

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

October 31, 2016

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TMB disciplines 21 physicians at October meeting

At its October 14, 2016 meeting, the Texas Medical Board disciplined 21 licensed physicians and issued six cease and desist orders. The disciplinary actions included: five orders related to quality of care violations, one order related to unprofessional conduct, two revocations, three voluntary surrenders/revocations, three orders related to violation of Board rules, five orders related to violation of prior Board order, one order related to inadequate medical records, and one order related to impairment.

The Board issued 182 physician licenses at the October meeting, bringing the total number of physician licenses issued in FY17 to 616.

No rules were adopted during the October meeting.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Adeleye, Victoria M., M.D., Lic. No. N7985, Conroe

Order entered on August 26, 2016, was vacated and replaced with Agreed Order entered on October 14, 2016 with same terms and conditions.

Armbruster, David Russell, D.O., Lic. No. D1381, Pearland

On October 14, 2016, the Board and David Russell Armbruster, D.O., entered into an Agreed Order requiring Dr. Armbruster to within 90 days develop a written pain contract that requires random drug testing and terminations for violations of the contract; and within one year complete at least 16 hours of CME, divided as follows: eight hours in opioid prescribing, four hours in risk management and four hours in drug seeking behavior. The Board found Dr. Armbruster admitted that he used no written pain contract with patients that he treated for chronic pain and that his medical records were inadequate.

Gregory, Janet, D.O., Lic. No. P1759, Baton Rouge, LA

On October 14, 2016, the Board and Janet Gregory, D.O., entered into an Agreed Order requiring her to within one year complete at least 16 hours of CME, divided as follows: eight hours in diagnosis and management of complications due to epidural steroid injections and/or acute epidural hematoma management and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Gregory failed to meet the standard of care by not recognizing and/or appreciating the patient's symptoms or fully documenting a patient's medical history in which she failed to diagnose a spinal hemorrhage.

Nguyen, Michael Van, M.D., Lic. No. P7821, The Woodlands

On October 14, 2016, the Board and Michael Van Nguyen, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in diagnosis and management of complications due to epidural steroid injections and/or acute epidural hematoma management and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Nguyen failed to meet the standard of care by not recognizing and/or appreciating the patient's symptoms or fully documenting a patient's medical history in which he failed to diagnose a spinal hemorrhage.

Syed, Ghyasuddin, M.D., Lic. No. L3493, Baytown

On October 14, 2016, the Board and Ghyasuddin Syed, M.D., entered into an 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; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Syed failed to meet the standard of care in that he did not maintain adequate medical records for four patients.

UNPROFESSIONAL CONDUCT

Lee, Kirk Reese, M.D., Lic. No. J0062, Sugar Land

On October 14, 2016, the Board and Kirk Reese Lee, M.D., entered into an Agreed Order, suspending Dr. Lee's Texas medical license; and staying the suspension six months after the date of the signing of the Order, placing him on probation under the following terms: abstain from the consumption of prohibited substances as defined in the order for 10 years, within 90 days obtain an independent medical evaluation from a board certified psychiatrist and follow all recommendations for care and treatment, participate in Alcoholics Anonymous no fewer than 90 meetings in the first 90 days and three times per week thereafter, within seven days surrender DEA/DPS controlled substances certificates, following automatic stay of suspension Dr. Lee shall not practice medicine beyond 20 hours per week, and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Lee engaged in unprofessional conduct in that he became impaired due to abuse of alcohol while he was under an agreement to abstain from alcohol consumption.

REVOICATION

Davis, Carl Cuthbert, M.D., Lic. No. E9598, Houston

On October 14, 2016, the Board entered a Final Order against Carl Cuthbert Davis, M.D., which revoked his Texas medical license. The Board found Dr. Davis failed to meet the standard of care in the treatment of multiple chronic pain patients, failed to properly supervise his midlevels who nontherapeutically prescribed controlled substances and failed to maintain adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Davis has 20 days from the service of the order to file a motion for rehearing.

Fowler, Stephen R., M.D., Lic. No. H9514, Ennis

On October 14, 2016, the Board entered a Default Order against Stephen R. Fowler, M.D., which revoked his Texas medical license. On November 13, 2015, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging Dr. Fowler committed unprofessional conduct for violating his Texas Physician Health Program agreement. Dr. Fowler was served notice of the Complaint and subsequent hearing at SOAH. Dr. Fowler failed to appear at the SOAH hearing and no answer or responsive pleading was ever filed by Dr. Fowler. The Board granted a Determination of Default and Dr. Fowler's Texas medical license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Fowler has 20 days from the service of the order to file a motion for rehearing.

VOLUNTARY SURRENDER/REVOICATION

Etindi, Ransome, M.D., Lic. No. L2240, Waxahachie

On October 14, 2016, the Board and Ransome Etindi, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Etindi agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board has alleged that Dr. Etindi was indicted and pled guilty to having committed Medicare Fraud.

Gelzer, Ronald Leroy, M.D., Lic. No. J9046, Killeen

On October 14, 2016, the Board and Ronald Leroy Gelzer, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Gelzer agreed to the voluntary revocation of his Texas medical license in lieu of further disciplinary proceedings. Dr. Gelzer was under investigation following his voluntary surrender of his DEA controlled substances registration.

Pyles, Jocelyn Marie, M.D., Lic. No. G7943, Houston

On October 14, 2016, the Board and Jocelyn Marie Pyles, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Pyles agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. Dr. Pyles was under investigation resulting from her conviction of felony health care fraud.

VIOLATION OF BOARD RULES

Gilmore, John F., III, M.D., Lic. No. K0474, Houston

On October 14, 2016, the Board and John F. Gilmore, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management; and within 30 days present to the Compliance Department a written office policy for handling triplicate prescription forms. The Board found Dr. Gilmore pre-signed two official DPS prescription forms, when he determined he was not going to issue the prescriptions, he did not immediately void them or ensure they were stored securely.

Kennedy, Colleen, M.D., Lic. No. M7325, Dallas

On October 14, 2016, the Board and Colleen Kennedy, M.D., entered into an Agreed Order requiring Dr. Kennedy to have her practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least eight hours in CME, divided as follows: 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. Kennedy failed to maintain adequate medical records for, and failed to properly perform physician examinations prior to prescribing compound prescription medications to patients.

Maul, Robert Greg, D.O., Lic. No. E9798, Rowlett

On October 14, 2016, the Board and Robert Greg Maul, D.O., 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 eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Maul inappropriately allowed his office administrator to access his Prescription Access Texas program account.

VIOLATION OF PRIOR BOARD ORDER

Hernandez, Arthur, M.D., Lic. No. G1674, San Antonio

On October 14, 2016, the Board and Arthur Hernandez, M.D., entered into an Agreed Order publicly reprimanding Dr. Hernandez and requiring him to complete the KSTAR assessment which was required by his August 2015 Order by December 31, 2016. The Board found Dr. Hernandez violated his 2015 Order by failing to timely reimburse the Board for his practice monitor and by failing to complete the KSTAR assessment within the timeframe set forth in the order.

Motley, Jennifer Lee, M.D., Lic. No. L7491, Fort Worth

On October 14, 2016, the Board and Jennifer Lee Motley, M.D., entered into an Agreed Order publicly reprimanding Dr. Motley and requiring her to fully comply with all terms of the June 2015 Order and show proof of compliance by November 1, 2016; and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Motley failed to complete 12 hours of CME within the timeframe required by the Agreed Order.

Pham, Chi Manh, M.D., Lic. No. G1993, Houston

On October 14, 2016, the Board and Chi Manh Pham, M.D., entered into an Agreed Order on Formal Filing Modifying Prior Mediated Agreed Order, modifying Dr. Pham's June 2014 Order. The modification requires Dr. Pham to have his practice monitored for an additional eight consecutive chart monitoring cycles; within one year schedule an assessment with the Texas A&M Health Science Center Rural and Community Health Institute (KSTAR); within one year complete at least 18 hours of CME, divided as follows: four hours in professional communications, four hours in prescribing of antibiotics/resistance and 10 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Pham violated the 2014 Order by failing to implement any of the chart monitor's

recommendations. All other terms of the 2014 remain in full force and effect. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Reis, Marcos, M.D., Lic. No. G0810, Brownsville

On October 14, 2016, the Board and Marcos Reis, M.D., entered into a Superseding Agreed Order publicly reprimanding Dr. Reis 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 90 days complete at least 20 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in ethics, four hours in risk management, four hours in patient-physician communications and four hours in prescribing to geriatric patients; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Reis failed to take 20 hours of CME as required by the 2013 and 2015 orders and has failed to implement the recommendations made by his physician monitor. This order supersedes all previous orders.

Smith, Raleigh Arnold, III, M.D., Lic. No. F4547, Aransas Pass

On October 14, 2016, the Board and Raleigh Arnold Smith, III, M.D., entered into an Agreed Order publicly reprimanding Dr. Smith and requiring him to within 60 days complete the required CME hours, divided as follows: four hours in risk management and four hours in ethics; 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. Smith failed to comply with his 2014 Order by failing to complete the PACE Boundaries Course and CME required by the order.

INADEQUATE MEDICAL RECORDS

Brams, Matthew Neil, M.D., Lic. No. H4183, Houston

On October 14, 2016, the Board and Matthew Neil Brams, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least 12 hours of CME, divided as follows: eight hours in medical recordkeeping, to include the areas of geriatrics and psychiatry, and four hours in risk management. The Board found Dr. Bram's medical records were illegible and failed to contain all required elements of a psychiatric examination. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

IMPAIRMENT

Perry, Richard M., D.O., Lic. No. J7131, Huntsville

On October 14, 2016, the Board and Richard M. Perry, D.O., entered into an Agreed Order requiring Dr. Perry to within 30 days submit to an evaluation by the Physician Health Program and comply with any and all recommendations; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in appropriate prescribing of controlled substances; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Perry admitted to self-prescribing Tramadol to deal with the pain of physician injuries resulting from car accidents and that Dr. Perry is in a rehabilitation program to address addiction and his addictive tendencies.

CEASE AND DESIST

De La Torre, Ermit Marie, No License, Penitas

On October 14, 2016, the Board and Ermit Marie De La Torre entered into an Agreed Cease and Desist Order prohibiting Ms. De La Torre from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Ms. De La Torre entered a plea of guilty to one count of Conspiracy to Commit Health Care Fraud which arose from her employment at Palm Village Family Clinic, LLC, in Penitas, Texas.

Deleon, Evangelina, No License, Mission

On October 14, 2016, the Board and Evangelina Deleon entered into an Agreed Cease and Desist Order prohibiting Ms. Deleon from engaging in the unlicensed practice of medicine in the state of Texas. The Board found on May 1, 2014 the FBI and FDA executed a search warrant of Ms. Deleon's residence and during that search Ms. Deleon made statements that she injected clients with Juvederm, Radiesse, and Botox without physician supervision at her residence and other locations.

Hamilton, Donald, No License, Hemphill

On October 14, 2016, the Board and Donald Hamilton entered into an Agreed Cease and Desist Order prohibiting Mr. Hamilton from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Hamilton described himself on a website "Healthy Solutions," as a Nutritionist/Practitioner with a picture of him wearing a white lab coat with a stethoscope around his neck. According to the website, Mr. Hamilton's profile notes that, "Our holistic approach has helped acute, chronic, and degenerative conditions." Mr. Hamilton advised a mother of a pediatric patient with the diagnosis of cerebellar tumor, epilepsy, and developmental delay to administer selenium to the patient instead of his prescribed medications.

Kojian, Humpartzoom James, M.D., No License, Arcadia, CA

On October 14, 2016, the Board and Humpartzoom James Kojian, M.D., entered into an Agreed Cease and Desist Order prohibiting Dr. Kojian from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Dr. Kojian, who is licensed to practice medicine in California, owns and operates a web-based business that specialized in treating patients for weight loss via videoconferencing. By and through this business, Dr. Kojian provided prescription medications to Texas patients without a Texas medical license.

Medina, Erik C., M.D., No License, Lubbock

On October 14, 2016, the Board and Erik C. Medina, M.D., entered into and Agreed Cease and Desist Order prohibiting Dr. Medina from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Dr. Medina on or about April 21, 2016, entered a plea guilty to the 3rd degree felony offense of practicing medicine without a license in Lubbock County.

Perez Del Puerto, Gonzalo, No License, Dallas

On October 14, 2016, the Board and Gonzalo Perez Del Puerto entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas and shall cease and desist from identifying himself as a doctor, unless he does so in compliance with the Healing Arts Identification Act. The Board found Mr. Perez Del Puerto indicated he was entitled to practice medicine when he was not licensed to do so by fraudulently altering communications from a governmental agency, the Texas Medical Board, and impersonating a government employee.

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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.