

**Texas Medical Board  
News Release  
FOR IMMEDIATE RELEASE  
Thursday, December 18, 2008**

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**Medical Board Disciplines 59 Doctors and Issues 479 Physician Licenses**

Since its last board meeting, the Texas Medical Board took disciplinary action against 59 licensed physicians. The actions included 13 violations based on quality of care; two actions based on unprofessional conduct; three actions based on violations of probation or prior orders; three actions based on other states' actions; six actions based on inadequate medical records; four actions based on impairment due to alcohol or drugs or mental/physical condition; two actions based on nontherapeutic prescribing; two actions based on failure to properly supervise or delegate; one action based on a criminal conviction; three voluntary surrenders; two violations of failure to obtain required continuing medical education; two administrative agreed orders; and 12 licensees agreed to enter into administrative orders with the board for minimal statutory violations. Since its last board meeting, the board has taken four temporary actions: two temporary suspensions and two temporary restrictions. In addition, the board issued one cease and desist order against an unlicensed individual.

At its December 11-12 meeting, the Texas Medical Board issued 479 physician licenses.

**Rule Changes Adopted**

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

**Chapter 163, Licensure, amendments to §163.5, Licensure Documentation.**

**Chapter 165, Medical Records, amendments to §165.1, Medical Records; §165.5, Transfer and Disposal of Medical Records.**

**Chapter 166, Physician Registration, amendments to §166.2, Continuing Medical Education; and §166.6, Exemption from Registration Fee for Retired Physician Providing Voluntary Charity Care.**

**Chapter 169, Authority of Physicians to Supply Drugs, amendments to §169.7, Record Keeping.**

**Chapter 173, Physician Profiles, amendments to §173.1, Profile Contents.**

**Chapter 178 Complaints, Rule Review with amendments to §178.1, Purpose and Scope.**

**Chapter 179, Investigations, Rule Review with amendments to §179.1, Purpose and Scope; §179.4, Request for Information and Records from Physician; §179.6, Time Limits.**

**Chapter 180, Rule Review with amendments to §180.1, Rehabilitation Orders.**

**Chapter 182, Use of Experts, Rule Review with amendments to §182.1, Purpose; §18.5, Expert Panel; §18.8, Expert Physician Reviewers.**

**Chapter 187, Procedural Rules, §187.3, Computation of Time; §187.4, Agreement to be in Writing, §187.13, Informal Board Proceedings Relating to Licensure Eligibility; §187.14, Informal Resolution of Disciplinary Issues Against a Licensee; §187.18, Informal Show Compliance Proceeding and Settlement Conference Based on Personal Appearances; §187.24, Pleadings; §187.29, Mediated Settlement Conferences; §187.59, Evidence; §187.70, Purposes and Construction; §187.71, Hearing Before Panel of Board Representatives; §187.72, Decision of the Panel; §187.73, Termination of Suspension.**

**Chapter 190, Disciplinary Guidelines, Rule Review with amendments to §190.1, §190.14, Disciplinary Sanction Guidelines. Proposed §190.8, Violation Guidelines, was withheld for clarification and will be republished.**

**Chapter 192, Office Based Anesthesia, Rule Review with amendments to §192.2, Provision of Anesthesia Services in Outpatient Settings.**

### **Proposed Rule Changes**

Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code will be published in the *Texas Register* for comment:

**Chapter 162, Supervision of Medical School and Physician Assistant Students, Rule review and proposed amendments to §162.1, Supervision of Medical Students.**

**Chapter 163, Licensure, amendment to §163.5 regarding licensure documentation.**

**Chapter 166, Physician Registration, Proposed amendments to §166.2, Continuing Medical Education.**

**Chapter 171, Postgraduate Training Permits, proposed amendments to §171.7, Postgraduate Training Permits, Inactive Status.**

**Chapter 172 Temporary and Limited Licenses, proposed amendments to §172.8, Faculty Temporary License.**

**Chapter 173, Physician Profiles, proposed amendments to §173.1, Profile Contents.**

**Chapter 175 Fees, Penalties, and Forms, proposed amendments to §175.1, Application Fees; §175.3, Penalties.**

**Chapter 185, Physician Assistants**, proposed amendments to §185.2, Definitions

**Chapter 189, Compliance Program**, rule review.

**Chapter 190, Disciplinary Guidelines**, proposed amendment to §190.8 (L), adding a new subsection (iii).

**Chapter 192, Office Based Anesthesia Services**, proposed amendments to §192.2, Provision of Anesthesia Services in Outpatient Settings.

## **DISCIPLINARY ACTIONS**

**Open records** requests for orders may be made to [openrecords@tmb.state.tx.us](mailto:openrecords@tmb.state.tx.us). **Media** contact Jill Wiggins at (512) 305-7018 or [jill.wiggins@tmb.state.tx.us](mailto:jill.wiggins@tmb.state.tx.us). Orders are posted on the TMB web site [www.tmb.state.tx.us](http://www.tmb.state.tx.us) about 10 days after the board meeting.

## **QUALITY OF CARE VIOLATIONS**

### **Abou-Sleiman, Joseph E., Lic. #L9593, Houston, TX**

On December 12, 2008, the Board and Dr. Abou-Sleiman entered into an Agreed Order requiring that, within two years, Dr. Abou-Sleiman obtain 20 hours of continuing medical education as follows: five hours each in risk management, recordkeeping, ethics and weight-loss management. The action was based on Dr. Abou-Sleiman's inappropriate prescribing, dispensing and management of a weight-loss patient.

### **Arzola, Fernando Luis, M.D., Lic. #L7274, Marshall, TX**

On December 12, 2008, the Board and Dr. Arzola entered into an Agreed Order requiring that Dr. Arzola contact the Texas A & M Health Science Center Rural and Community Health Institute (K-STAR) to schedule an assessment to determine whether Dr. Arzola should undergo an education plan, and that he complete and sign the written assessment from K-STAR within the time period specified by K-STAR or within 180 days from the date of the order and, if K-STAR recommends an education program, that he successfully complete the program. The action was based on Dr. Arzola's failure to properly manage, treat and prescribe to a patient with multiple symptoms and chronic pain and to adequately document his care of the patient, who showed indications of drug-seeking behavior.

### **Chavez-Rice, Eugenio, M.D. Lic. #F4789, El Paso, TX**

On December 12, 2008, the Board and Dr. Chavez-Rice entered into an Agreed Order requiring that, within one year, Dr. Chavez-Rice obtain 10 hours of continuing medical education in ethics and 10 hours in medical recordkeeping and pay a \$1,000 administrative penalty. The action was based on Dr. Chavez-Rice allowing employees of a day spa to perform procedures and administer and prescribe various treatments without supervision and sometimes without physical examination.

### **Childers, Cecil Adison, M.D., Lic. #C8922, Corpus Christi, TX**

On December 12, 2008, the Board and Dr. Childers entered into an Agreed Order requiring that

Dr. Childers' medical records be reviewed by a chart monitor for one year. The action was based on the board's determination that Dr. Childers did not have a documented patient evaluation or treatment plan for the diagnosis of bipolar depression to justify treatment and the medical basis for other medications he prescribed for a patient.

**Chow, Clement, M.D., Lic. #E4253, Houston, TX**

On December 12, 2008, the Board and Dr. Chow entered into an Agreed Order requiring that, within one year, Dr. Chow take the University of California Physician Assessment and Clinical Education courses in medical recordkeeping and physician-patient communication and pay a \$2,000 administrative penalty. The action was based on the board's finding that Dr. Chow failed to inform the patient that she had a two-part lipoma, failed to discuss with the patient options for removing the two-part lipoma, and failed to document reasons for his decision to remove only one part of the lipoma rather than both parts.

**Crowder, Felice Fay, D.O., Lic. #J9652, New Braunfels, TX**

On December 12, 2008, the Board and Dr. Crowder entered into an Agreed Order requiring that Dr. Crowder obtain 10 hours continuing medical education in diagnosis and management of respiratory infections in infants and children. The action was based on Dr. Crowder's failure to properly treat a fever and respiratory infection in a 19-month old, resulting in the child's developing bilateral pneumonia that required a nine-day hospital stay.

**Dalley, Albert Sean, M.D., Lic. #L5295, Cleburne, TX**

On December 12, 2008, the Board and Dr. Dalley entered into a two-year Agreed Order of public reprimand requiring that his medical records be reviewed by a chart monitor and, for each year of the order, that he obtain 10 hours of continuing medical education in risk management. The action was based on Dr. Dalley's failure to convey test results to a patient's primary physician, thereby delaying treatment for a metastatic adenocarcinoma.

**Fulp, Ray R. "Trey," D.O., Lic. #J7963, McAllen, TX**

On December 12, 2008, the Board and Dr. Fulp entered into an Agreed Order requiring that Dr. Fulp's medical records be reviewed by a chart monitor and that he complete, within one year, 16 hours of continuing medical education in risk management with emphasis on patient education concerning surgery. The action was based on Dr. Fulp's failure to maintain adequate medical records with regard to surgical patients.

**Heitkamp, Jeffrey Wade, M.D., Lic. #F4064, Arlington, TX**

On December 12, 2008, the Board and Dr. Heitkamp entered into a two-year Agreed Order requiring that Dr. Heitkamp's medical records be reviewed by a chart monitor and that he obtain eight hours of continuing medical education in medical recordkeeping, eight hours in risk management and eight hours in lumbar surgery complications and outcomes. The action was based on Dr. Heitkamp's failure to adequately document history and examination that would justify surgical intervention in a patient with back and leg pain, nor did he adequately document discussions of alternatives to surgery.

**Patel, Kanubhai A., M.D., Lic. #G4373, McKinney, TX**

On June 27, 2008, the Board and Dr. Patel entered into an Agreed Order requiring Dr. Patel to complete a board-approved educational course in the areas of patient boundaries and communication and pay an administrative penalty of \$1,000. The action was based on Dr. Patel's having administered a medical test requiring a female patient to expose her upper body without a female chaperone present in the exam room.

**Punjabi, Narendra S., M.D., Lic. #G7865, Austin, TX**

On December 12, 2008, the Board and Dr. Punjabi entered into a one-year Agreed Order requiring that Dr. Punjabi's medical records be reviewed by a chart monitor; that he obtain 10 hours of continuing medical education in medical recordkeeping and 10 hours in pharmacy rules and regulations for prescribing; and that he take and pass the medical jurisprudence examination within three attempts. The action was based on Dr. Punjabi's dispensing Phentermine to one patient and lack of records including rationale for treatment, monitoring of vital signs or discussion of possible side effects.

**Redfield, James Earl, M.D., Lic. #H2713, Nacogdoches, TX**

On December 12, 2008, the Board and Dr. Redfield entered into a two-year Agreed Order of public reprimand requiring that his surgical cases be reviewed by a chart monitor; that he obtain 10 hours of continuing medical education in managing surgical complications and 10 hours CME in post-operative management and care; and that he pay an administrative penalty of \$20,000 within 12 months. Dr. Redfield is also ordered not to perform bariatric surgeries or elective surgeries on children under 24 months. The action was based on Dr. Redfield's failing to demonstrate appropriate expertise and judgment in surgery on a three-month old infant's umbilical hernia, resulting in necrosis and ultimately the death of the infant; failure to address multiple post-surgical complications in two gastric bypass patients who died; and failure to meet the standard of care in treating post-operative complications of a laparoscopic surgery on an incisional hernia in a patient who also died.

**Wallace, Brent Holmes, M.D., Lic. #F2093, Cleburne, TX**

On December 12, 2008, the Board and Dr. Wallace entered into a two-year Agreed Order requiring that Dr. Wallace's medical records be reviewed by a chart monitor; that he obtain an auditor to provide a practice review; that he obtain 10 hours of continuing medical education in medical recordkeeping and 10 hours in risk management; and that he pay an administrative penalty of \$5,000 within 180 days. The action was based on Dr. Wallace's failure to review documents of a colonoscopy and a barium enema of an anemic patient who was ultimately diagnosed with metastatic adenocarcinoma.

**UNPROFESSIONAL CONDUCT VIOLATIONS**

**McLean, Paul Eugene, M.D., Lic. #E2719, Midland TX**

On December 12, 2008, the Board and Dr. McLean entered into an Agreed Order of public reprimand requiring that, within one year, Dr. McLean take and pass the medical jurisprudence examination within three attempts. The action was based on Dr. McLean's making a false entry in a medical record stating he saw an emergency room patient whom he did not see.

**Okonji, Catherine Uchekukwu, M.D., Lic. #L7507, Houston, TX**

On December 12, 2008, the Board and Dr. Okonji entered into an Agreed Order requiring that, within one year, she take and pass the Texas medical jurisprudence examination within three attempts; that she obtain 10 hours of continuing medical education in ethics; and that she pay an administrative penalty of \$500. The action was based on Dr. Okonji's allowing a health care services company to use her Medicare number fraudulently.

**VIOLATION OF PROBATION OR PRIOR ORDER**

**Ruggiero, Michael F., D.O., Lic. #H9144, Bryan, TX**

On December 12, 2008, the Board and Dr. Ruggiero entered into an Agreed Order Modifying Prior Order changing the amount of continuing medical education to a total of 45 hours, including 15 hours in medical recordkeeping, 15 hours in risk management and 15 hours in pain management. The action was based on Dr. Ruggiero's difficulty in finding sufficient CME to satisfy requirements of the prior order.

**Tran, Hoa Dinh, M.D., Lic. #G6034, Winchester, VA**

On December 12, 2008, the Board and Dr. Tran entered into an Order Granting Modification of Agreed Order limiting Dr. Tran's medical practice of ophthalmology to a group or an institutional setting and requiring that his medical records be reviewed by a chart monitor. The action clarified provisions of an order entered April 11, 2008.

**Werner, Timothy H., D.O., Lic. #G4508, Dallas, TX**

On December, 12, 2008, the Board and Dr. Werner entered into an Agreed Order of Suspension, suspending Dr. Werner's medical license for at least 12 months. The action was based on Dr. Werner's failure to comply with provisions of previous board orders related to his impairment.

**ACTIONS BASED ON OTHER STATES' ACTIONS**

**Bafitis, Harold, D.O., Lic. #F9155, Wellington, FL**

On December 12, 2008, the Board and Dr. Bafitis entered into an Agreed Order requiring that he take 10 hours of continuing medical education in ethics (in addition to that required for Texas licensure) and pay an administrative penalty of \$1,000 within 60 days. The action was based on action by the Florida Board of Osteopathic Medicine because of Dr. Bafitis' using on himself and giving to staff members unapproved botulinum neurotoxin type A.

**Bernauer, Robert Dale, M.D., Lic. #E2465, Lake Charles, LA**

On December 12, 2008, the Board and Dr. Bernauer entered in an Agreed Order of Voluntary Surrender in which Dr. Bernauer permanently and voluntarily surrendered his Texas medical license. The action was based on action by the Louisiana State Board of Medical Examiners' regarding Dr. Bernauer's lengthy medical malpractice history.

**Estlund, Gregory John, M.D., Lic. #E4322, Baldwin, WI**

On December 12, 2008, the Board and Dr. Estlund entered in an Agreed Order requiring that he comply with any terms and conditions imposed by the Medical Examining Board of the state of Wisconsin. The action was based on a reprimand by the Wisconsin Medical Examining board for

Dr. Estlund's failing to meet the standard of care in the treatment of a patient in a VA hospital in Wisconsin.

## **INADEQUATE MEDICAL RECORDS**

### **Allen, Joe Daniel M.D., Lic. #C8879, Port Neches, TX**

On December 12, 2008, the Board and Dr. Allen entered into an Agreed Order requiring that, within one year, Dr. Allen obtain eight hours of continuing medical education in medical recordkeeping. The action was based on his medical records being illegible and inadequate for one patient.

### **Blackwell, Michael Lee, M.D., Lic. #J3695, Tomball, TX**

On December 12, 2008, the Board and Dr. Blackwell entered into an Agreed Order requiring that Dr. Blackwell obtain five hours of continuing medical education in medical recordkeeping and five hours in risk management within one year. The order also requires that Dr. Blackwell pay an administrative penalty of \$1,000. The action was based on Dr. Blackwell's failure to provide adequate documentation in support of treatments and procedures provided to one surgery patient.

### **Beasley, George M., D.O., Lic. #H7882, Fort Worth, TX**

On December 12, 2008, the Board and Dr. Beasley entered into a Mediated Agreed Order requiring that Dr. Beasley's medical records be reviewed by a chart monitor for six months and pay an administrative penalty of \$500. The action was based on Dr. Beasley's failure to provide adequate documentation of the history and examination of one patient.

### **Fontenot, William Lindsey, M.D., Lic. # L0176, Lawrenceburg, TN**

On December 12, 2008, the Board and Dr. Fontenot entered into an Agreed Order requiring that Dr. Fontenot pay a \$5,000 administrative penalty. The action was based on Dr. Fontenot's failure to maintain adequate medical records.

### **Hinshaw, Luke Ruch, M.D., Lic. #L8077, Lubbock, TX**

On December 12, 2008, the Board and Dr. Hinshaw entered into an Agreed Order requiring that, within one year, Dr. Hinshaw obtain 10 hours of continuing medical education in medical recordkeeping. The action was based on Dr. Hinshaw's failure to properly document a hospital patient's physical, history, synopsis of stay, review of diagnostics and care, discharge medications or discharge summary.

### **Trester, Elliot J., M.D., Lic. #F3364, Austin, TX**

On December 12, 2008, the Board and Dr. Trester entered into a one-year Agreed Order requiring that, within one year, Dr. Trester obtain 10 hours of continuing medical education in risk management and 10 hours CME in medical recordkeeping. The action was based on Dr. Trester's failure to adequately document oxygen saturation levels and discussion of options for treatment for a patient with chronic obstructive pulmonary disease and respiratory failure.

## **IMPAIRMENT DUE TO ALCOHOL OR DRUGS OR MENTAL/PHYSICAL CONDITION**

**Borders, Rebecca, M.D., Permit #BP10023545, Houston, TX**

On December 12, 2008, the Board and Dr. Borders entered into an Agreed Order requiring that she abstain from prohibited substances; be subject to random alcohol and drug screens; and continue to see her treating psychiatrist. The action was based on Dr. Borders' intemperate use of drugs and alcohol.

**Cartwright, Gregory Bryan, M.D., Lic. #H7544, Arlington, TX**

On December 12, 2008, the Board and Dr. Cartwright entered into an Agreed Order modifying a previous order to allow Dr. Cartwright to see his treating psychiatrist no less than twice a month, and after six months he may reduce the frequency to once a month. The action was based on his compliance with a 2004 order.

**Loya, Juan Francisco, M.D., Lic. #J4309, El Paso, TX**

On December 12, 2008, the Board and Dr. Loya entered into a Modified Agreed Order modifying a previous order to allow Dr. Loya to reapply for his DEA and DPS controlled substances registration. The action was based on his compliance with a 2004 order.

**White, Stephen, M.D., Lic. #L3183, Longview, TX**

On December 12, 2008, the Board and Dr. White entered into a Modified Agreed Order staying his suspension and placing him on probation for 15 years under certain terms and conditions, including the following: that he limit his practice to a residency or mini-residency; abstain from consuming prohibited substances; participate in the board's drug-testing program; continue participation in Alcoholics Anonymous and Narcotics Anonymous; see a treating psychiatrist no less than once a month; and not treat himself or his immediate family. The action was based on an Agreed Order entered by the board August 29, 2008, allowing Dr. White to request that his suspension be stayed or lifted if he provided evidence that he is physically and mentally competent to practice.

## **NONTHERAPEUTIC PRESCRIBING**

**Gibson, Donald, II, M.D., Lic. #H5209, Houston, TX**

On November 18, 2008, the Board and Dr. Gibson entered into a five-year Agreed Order of public reprimand that required Dr. Gibson to surrender DEA and DPS prescribing certifications for Schedule II and III controlled substances, become educated on all federal and state laws for prescribing controlled substances and dangerous drugs, have his medical records be reviewed by a chart monitor and, for each year of the order, obtain 10 hours of continuing medical education in medical recordkeeping and 10 hours of CME in ethics. The action was based on Dr. Gibson's nontherapeutic prescribing and inadequate medical record documentation in four patient cases.

**Watkins, Ulysses Wesby, M.D., Lic. #F8727, Houston, TX**

On December 12, 2008, the Board and Dr. Watkins entered into a three-year Agreed Order of public reprimand requiring that Dr. Watkins' medical records be reviewed by a chart monitor and that, within one year, he take and pass the Texas medical jurisprudence examination within three attempts. The action was based on Dr. Watkins' failure to comply with board rules relating to pain management practice; nontherapeutic prescribing; a repeated practice of improperly prescribing for persons who he should have known were abusers of such drugs; and a pattern of



prescribing such drugs without first establishing a proper professional relationship with the patients.

## **FAILURE TO PROPERLY SUPERVISE OR DELEGATE**

### **De Hoyos, Julia, D.O., Lic. #K5088, New Braunfels, TX**

On December 12, 2008, the Board and Dr. De Hoyos entered into an Agreed Order requiring that, within one year, she take and pass the Texas Medical Jurisprudence examination within three attempts and that she pay an administrative penalty of \$1,000. The action was based on Dr. De Hoyos' hiring and use of a consultant and a physician who was not licensed in Texas to teach Dr. De Hoyos' and an associate a facial suspension lift surgery.

### **Meyerrose, Gary Eugene, M.D., Lic. #J4921, Lubbock, TX**

On December 12, 2008, the Board and Dr. Meyerrose entered into an Agreed Order requiring him to pay a \$1,000 administrative penalty within 90 days. The action was based on his signing blank records when he was aware that a cardiology fellow under his supervision had failed to complete patient rounds diagnosis records in a timely fashion, and allowing the fellow to submit them after Dr. Meyerrose signed them.

## **CRIMINAL CONVICTIONS**

### **Tschen, Luis Fernando, M.D., Lic. #K7405, Angleton, TX**

On December 12, 2008, the Board and Dr. Tschen's entered into an Agreed Order revoking Dr. Tschen's license, staying the revocation and placing him on probation for 10 years. In addition, the order requires that he abstain from prohibited substances; submit to the board's drug and alcohol testing program; receive care from a treating psychiatrist; continue receiving care from his treating psychologist; pay his outstanding drug-testing balance; limit his practice to an in-office group practice with his current group; not treat his immediate family; surrender his DPS and DEA controlled substance permits; participate in Alcoholics Anonymous; and not delegate prescriptive authority to mid-level practitioners. In addition, a practice partner must submit monthly progress reports during the first six months of the order. The action was based on Dr. Tschen's plea of no contest to a felony aggravated assault with a deadly weapon charge for which he received six years of deferred adjudication stemming from his May 2007 arrest for assaulting his wife with a knife.

## **VOLUNTARY SURRENDERS**

### **Hoyt, Thomas Alan, M.D., Lic. #G7234, Bryan, TX**

On December 12, 2008, the Board and Dr. Hoyt entered into an Agreed Order of Voluntary Surrender in lieu of further disciplinary proceedings related to his failure to obtain required continuing medical education.

### **Shanti, Ihsan, M.D., Lic. #K4562, Houston, TX**

On December 12, 2008, the Board and Dr. Shanti entered into a five-year Agreed Order of Surrender. The action was based on Dr. Shanti's deception and fraud in his medical billing

practices and his related entry of guilty pleas, and placement on deferred adjudication, for criminal charges stemming from these practices.

**Shin, James Young-Jin, M.D., Lic. #J0794, Fort Worth, TX**

On December 12, 2008, the Board and Dr. Shin entered into an Agreed Order of Voluntary Surrender. The action was based on Dr. Shin's plea agreement with federal prosecutors related to possession of child pornography.

**TEMPORARY ACTIONS**

**Anderson, Eli T., M.D., Lic. #E6214, Houston, TX**

On November 14, 2008, a Disciplinary Panel of the Board entered a Temporary Suspension Order With Notice of Hearing against Dr. Anderson's medical license. The action was based on evidence that Dr. Anderson tested positive for a cocaine metabolite in June, 2008, while undergoing drug testing required as a condition of his placement on five years deferred adjudication probation for possession of cocaine, a third degree felony, in Clay County, Texas, in June, 2005. In 2007, Dr. Anderson was again arrested in Lubbock for possession of drug paraphernalia. In addition, at the temporary suspension hearing, Dr. Anderson admitted on the judicial record that he had used cocaine since 2002, and as recently as November, 2008.

**Henderson, Harold Clay, M.D., Lic. #G3937, Dallas, TX**

On October 27, 2008, a Disciplinary Panel of the Board entered an Order of Temporary Suspension Without Notice of Hearing against Dr. Henderson's medical license. The action was based on evidence that Dr. Henderson may be physically and/or mentally impaired as the result of a 1997 brain injury, that his medical condition has subsequently deteriorated, that he has been self-prescribing dangerous drugs, and that he has been non-compliant with recommended medical therapy. In addition, the board also found evidence that Dr. Henderson aided and abetted the practice of medicine by a physician he employed after he knew the physician's license was suspended by the board.

**Perry, John Edward III, M.D., Lic. #L1430, Conroe, TX**

On December 9, 2008, a Disciplinary Panel of the Board entered an Order of Temporary Restriction With Notice of Hearing against Dr. Perry's medical license. The action was based on violations on the standard of care, nontherapeutic prescribing, prescribing to persons engaged in substance abuse or diversion, and failing to adequately supervise the activities of persons operating under his supervision. These findings were made as the result of a criminal investigation involving patients who had obtained narcotics prescriptions from clinics under Dr. Perry's medical direction. The order temporarily restricts Dr. Perry from prescribing any Schedule II or III controlled substances and further restricts him from supervising or delegating any prescriptive authority to physician assistants or advance practice nurses.

**Pope, Donald Delmer, M.D., Lic. #F4386, Brownwood, TX**

On October 27, 2008, a Disciplinary Panel of the Board entered an Order of Temporary Restriction With Notice of Hearing against the Dr. Pope's medical license. The action was based on Dr. Pope's entry of a plea and placement on eight years deferred adjudication for a felony sexual offense involving a minor female, and on a finding that Dr. Pope may suffer from a

psychiatric condition. Dr. Pope's criminal community supervision requires among other terms that he register as a sex offender and have no unsupervised contact with any female under the age of 17. The order requires that Dr. Pope undergo an independent psychiatric examination and possible continuing treatment, and he is restricted from contact with any female patient under the age of 17.

## **CONTINUING MEDICAL EDUCATION VIOLATIONS**

### **Guerra, Jose de Jesus, M.D., Lic. #C7622, Austin, TX**

On December 12, 2008, the Board and Dr. Guerra entered an Agreed Order requiring that, within 90 days, Dr. Guerra obtain 29 hours of continuing medical education, two of which must be in ethics. The action was based on Dr. Guerra's failure to complete required CME.

### **Gabier, Wendell, D.O., Lic. #D2006, Splendora, TX**

On December 12, 2008, the Board and Dr. Gabier entered an Agreed Order requiring that, within 90 days, Dr. Gabier obtain two hours of continuing medical education in ethics. The action was based on Dr. Gabier's failure to complete required CME.

## **ADMINISTRATIVE AGREED ORDERS**

### **Hughes, Mark R., M.D., Lic. #H4426, Grosse Pointe, MI**

On December 12, 2008, the Board and Dr. Hughes entered an Administrative Agreed Order requiring that Dr. Hughes pay a \$2,500 administrative penalty. The action was based on Dr. Hughes' failing to provide the board with documentation to show completion of the continuing medical education when the board requested the information for the period June 2005 through May 2006.

### **Mickish, Alan Bart, M.D., Lic. #E1059, Eastland, TX**

On December 12, 2008, the Board and Dr. Mickish entered an Administrative Agreed Order requiring that Dr. Mickish pay a \$1,000 administrative penalty. The action was based on Dr. Mickish's failure to properly supervise office staff who did not make a correction to a called-in prescription upon request of a patient.

In addition, twelve licensees agreed to enter into administrative orders with the board for minimal statutory violations.

## **CEASE AND DESIST ORDER**

### **Baughman, Liz, Austin, TX**

On December 12, 2008, the Board and Ms. Baughman, who does not hold a current license to practice medicine in Texas, entered into an Agreed Cease and Desist Order. The order was based on Ms. Baughman, acting as Health Director of the Austin Internal Health Center, having providing colonic hydrotherapy to persons presenting to AIHC without a prescription for such treatment from a licensed medical doctor, which is required by state law. The order requires Ms. Baughman to immediately halt all such activity.

