntary and permanent surrender of his license. The action was based on her failure to meet the standard of care due to her nontherapeutic prescription of controlled substances to four patients and to herself.
- **MARRACK, DAVID, M.D., BELLAIRE, TX, Lic. #D1318**
On August 24, 2007, the Board and Dr. Marrack entered into an Agreed Order whereby the Board accepted Dr. Marrack's voluntary and permanent surrender of his license. The action was based on Dr. Marrack's permanent and severe loss of vision, and his decision to surrender his license in lieu of further investigation relating to allegations that he failed to comply with federal guidelines related to his prescribing of controlled substances.

ADVERTISING VIOLATIONS

- **FAM, FATHI G., M.D., DALLAS, TX, Lic. #E7909**
On August 24, 2007, the Board and Dr. Fam entered into an Agreed Order requiring that he complete 20 hours of CME in medical ethics, that he maintain his web site and printed materials related to skin care classes and services in compliance with Board rules and that he pay a \$5,000 administrative penalty. The action was based on his publications of advertisements that contained statements that were confusing, misleading and not readily subject to verification.
- **TRIGO, LUIS C. III, M.D., DALLAS, TX, Lic. #J2467**
On August 24, 2007, the Board and Dr. Trigo entered into an Agreed Order requiring that Dr. Trigo complete eight hours of ethics, that he complete an office management audit, that he revise his CV and office brochure to remove any and all false and/or misleading statements, and that he pay an administrative penalty of \$1,000. The action was based on his use of misleading advertisements and his failure to adequately supervise those working under his direction.
- **TYLOCK, GARY R., M.D., IRVING, TX, Lic. #G2869**
On August 24, 2007, the Board and Dr. Tylock entered into an Agreed Order requiring that he develop a written, internal protocol to be approved by the Executive Director that sets out

guidelines for all advertising related to Dr. Tylock's practice and that he pay an administrative penalty of \$500. The action was based on his advertising professional superiority without identifying the basis for the claim in the advertising.

- **ROBY, RUSSELL R., M.D., AUSTIN, TX, Lic. #E1255**

On August 24, 2007, the Board and Dr. Roby entered into a four-year Agreed Order requiring that Dr. Roby provide certain information to the public in all advertisements and print media; that his practice be monitored by another physician; that he successfully complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an approved equivalent program; that he complete six hours of CME in ethics; that he not treat any patient with thyroid therapy; that he maintain a logbook for each patient of all antigen injections given to that patient; that he provide copies of all proposed clinical studies research projects, IRB proposals, phase 1 and 2 studies/results, and any on-going or proposed research projects; and that he pay a \$15,000 administrative penalty. The action was based on misleading advertising about hormone neutralization therapy.

OTHER STATE BOARD ACTIONS

- **DEAN, PATRICK J., M.D., MEMPHIS, TN, LIC. #491214**

On August 24, 2007, the Board and Dr. Dean entered into an Administrative Agreed Order reprimanding Dr. Dean and requiring him to comply with all the terms and conditions of his Consent Order entered by the North Carolina Medical Board on September 14, 2006. The action was based on action taken by the North Carolina Medical Board as a result of Dr. Dean's evaluating pathology specimens from patients in North Carolina prior to having obtaining a North Carolina medical license.

TEMPORARY RESTRICTION OR SUSPENSION

- **WOODWARD, JOHN R., M.D., DALLAS, TX, LIC. #D4884**

On August 24, 2007, the Board issued a Temporary Restriction Order against Dr. Woodward that prohibits Dr. Woodward from prescribing or administering any controlled substances or dangerous drugs. The action was based on the Board's determination that Dr. Woodward has demonstrated impaired judgment in part as a result of his self-prescribing of Accomplia, which caused him significant severe effects and is not approved by the FDA for use in the United States.

CEASE AND DESIST ORDERS

The 80th Legislature gave the Texas Medical Board the authority to issue cease-and-desist orders in cases where it finds the unlicensed practice of medicine, and the following orders were issued in accordance with the legislation and with Board Rule Chapter 198, Unlicensed Practice.

On August 24, 2007, the Board and **Burnett Armstrong** entered into an Agreed Cease and Desist Order, requiring that Mr. Armstrong cease and desist any practice of medicine effective August 13, 2007. The action was based on his holding himself out as a physician and treating a patient for the flu even though Mr. Armstrong is not licensed to practice medicine in Texas.

On August 24, 2007, the Board and **Charles Richter** entered into an Agreed Cease and Desist Order, requiring that Mr. Richter cease and desist any practice of medicine in the state of Texas, effective August 7, 2007. The action was based on his holding himself out as a physician and treating several patients diagnosed with cancer even though Mr. Richter is not licensed to practice medicine in Texas.

MINIMAL STATUTORY VIOLATIONS

The following licensees agreed to enter into orders with the Board for minimal statutory violations:

Hyde, Gregory E., M.D., Amarillo, Tx, Lic. #M0115

Aguirre, Marisa L., M.D., Laredo, TX, Lic. #L3550

Albertson, Gary R., D.O., Volente, TX Lic. #D7899

Arroyo, Carlos, M.D., Channelview, TX, Lic. #F9148

Avila, Celestino, M.D., Donna, TX, Lic. #F1352

Berman, John, M.D., Boulder, CO, Lic. #G0898

Black, William H., M.D., The Colony, TX, Lic. #H3980

Bradley, Dale J., D.O., Tyler, TX, Lic. #L1276

Douglas, Howard Thomas III, M.D., Irving, TX, Lic. #F1511

Edwards, Robert L., M.D., San Antonio, TX, Lic. #C4307

Garcia, Jesse, G., M.D., Corpus Christi, TX, Lic. #L8345

Giessel, Barton E., M.D., Dallas, TX, Lic. #K7541

Gutierrez, Carlos A., M.D., El Paso, TX, Lic. #F8501

Hurly, James M., M.D., Amarillo, TX, Lic. #J7996

Hyde, Gregory E., M.D., Amarillo, Tx, Lic. #M0115

Ilahi, Arifa, M.D., Baytown, TX, Lic. #E1623

Jackson, Robert W., M.D., Toronto, Canada, Lic. #J0968

Joglar, Jeanne M., M.D., Dallas, TX, Lic. #J2184

Johnson, Harold E., D.O., Burleson, TX, Lic. #G8202

Johnson, Jerry K., M.D., White Oak, TX, Lic. #E6442

Kaminsky, Robert I., M.D., Houston, TX, Lic. #D5054

Lambert, Robert M., M.D., Yoakum, TX, Lic. #H1506

Leeah, Benjamin, M.D., Amarillo, Tx, Lic. #L5020

Kohn, Bernadette G., D.O., McHenry, IL, Lic. #G5262

Major-Kincade, Terri Lynn, M.D., Plano, TX, Lic. #L1123

McNutt, Steven S., M.D., Arlington, TX, Lic. #L0413 (2 orders)

Mosig, David A., D.O., Lufkin, TX, Lic. #H2623

Parikh, Ramesh R., M.D., Houston, TX, Lic. #D6603

Peden, Eric K, M.D., Houston, TX, Lic. #J8709

Pfeiffer, Ralph B., M.D., Mobile, AL, Lic.#E2319

Pharo, Arlette N., D.O., Houston, TX, Lic. #H6509

Rogers, Albert M., M.D., San Antonio, TX, Lic. #B5862

Safarimaryaki, Shahrokh, M.D., Longview, TX, Lic. #K7092

Sekhavat, Abbass, M.D., Richardson, TX, Lic. #G2477

Shimer, Andrew T., M.D., McKinney, TX, Lic. #J6723

Van de Water, Susan D., M.D., Midland, TX, Lic. #H2869

Venegas, Eric J., M.D., Midland, TX, Lic. #K7934

Williams, William G., M.D., Boise, ID, Temporary Permit

Zhou, Larry L., M.D., Prospect, KY, Lic. #K8866

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