

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

September 10, 2018

Media contact: Jarrett Schneider, 512-305-7018
Customer service: 512-305-7030 or 800-248-4062

TMB disciplines 35 physicians at August meeting, adopts rules changes

At its August 24, 2018 meeting, the Texas Medical Board disciplined 35 licensed physicians.

The disciplinary actions included: twelve orders related to quality of care violations, three orders related to unprofessional conduct, one revocation, five voluntary surrenders/revocations, one suspension, two orders related to nontherapeutic prescribing, two orders related to improper supervision or delegation, one order related to peer review action, four orders related to violation of prior Board order, one order related to other state's action, two orders related to impairment, and one order related to Texas Physician Health Program violation.

The Board issued 173 physician licenses at the August meeting, bringing the total number of physician licenses issued for FY18 to 4,514.

RULE CHANGES ADOPTED

CHAPTER 175. FEES AND PENALTIES

The amendments to **§175.2**, concerning Registration and Renewal Fees, increase the initial and subsequent permit for acupuncturists to account for biennial registration as opposed to annual.

CHAPTER 183. ACUPUNCTURE

The amendments to **§183.5**, concerning Annual Renewal of License, change all references to "annual renewal" to "biennial" including the title of the rule. The amendments also include changes to a single reference to "each year" to "date" in order to comport with the concept of biennial registration. Additional changes include correcting grammatical errors. These amendments are in accordance with the passage of SB674 (85th Regular Session) which amended Chapter 205.251 of the Texas Occupations Code.

The amendments to **§183.20**, concerning Continuing Acupuncture Education, change references to "annual" to "biennial" and doubles the Continuing Acupuncture Education "CAE" requirements and reporting requirements to account for biennial registration. Additional changes include changing references to "year" to "registration period" in order to account for biennial registration.

The amendments to **§183.25**, concerning Inactive Status License, change references to "annual" to "current" and removes the requirement for payment of a fee while on inactive status.

CHAPTER 185. PHYSICIAN ASSISTANTS

The amendment to **§185.7**, concerning Temporary License, deletes obsolete language referring to "surgeon assistants".

CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY

The amendments to **§194.7**, concerning Biennial Renewal of Certificate or Placement on the Board's General Registry for Non-Certified Technicians Generally, deletes language to subsection (c), related to continuing education requirements, so that the minimum requirements for formal hours no longer require live, instructor-led hours. The amendments will result in more efficiency while maintaining rigorous requirements ensuring current competency, by aligning the rules with the requirements set forth by the American Registry of Radiologic Technologists, which lack a live instruction requirement. Amendments are further made to subsection (c)(5), and make corrections to typographical errors.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Badhiwala, Shamji P., M.D., Lic. No. H3440, Waco

On August 24, 2018, the Board and Shamji P. Badhiwala, 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 management of suicidal patients, four hours in treatment of substance abuse disorders, four hours in risk management and four hours in medical recordkeeping. The Board found Dr. Badhiwala evaluated a patient who had attempted an overdose while intoxicated but failed to document proper history, contact family to obtain medical history, order testing, or refer the patient to an inpatient psychiatric facility.

Barnett, John Bryan, Jr., M.D., Lic. No. D5910, Dallas

On August 24, 2018, the Board and John Bryan Barnett, Jr., M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in post-operative care and within 60 days pay an administrative penalty of \$1,500. The Board found Dr. Barnett failed to meet the standard of care for one patient by leaving a sponge in the patient's left breast cavity following an augmentation procedure and by failing to perform appropriate follow-up care.

Buheis, Nidal Ismail, M.D., Lic. No. M2573, Port Arthur

On August 24, 2018, the Board and Nidal Ismail Buheis, M.D., entered into an Agreed Order requiring him to within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in prescribing for cardiac patients and eight hours in risk management. The Board found Dr. Buheis failed to meet the applicable standard of care in his treatment of a patient by failing to document his medical rationale for prescribing amiodarone, by failing to monitor the patient's lab work and heart rhythm, and by failing to personally inform the patient's primary care physician about the prescription.

Denam, William L., D.O., Lic. No. G7507, Lubbock

On August 24, 2018, the Board and William L. Denam, D.O., entered into an Agreed Order restricting Dr. Denam from practicing medicine in level I and level II facilities and requiring him to within one year complete at least 32 hours of CME, divided as follows: eight hours in pediatric prescribing, eight hours in sepsis, eight hours in medical recordkeeping and eight hours in emergency room medicine. The Board found Dr. Denam failed to meet the standard of care for several patients by failing to adequately review lab results, failing to diagnose a patient who later returned to the ER and passed away, and failed to appropriately evaluate and improperly prescribed to another patient.

Donovitz, Gary Steven, M.D., Lic. No. F6580, Arlington

On August 24, 2018, the Board and Gary Steven Donovanitz, 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 24 hours of CME, divided as follows: eight hours in risk management, eight hours in appropriate prescribing of controlled substances and eight hours in medical recordkeeping. The Board found Dr. Donovanitz failed to meet the standard of care in the treatment of three patients and inappropriately prescribed dangerous drugs or controlled substances to himself and family members, in absence of immediate need and/or without adequate medical records.

Guajardo, Pablo, Jr., M.D., Lic. No. E7415, San Antonio

On August 24, 2018, the Board and Pablo Guajardo, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least four hours of CME in infectious disease; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Guajardo should have been more diligent in addressing complaints and infection for a post-operative patient and prescribed medications to the patient that did not address the potential danger of the knee infection.

Hanna, John Barton, D.O., Lic. No. K0313, Levelland

On August 24, 2018, the Board and John Barton Hanna, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for four 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 complete at least eight hours of CME in high risk pregnancies; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Hanna violated the standard of care for three patients.

Jakubowski, Robert Gerard, M.D., Lic. No. G9479, San Antonio

On August 24, 2018, the Board and Robert Gerard Jakubowski, M.D., entered into an Agreed Order publicly reprimanding him and placing him under the following terms: restricted from the treatment of chronic pain for two years; anytime Dr. Jakubowski performs a physical examination of a female patient he shall have a chaperone present; have his practice monitored by another physician for 12 consecutive monitoring cycles; within two years complete the professional boundaries 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; within one year complete at least eight hours of CME in prescription of controlled substances; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant in the treatment of chronic pain patients. The Board found Dr. Jakubowski violated the standard of care in his attempted management of a patient's chronic pain, depression, and anxiety, and engaged in an inappropriate relationship of a sexual nature with the patient.

Ockershausen, Thomas Glen, M.D., Lic. No. L4614, Austin

On August 24, 2018, the Board and Thomas Glen Ockershausen, M.D., entered into a Mediated Agreed Order under the following terms: shall not engage in the practice of emergency room or urgent care medicine until he petitions the Board to have the restriction lifted and completes an independent medical evaluation by a Board-approved psychiatrist and follows all recommendations for care and treatment, obtains a certification on neonatal advanced life support, pediatric advanced life support and advanced life support in obstetrics, and completes at least 24 hours of CME in pediatric and obstetric emergencies; shall limit his practice to a group or institutional setting approved by the Board, and if he wants to petition to lift this work place restriction, he must first complete the independent medical evaluation. The Board found Dr. Ockershausen engaged in unprofessional conduct and failed to satisfy the applicable standard of care in his treatment of a patient and her newborn by deferring to nursing staff on the hospital's recently-developed protocol on precipitous deliveries. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Pauza, Kevin Joseph, M.D., Lic. No. J7127, Tyler

On August 24, 2018, the Board and Kevin Joseph Pauza, M.D., entered into an Agreed Order requiring him to have an orthopedic surgeon or neurosurgeon specializing in spinal procedures monitor his practice for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME, divided as follows: four hours in complementary and/or alternative medicine, four hours in informed consent, four hours in ethics, four hours in patient communications and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Pauza diagnosed a patient with lumbar disc pain and lumbar radiculopathy without specifically and clearly documenting a rationale behind the diagnosis and failed to document he had considered simpler and less invasive treatment options prior to performing the procedure or that the patient had chosen to forego conventional treatment.

Stephens, Edward Michael, M.D., Lic. No. F2042, Houston

On August 24, 2018, the Board and Edward Michael Stephens, M.D., entered into an Agreed Order prohibiting him from treating patients for chronic pain and from engaging in the practice of pain management as defined in the order; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Stephens failed to meet the standard of care and adhere to the Board's guidelines for the pain management of 15 patients.

Tompkins, John Robert, M.D., Lic. No. K8850, Plano

On August 24, 2018, the Board and John Robert Tompkins, 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 risk management, four hours in communication and four hours in brain imaging. The Board found Dr. Tompkins violated the standard of care by failing

to personally evaluate the patient, properly identify increased cranial pressure, and promptly intervene after receiving conflicting reports about the patient's status from hospital staff. The patient ultimately died from hydrocephalus.

UNPROFESSIONAL CONDUCT

Hobbs, Bobby R., M.D., Lic. No. F8511, Rockwall

On August 24, 2018, the Board and Bobby R. Hobbs, 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. Hobbs failed to timely complete a death certificate for a patient.

Kern, Joshua Kless, M.D., Lic. No. N5151, Dallas

On August 24, 2018, the Board and Joshua Kless Kern, M.D., entered into an Agreed Order publicly reprimanding Dr. Kern, publicly referring him to the Texas Physician Health Program, requiring him to abstain from the consumption of prohibited substances as defined in the order; and within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management. Dr. Kern had been temporarily restricted following his arrest for diversion of controlled substances. This order supersedes all other prior board orders.

Perez, Jimmi Rios, M.D., Lic. No. P1812, McAllen

On August 24, 2018, the Board and Jimmi Rios Perez, M.D., entered into an Agreed Order requiring Dr. Perez to have a chaperone present anytime he performs a physical examination on a female patient; 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 eight hours of CME in risk management. The Board found Dr. Perez, during a postoperative visit for a cosmetic patient, inappropriately conducted a physical examination of the patient while discussing an ongoing business relationship between the two, violating physician-patient boundaries standards.

REVOCAION

Morgan, Courtney Ricardo, M.D., Lic. No. M8195, Victoria

On August 24, 2018, the Board entered a Final Order against Courtney Ricardo Morgan, M.D., revoking his Texas medical license. The Board found Dr. Morgan failed to comply with his March 3, 2017 Final Order by refusing to surrender his DEA controlled substances registration and by not obtaining an appointment for a skill proficiency assessment. The action was based the administrative law judge's granting summary disposition as to both violations and aggravating factors. The order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Morgan has 25 days from the service of the order to file a motion for rehearing.

VOLUNTARY SURRENDER/REVOCAION

Fenner, James Edwin, M.D., Lic. No. F3949, Las Vegas, NV

On August 24, 2018, the Board and James Edwin Fenner, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Fenner agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Fenner has a medical condition that prevents him from practicing at this time.

Kelton, Philip Llewellyn, Jr., M.D., Lic. No. D7112, Dallas

On August 24, 2018, the Board and Philip Llewellyn Kelton, Jr., M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Kelton agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Kelton's license had been temporarily suspended for violations including violations related to operating an unlicensed pain management clinic and nontherapeutically prescribing controlled substances. Dr. Kelton submitted to a psychological evaluation on March 30, 2018, which concluded there is evidence Dr. Kelton has suffered progressive cognitive decline over at least the past two years. Dr. Kelton indicated his desire to voluntarily surrender his medical license.

Sheehan, Kathleen S., M.D., Lic. No. G5604, Dallas

On August 24, 2018, the Board and Kathleen S. Sheehan, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sheehan agreed to voluntarily surrender her Texas medical license in lieu of further disciplinary proceedings. The Board alleged that Dr. Sheehan is unable to practice safely due to a physical illness.

Sulbaran, Tulio Alberto, M.D., Lic. No. E6640, Deland, FL

On August 24, 2018, the Board and Tulio Alberto Sulbaran, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sulbaran agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Sulbaran is under investigation related allegations of disciplinary action by another state, specifically Florida.

Syed, Moshin Mazhar, M.D., Lic. No. K2295, Midland

On August 24, 2018, the Board and Moshin Mazhar Syed, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Syed agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Syed was convicted of one count of felony sexual assault of one patient, and that other patients made similar complaints.

SUSPENSION

Nelson, Jessica Marie, M.D., Lic. No. P8957, Dallas

On August 24, 2018, the Board and Jessica Marie Nelson, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Nelson's Texas medical license until she requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Nelson signed a cease practice agreement with the Texas Physician Health Program after admitting relapsing and using alcohol in violation of her PHP agreement. TXPHP referred her case to the Board based on repeated noncompliance with her monitoring and assistance agreement and her required treatment.

NONTHERAPEUTIC PRESCRIBING

Key, James David, Sr., M.D., Lic. No. E3339, Houston

On August 24, 2018, the Board and James David Key, Sr., M.D., entered into an Agreed Order publicly reprimanding Dr. Key, prohibiting him from treating patients for chronic pain including, but not limited to, treatment of pain using trigger point injections; requiring him to within seven days surrender his DEA controlled substances certificates and not reregister without prior Board approval; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete the competency assessment 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 120 days pay an administrative penalty of \$25,000. The Board found Dr. Key violated the standard of care, nontherapeutically prescribing to 15 patients, violated Board rules for treatment of chronic pain and maintained inadequate medical records.

Williams, Reginald Antonio, M.D., Lic. No. N1224, El Paso

On August 24, 2018, the Board and Reginald Antonio Williams, M.D., entered into an Agreed Order publicly reprimanding Dr. Williams and requiring him to within 10 days surrender his DEA controlled substances registration and shall not reregister without prior Board approval; Dr. Williams is restricted from treating chronic pain patients; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in drug-seeking behavior and eight hours in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Williams failed to meet the standard of care, the Board's chronic pain guidelines and nontherapeutically prescribed controlled substances to 15 patients.

IMPROPER SUPERVISION OR DELEGATION

Packard, Stanton Clark, M.D., Lic. No. J6641, Missouri City

On August 24, 2018, the Board and Stanton Clark Packard, M.D., entered into an Agreed Order publicly reprimanding Dr. Packard, prohibiting him from reregistering or otherwise obtaining controlled substances registrations while under the terms of this order; within 60 days pay an administrative penalty of \$5,000; 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. Packard supervised and delegated prescriptive authority to several midlevel providers who were not vetted by himself, who relied solely upon their licensing credentials, several which were subject to disciplinary action by their licensing agencies prior to or after the time they were supervised by Dr. Packard but not for actions under his supervision. Dr. Packard failed to properly confirm that his assistant had cancelled an order for his DPS prescription forms and the forms were used to obtain controlled substances fraudulently without his knowledge. Dr. Packard also prescribed medications to a patient who was seen via telemedicine by a physician assistant who was not supervised by Dr. Packard. This order supersedes all other prior board orders.

Ramos, Oscar R., M.D., Lic. No. D2908, Houston

On August 24, 2018, the Board and Oscar R. Ramos, 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 28 hours of CME, divided as follows: twelve hours in supervising delegates, eight hours in medical ethics and eight hours in risk management. The Board found Dr. Ramos delegated his authority to an unqualified person and aided and abetted the unlicensed practice of medicine.

PEER REVIEW ACTION

Hwang, Yoo Joo, D.O., Lic. No. P6189, Fort Worth

On August 24, 2018, the Board and Yoo Joo Hwang, D.O., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Hwang was disciplined by a hospital for failing to do a pelvic examination and repeat ultrasound for a patient who was later diagnosed with an ectopic pregnancy.

VIOLATION OF PRIOR BOARD ORDER

Bixby, Raymond, M.D., Lic. No. K0420, Anson

On August 24, 2018, the Board and Raymond Bixby, M.D., entered into an Agreed Order publicly reprimanding Dr. Bixby and prohibiting him from practicing in Texas until he petitions in writing and personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine, which shall include proof that he is in compliance with and/or has completed all terms and conditions of his 2016 Order. The Board found Dr. Bixby violated his 2016 Order by failing to complete timely the PACE Clinical Competence Course Phases I and II and the PACE medical recordkeeping course.

Caddell, James, D.O., Lic. No. F6497, Dallas

On August 24, 2018, the Board and James Caddell, D.O., entered into a Modification Order, modifying his June 2011 Order. The modification extends the tolling provision and requires him to notify the Board if he practices out of the state or ceases active practice for longer than 60 days; and requires him to complete the University of California San Diego Physician Assessment and Clinical Education (PACE) Competency Assessment, or the KSTAR Physician Assessment, prior to seeking approval in a group or institutional setting pursuant to the 2011 Agreed Order. The Board found Dr. Caddell violated his 2011 Order by testing positive and admitted to using marijuana since his tolling lifted on his order. Dr. Caddell also failed to timely call into Recovery Trek as required. All other terms of the 2011 Order, as modified, remain in full force.

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

On August 24, 2018, the Board and Marcos Reis, M.D., entered into an Agreed Modification Order, modifying Dr. Reis' October 2016 Order. The modification increases the number of chart monitoring cycles to 12 consecutive cycles; requires Dr. Reis' DEA controlled substances registration to be modified to eliminate Schedules II, III and IV, and shall not

reregister without prior Board approval; within 30 days obtain an independent medical evaluation by a Board-approved psychiatrist and follow all recommendations for care and treatment. The Board found Dr. Reis violated his 2016 Order when he failed to implement the recommendations of the chart monitor. All other terms of the 2016 Order, as modified, remain in full force.

Wilson, Pamela D., M.D., Lic. No. J8842, Bellaire

On August 24, 2018, the Board and Pamela D. Wilson, M.D., entered into an Agreed Order prohibiting her from serving as a physician for her immediate family or friends, and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to herself, immediate family or friends; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Wilson prescribed multiple controlled substances to a close friend in violation of her 2016 Order.

OTHER STATE'S ACTION

Ambati, Balamurali K., M.D., Lic. No. R0180, Eugene, OR

On August 24, 2018, the Board and Balamurali K. Ambati, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management and/or ethics and within 60 days pay an administrative penalty of \$1,500. The Board found that effective January 8, 2018, Dr. Ambati was disciplined by the Idaho State Board of Medicine.

IMPAIRMENT

Ravdel, Arnold, M.D., Lic. No. E8838, Houston

On August 24, 2018, the Board and Arnold Ravdel, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program. The Board found Dr. Ravdel presented with issues affecting his vision and admitted to deferring cataract treatment as recommended by his ophthalmologist.

Vermedahl, Nathan, M.D., Lic. No. M3105, Dalhart

On August 24, 2018, the Board and Nathan Vermedahl, M.D., entered into an Agreed Order publicly referring Dr. Vermedahl to the Texas Physician Health Program; 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 ethics. The Board found Dr. Vermedahl appeared dizzy, was stuttering and fell asleep while writing a progress note on a patient. Dr. Vermedahl was also the subject of disciplinary action following complaints of verbal abuse towards staff members.

TXPHP VIOLATION

Kaufman, James Kevin, M.D., Lic. No. L0318, Fort Worth

On August 24, 2018, the Board and James Kevin Kaufman, M.D., entered into an Agreed Order under the following terms for a period of 10 years: abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; participate in the activities of Alcoholics Anonymous no less than five times a week; participate in programs of Caduceus no less than three times per month; within 30 days obtain a Board-approved psychologist and follow all recommendation for care and treatment; participate in the activities of a county or state medical society committee on physician health and rehabilitation; and continue to meet with his Recovery Monitor. The Board found Dr. Kaufman had a positive screen for diazepam and was discharged from the Texas Physician Health Program.

###

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.