

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE Thursday, June 10, 2010

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Medical Board Disciplines 97 Doctors and Issues 706 Licenses

Since its April 8-9 board meeting, the Texas Medical Board has taken disciplinary action against 97 licensed physicians.

The actions included 24 violations based on quality of care; three actions based on unprofessional conduct; 11 actions based on inadequate medical records; one action based on advertising violations; 13 voluntary surrenders/voluntary suspensions; four revocations/suspensions; three temporary suspensions/restrictions; two actions based on peer review actions; one action based on failure to properly supervise or delegate; two actions based on violation of probation or prior order; two orders modifying a prior order; three actions based on a criminal conviction; action against one acupuncturist; one rules violation order and six corrective orders. The board issued 21 orders for minor statutory violations.

At its June 3-4 meeting, the board also issued 706 physician licenses.

RULE CHANGES ADOPTED

The board did not adopt any rule changes.

PROPOSED RULE CHANGES

The following proposed rule changes will be published in July in the *Texas Register*:

Chapter 161, General Provisions: §161.5 Meetings, amendment to change process for adopting committee minutes.

Chapter 163, Licensure: §163.6 Examinations Accepted for Licensure, amendment to clarify how the examination attempt rule applies when multiple types of exams are combined.

Chapter 165, Medical Records: §165.1 Medical Records, amendment to clarify that when a doctor receives records from another health care provider, the doctor needs to only keep records that are salient to a patient's care.

Chapter 172, Temporary and Limited Licenses: §172.2 Construction and Definitions, adds definitions for "controlled substances" and "dangerous drugs"; §172.3 Distinguished Professor Temporary License, amendment clarifies that applicants for this temporary license must complete an application for a full Texas medical license, excluding requirements to pass the SPEX examination; also updates the name of the American Osteopathic Association Bureau of Professional Education to the American Osteopathic Association College on Osteopathic Education; §172.5 Visiting Physician Temporary Permits, creates a temporary permit for those

applicants required to complete the KSTAR program at Texas A&M University Health Science Center; §172.16 Provisional Licenses for Medically Underserved Areas, amends language to be consistent with statute; §172.17 Limited License for Practice of Administrative Medicine, new language to create a limited license for practice of administrative medicine

Chapter 175, Fees, Penalties, and Forms: §175.1 Application Fees, amendment raises fees \$107 for the initial applications for full licensure, reissuance of licensure following revocation, and telemedicine; eliminates the \$107 fee for temporary licenses; and establishes a \$107 fee for provisional licenses

Chapter 179, Investigations: §179.4 Requests for Information and Records from Physicians, amendment clarifies that provision applies not just to licensees but also applicants for licensure

Chapter 180, Rehabilitation Orders and the Texas Physician Health Program: §180.2 Definitions, amendment to establish alternate name for the Physician Health and Rehabilitation Advisory Committee; §180.3 Texas Physician Health Program, amendments to advisory committee name consistent with changes to §180.2; §180.4 Operation of Program, amends process for contracting for a drug testing vendor, and establishes process for evaluating program participants and conducting interventions and sets possible agreement requirements for program participants

Chapter 187, Procedural Rules: §187.27 Written Answers in SOAH Proceedings and Default Orders, amends language to correct an improper citation; §187.81 Reports of Imposition of Administrative Penalty, amendment clarifies that disciplinary orders unrelated to the delivery of health care for which only an administrative penalty is assessed shall not be reported by the TMB to the National Practitioner Data Bank

Chapter 190, Disciplinary Guidelines: §190.8 Violation Guidelines, amendments allow physicians to prescribe to family members of a patient without first establishing a physician-patient relationship in pandemic cases; establish that it is unprofessional conduct to contact a member of a peer review committee or professional review body for purposes of intimidation

Chapter 193, Standing Delegation Orders: §193.6 Delegation of the Carrying Out or Signing of Prescription Drug Orders to Physician Assistants and Advanced Practice Nurses, amendment exempts certified registered nurse anesthetists who only sign or carry out drug orders from having to register with the Texas Medical Board

DISCIPLINARY ACTIONS

Open records requests for orders may be made to openrecords@tmb.state.tx.us. **Media contact:** Leigh Hopper at (512) 305-7018 or leigh.hopper@tmb.state.tx.us. Orders are posted on the TMB web site at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp about 10 days after the board meeting.

QUALITY OF CARE VIOLATIONS

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

On June 4, 2010, the Board and Victor J. Atun, M.D., entered into an Agreed Order requiring Dr. Atun to complete within one year eight hours of CME in hand surgery and pay an administrative penalty of \$1,000 within 60 days. The Board's basis for action was Dr. Atun's failure to practice medicine in an acceptable, professional manner and safeguard against potential complications

when he did not recognize a patient's potential for self-injury and decided not to cast-immobilize the hand of a patient with a thumb injury, resulting in the need for a third surgery.

Bessonett, Paula Alinda, M.D., Lic. #H4166, Grand Saline TX

On May 3, 2010, the Board and Paula Alinda Bessonett, M.D., entered into an Agreed Order requiring Dr. Bessonett to complete an Advanced Cardiac Life Support Course and obtain ACLS certification within one year; complete within one year 16 hours of CME, including eight hours in reading EKG results and eight hours in treatment of acute coronary syndrome. The action was based on the Board's finding that Dr. Bessonett failed to meet the standard of care by not recognizing a patient's myocardial infarction.

Clarke, Lawrence Ross, M.D., Lic. No. G5839, Pasadena TX

On June 4, 2010, the Board and Lawrence Ross Clarke, M.D., entered into an Agreed Order requiring Dr. Clarke to complete within one year 20 hours of CME in pain management and 10 hours in medical record-keeping; and pay an administrative penalty of \$1,000 within 60 days. The Board's action was based on Dr. Clarke's violation of rules regarding the treatment of chronic pain and inadequate medical records for one patient.

Contreras, Freddie Lee, M.D., Lic. No. G3244, Texarkana TX

On June 4, 2010, the Board and Freddie Lee Contreras, M.D., entered into an Agreed Order requiring Dr. Contreras to: complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in risk management; and pay an administrative penalty of \$1,000 within 60 days. The basis for action was the Board's finding that Dr. Contreras prescribed to a family member of a clinic employee without documentation and in the absence of immediate need.

Dawson, Mark Clifton, M.D., Lic. No. G3276, Austin TX

On June 4, 2010, the Board and Mark Clifton Dawson, M.D., entered into an Agreed Order requiring Dr. Dawson to complete within one year eight hours of CME in psychopharmacology. The basis for action was the Board's finding that Dr. Dawson violated the standard of care in prescribing benzodiazepines, which were not indicated, to a patient with substance abuse issues.

Dean, Odell Joseph, Jr., M.D., Lic. No. J9656, Lufkin TX

On June 4, 2010, the Board and Odell Joseph Dean, Jr., M.D., entered into an Agreed Order requiring Dr. Dean to complete within one year 20 hours of CME, including a minimum of 15 hours in the treatment of prostate cancer and five hours in medical record-keeping; and pay an administrative penalty of \$3,000 within 90 days. The basis for action was the Board's finding that Dr. Dean failed to meet the standard of care for one patient when Dr. Dean did not appropriately perform a prostatectomy to treat prostate cancer.

De Freitas, Junior, M.D., Lic. No. J9655, Denton TX

On June 4, 2010, the Board and Junior De Freitas, M.D., entered into an Agreed Order requiring Dr. De Freitas to complete within one year 15 hours of CME in each of the following topics: preoperative assessment, patient communications and documentation. The Board's basis for action was Dr. De Freitas' unprofessional conduct and failure to practice medicine in an acceptable manner in his treatment of a patient with non-Hodgkin's lymphoma.

Foreman, Bruce Phillip, M.D., Lic. No. G0707, El Paso TX

On June 4, 2010, the Board and Bruce Phillip Foreman, M.D., entered into a Mediated Agreed Order requiring Dr. Foreman to pay an administrative penalty of \$1,500 within 90 days. The Board's action was based on Dr. Foreman's failure to correctly interpret ultrasound images which showed a questionable breast lesion indicating a need for an ultrasound-guided core-needle biopsy.

Garvin, Clifford David, M.D., Lic. No. F9469, Denison TX

On June 4, 2010, the Board and Clifford David Garvin, M.D., entered into an Agreed Order requiring Dr. Garvin to complete within one year eight hours of CME in risk management. The Board's action was based on Dr. Garvin's failure to meet the standard of care and failure to adequately supervise delegates treating a patient with rapid and difficult breathing.

Hamoudi, Walid Hamad, M.D., Lic. No. K7027, Woodville TX

On June 4, 2010, the Board and Walid Hamad Hamoudi, M.D., entered into a Mediated Agreed Order subjecting Dr. Hamoudi to the following terms and conditions for three years: Dr. Hamoudi may not practice or prescribe outside his current employment with the Texas Department of Criminal Justice ("TDCJ") at the University of Texas Medical Branch in Galveston until he requests and is granted permission from the Board to do so and provides sufficient evidence that his practice is consistent with the Medical Practice Act. In addition, Dr. Hamoudi must provide to the Board a copy of his peer review records on a quarterly basis; maintain a copy of his monthly controlled substances prescribing and activity report from the Texas Department of Public Safety; maintain a logbook of all prescriptions written by Dr. Hamoudi or any physician extenders; refrain from prescribing any drug for any patient unless the drug is medically indicated and is prescribed in therapeutic doses; maintain adequate medical records on all patient services performed; within six months pass the Medical Jurisprudence Exam; within six months complete 10 hours of CME in medical record-keeping and 10 hours in evaluating and prescribing for pain management patients; and pay an administrative penalty of \$5,000. The Board's action was based on Dr. Hamoudi's failure to practice medicine in an acceptable, professional manner consistent with public health and welfare.

Healing, Robert Dyson, M.D., Lic. No. G2986, Jasper TX

On June 4, 2010, the Board and Robert Dyson Healing, M.D., entered into a Mediated Agreed Order requiring Dr. Healing to complete within one year a course called "Annual High Risk Emergency Medicine" offered by the Center for Emergency Medicine Education; and complete within one year eight hours of CME in risk management and eight hours in medical record-keeping. The Board's action was based on Dr. Healing's failure to meet the standard of care when he failed, while on-call, to immediately report to the bedside of a patient in respiratory distress.

Khan, Wasim Mohammad, M.D., Lic. No. J9729, Lufkin TX

On June 4, 2010, the Board and Wasim Mohammad Khan, M.D., entered into an Agreed Order requiring Dr. Khan to have a physician monitor his practice; complete within one year eight hours of CME in medical record-keeping; and pay an administrative penalty of \$2,000 within 60 days. The Board's action was based on Dr. Khan's failure to comply with Board guidelines for

the treatment of pain and failure to use diligence in his professional practice in his treatment of a patient who died from an overdose.

Moradi, Mahoor Charles, M.D., PIT Permit No. BP10034004, Coppell TX

On June 4, 2010, the Board and Mahoor Charles Moradi, M.D., entered into an Agreed Order publicly reprimanding Dr. Moradi and referring him to the Texas Physician Health Program to address impairment due to intemperate use of controlled substances, along with a recommendation that the program require Dr. Moradi to undergo an independent forensic psychiatric evaluation. The Board's basis for action was Dr. Moradi's inability to practice medicine with reasonable safety because of excessive use of drugs, inappropriate prescription of dangerous drugs to himself, writing false prescriptions for dangerous drugs and termination from his residency program.

O'Neal, Don Martin, M.D., Lic. No. E2769, Sulphur Springs TX

On June 4, 2010, the Board and Don Martin O'Neal, M.D., entered into an Agreed Order placing Dr. O'Neal under the following terms and conditions for two years. Dr. O'Neal is required to: have a physician monitor his practice; complete within one year 20 hours of CME in pain management and 10 hours in medical record-keeping; and pay an administrative penalty of \$3,000 within 180 days. The action was based on Dr. O'Neal's failure to meet the standard of care; failure to comply with pain treatment guidelines and nontherapeutic prescribing.

Ortiz, Dennis Lawrence, D.O., Lic. No. H0705, Colleyville TX

On June 4, 2010, the Board and Dennis Lawrence Ortiz, D.O., entered into an Agreed Order that requires Dr. Ortiz to complete within one year eight hours of CME in the subject of patient-physician relationships and pay an administrative penalty of \$1,000 within 90 days. The basis for action was Dr. Ortiz' failure to use proper diligence when he did not personally evaluate a urology patient during the post-operative period.

Pacheco-Serrant, Helson, M.D., Lic. No. K6208, El Paso TX

On June 4, 2010, the Board and Helson Pacheco-Serrant, M.D., entered into an Agreed Order requiring Dr. Pacheco-Serrant to complete within one year 30 hours of CME including 10 hours in medical record-keeping, 10 hours in risk management and 10 hours in indications and diagnosis for spinal surgery; and pay an administrative penalty of \$12,000 within 60 days. The Board's basis for action was the finding that Dr. Pacheco-Serrant failed to meet the standard of care, failed to maintain adequate medical records and failed to obtain informed consent in his treatment of a spinal surgery patient.

Parr, Deborah K., M.D., Lic. No. K5699, Durango CO

On June 4, 2010, the Board and Deborah K. Parr, M.D., entered into an Agreed Order publicly reprimanding Dr. Parr and requiring Dr. Parr to complete within on year 15 hours of CME in opioid dependence and chronic pain, and 15 hours in care and treatment of depressive disorders; and pay an administrative penalty of \$10,000 within 90 days. The Board's action was based on Dr. Parr's failure to meet the standard of care in her treatment of two patients with substance abuse issues; and failure to prescribe dangerous drugs in a manner consistent with public health and welfare.

Paulis, Cynthia Barbara, D.O., Lic. No. J7622, Massapequa, NY

On June 4, 2010, the Board and Cynthia Barbara Paulis, D.O., entered into a Mediated Agreed Settlement Order requiring Dr. Paulis to complete within one year 10 hours of CME in medical record-keeping and 15 hours in emergencies in pediatrics; and pay an administrative penalty of \$1,000 within 90 days. The Board's action was based on Dr. Paulis' failure to practice medicine in an acceptable professional manner consistent with public health and welfare and failure to maintain adequate medical records in the case of one pediatric patient. The Board found Dr. Paulis did not confirm that the patient could tolerate fluids without vomiting and failed to adequately document the presence or absence of bowel sounds.

Shaw, Grady Carlton, M.D., Lic. No. F7158, Corsicana TX

On June 4, 2010, the Board and Grady Carlton Shaw, M.D., entered into an Agreed Order restricting Dr. Shaw's license and placing him under the following terms and conditions for three years: Dr. Shaw may not treat chronic pain for patients needing pain treatment beyond three months; and Dr. Shaw must have his practice monitored by another physician. In addition, the Agreed Order requires Dr. Shaw to complete within one year 10 hours of CME in pain management and complete an additional 10 hours in years two and three of the Order for a total of 30 hours of CME in pain management; and complete within one year 10 hours of CME in medical record-keeping. The Board's action was based on Dr. Shaw's failure to meet the standard of care in the treatment of a chronic pain patient who became dependent on Methadone.

Siddiqi, Shah Naweed, M.D., Lic. No. J4515, Houston TX

On June 4, 2010, the Board and Shah Naweed Siddiqi, M.D., entered into an Agreed Order of public reprimand requiring Dr. Siddiqi to complete within one year the Knowledge, Skills, Training, Assessment, and Research program's clinical competency assessment offered by the Texas A&M Health Science Center Rural and Community Health Institute; complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; complete within one year eight hours of CME in physician-patient communication; and pay an administrative penalty of \$10,000 within 90 days. The action was based on the Board's finding that Dr. Siddiqi failed to meet the standard of care, safeguard against complications and maintain adequate medical records in his treatment of two patients.

Stroud, Robert Lee, M.D., Lic. No. E2888, Austin TX

On June 4, 2010, the Board and Robert Lee Stroud, M.D., entered into an Agreed Order requiring Dr. Stroud to complete within one year courses in physician prescribing and physician-patient communication offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board's action was based on Dr. Stroud's failure to meet the standard of care and his nontherapeutic prescribing for a liver-transplant patient.

Suvunrungsi, Precha, M.D., Lic. No. E0159, Killeen TX

On June 4, 2010, the Board and Precha Suvunrungsi, M.D., entered into an Agreed Order publicly reprimanding Dr. Suvunrungsi and requiring him to contact within 30 days the Texas A&M Health Science Center Rural and Community Health Institute ("K-STAR") for the purpose of scheduling an assessment of Dr. Suvunrungsi and his practice of medicine and to determine whether he should undergo an education plan; and complete within one year eight hours of CME

in the subject of pharmacology/drug interactions for elderly populations. The Board's action was based on Dr. Suvunrungsi's failure to meet the standard of care, failure to safeguard against potential complications and nontherapeutic prescribing of Digoxin for a nursing home patient who subsequently died.

Tijimes, Jorge E., M.D., Lic. No. E3784, McAllen TX

On June 4, 2010, the Board and Jorge E. Tijimes, M.D., entered into a Mediated Agreed Order requiring Dr. Tijimes to have a physician monitor his practice; complete within one year eight hours of CME in spine surgery and eight hours of CME in radiographic study interpretation. The Board's action was based on Dr. Tijimes' failure to use proper diligence in his treatment of five patients.

Vertkin, Gene, M.D., Lic. No. M2854, Fort Worth TX

On June 4, 2010, the Board and Gene Vertkin, M.D., entered into an Agreed Order requiring Dr. Vertkin to complete within one year 10 hours of CME in risk management. The Board's action was based on Dr. Vertkin's failure to meet the standard of care when he performed an interscalene nerve block on the wrong side during a patient's surgery.

UNPROFESSIONAL CONDUCT

McLaughlin, Jerry Dewayne, II, M.D., Lic. No. J2961, Hobbs NM

On June 4, 2010, the Board and Jerry Dewayne McLaughlin, M.D., entered into an Agreed Order requiring Dr. McLaughlin to pay an administrative penalty of \$3,000 within 30 days. The Board's action was based on Dr. McLaughlin's unprofessional conduct, failure to comply with a Board subpoena requesting medical records and failure to respond to multiple follow-up contacts by Board staff attempts to gather the requested records.

Koenigsberg, Alan David, M.D., Lic. No. G7837, Plano TX

On June 4, 2010, the Board and Alan David Koenigsberg, M.D., entered into a Mediated Agreed Order requiring Dr. Koenigsberg to pay an administrative penalty of \$500 within 90 days. The basis for action was Dr. Koenigsberg's unprofessional conduct and failure to promptly respond to Board requests for records.

Silver, Steven L., M.D., Lic. No. L7184, Tyler TX

On June 4, 2010, the Board and Steven L. Silver, M.D., entered into a Mediated Agreed Order requiring Dr. Silver to complete within one year 16 hours of CME in medical record-keeping; complete within one year the PACE clinician-patient communication course; and within one year provide to the Director of Compliance a written report outlining what he learned at the courses described. The Board's action was based on Dr. Silver's inadequate medical records and unprofessional conduct toward a patient.

INADEQUATE MEDICAL RECORDS

Campbell, Andrew Foil, M.D., Lic. No. G1284, Dallas TX

On June 4, 2010, the Board and Andrew Foil Campbell, M.D., entered into an Agreed Order requiring Dr. Campbell to complete within one year the medical record-keeping course offered

by the University of California San Diego Physician Assessment and Clinical Education (“PACE”) program or an equivalent course. The action was based on the Board’s finding that Dr. Campbell failed to adequately document patient evaluations, diagnoses and justifications for treatment choices. Dr. Campbell was previously the subject of Board disciplinary action in 2008 for failing to properly dispose of patient records.

Garrison, Olie Ray, D.O., Lic. No. G5081, Nacogdoches TX

On June 4, 2010, the Board and Olie Ray Garrison, D.O., entered into a Mediated Agreed Order requiring Dr. Garrison to have a physician monitor his practice for two consecutive monitoring cycles; complete within one year eight hours of CME in the area of gastrointestinal and liver-related issues. The Board’s action was based on Dr. Garrison’s failure to maintain adequate medical records or document his medical decision-making including reasons for not doing a plan for management of abnormal lab results.

Gulbas, Paul Stephen, M.D., Lic. No. E1326, El Paso TX

On June 4, 2010, the Board and Paul Stephen Gulbas, M.D., entered into an Agreed Order requiring Dr. Gulbas to complete within one year 10 hours of CME, including five hours in risk management and five hours in medical record-keeping. The Board’s action was based on Dr. Gulbas’ failure to adequately document his discussion of LASIK surgery complications with a patient.

Kukreja, Suresh, M.D., Lic. No. F5991, Garland TX

On June 4, 2010, the Board and Suresh Kukreja, M.D., entered into an Agreed Order requiring Dr. Kukreja complete within one year 10 hours of CME in medical record-keeping and five hours of CME in risk management. The Board’s action was based on Dr. Kukreja's failure to document his diagnosis of an infant’s plagiocephaly, and his discussion of the diagnosis with the child’s parents.

McWherter, Joseph Francis, M.D., Lic. No. E8713, Fort Worth TX

On June 4, 2010, the Board and Joseph Francis McWherter, M.D., entered into a Mediated Agreed Order requiring Dr. McWherter to have his practice monitored by a physician for a term of eight reporting periods; and complete within one year 10 hours of CME in medical record-keeping. The Board’s action was based on Dr. McWherter’s inadequate medical records for a patient with endometriosis.

Mathias, John Robert, M.D., Lic. No. H5378, Houston TX

On June 4, 2010, the Board and John Robert Mathias, M.D., entered into an Agreed Order requiring Dr. Mathias to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and have his medical record-keeping monitored by a physician for two years. The Board’s actions were based on Dr. Mathias’ general failure to maintain adequate medical records and his specific failure to maintain adequate records in accordance with Board rules regarding the treatment of pain and regarding the practice of alternative and complementary medicine.

Merszei, Justin D., M.D., Lic. No. L3016, Houston TX

On June 4, 2010, the Board and Justin D. Merszei, M.D., entered into an Agreed Order requiring

Dr. Merszei to pay an administrative penalty of \$1,000 within 60 days. The basis for action was Dr. Merszei's failure to maintain adequate medical records for three patients.

Plummer, Paula C., M.D., Lic. No. F4381, Houston TX

On June 4, 2010, the Board and Paula C. Plummer, M.D., entered into an Agreed Order requiring Dr. Plummer to complete within one year eight hours of CME in medical record-keeping. The basis for action was Dr. Plummer's failure to maintain adequate medical records for a patient.

Safarimaryaki, Shahrokh, M.D., Lic. No. K7092, Longview TX

On June 4, 2010, the Board and Shahrokh Safarimaryaki, M.D., entered into a Mediated Agreed Order requiring Dr. Safarimaryaki to have a physician monitor his records and practice; and complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education ("PACE") program. The action was based on Dr. Safarimaryaki's failure to maintain adequate medical records for one patient with psychiatric problems.

Thota, Archana, M.D., Lic. No. L0950, Wylie TX

On June 4, 2010, the Board and Archana Thota, M.D., entered into an Agreed Order requiring Dr. Thota to complete within one year 10 hours of CME in medical record-keeping and 10 hours of CME in gastro-intestinal diseases. The Board's action was based on Dr. Thota's failure to maintain adequate medical records documenting her reason for deviating from the standard treatment for H. pylori bacterium for one patient.

Zamora, Santiago Armando, M.D., Lic. No. F4720, Austin TX

On June 4, 2010, the Board and Santiago Armando Zamora, M.D., entered into an Agreed Order requiring Dr. Zamora to have his practice monitored by a physician for eight consecutive monitoring cycles; and complete within one year eight hours of CME in medical record-keeping. The Board's action was based on Dr. Zamora's failure to maintain adequate medical records for one pediatric patient.

VOLUNTARY SURRENDERS AND SUSPENSIONS

Aaron, Benjamin, M.D., Lic. No. C6847, Lakeside CA

On June 4, 2010, the Board and Benjamin Aaron, M.D., entered into an Agreed Order requiring Dr. Aaron to voluntarily and permanently surrender his license in lieu of further proceedings relating to continuing medical education requirements.

Anderson, Kevin Blake, M.D., Lic. No. M7826, Victoria TX

On June 4, 2010, the Board and Kevin Blake Anderson, M.D., entered into an Agreed Voluntary Surrender Order, requiring Dr. Anderson to voluntarily and permanently surrender his license in lieu of further disciplinary hearings. The action was based on the Board's finding that Dr. Anderson failed to use diligence in his professional practice.

Fougerousse, Charles Louis, M.D., Lic. No. F1548, Lufkin TX

On June 4, 2010, the Board and Charles Louis Fougerousse, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Fougerousse's medical license in lieu of further

disciplinary proceedings. The Board's action was based on Dr. Fougerousse's inability to practice medicine with reasonable skill and safety to patients because of illness.

Grant, Howard, M.D., Lic. No. F2265, Houston TX

On June 4, 2010, the Board and Howard Grant, M.D., entered into an Agreed Voluntary Surrender Order in lieu of further disciplinary proceedings, requiring Dr. Grant to immediately cease practice in Texas. The action was based on Dr. Grant's conviction of health care fraud, a felony, on June 2, 2010.

Harris, Darryl Clarence, M.D., Lic. No. L3676, Los Angeles CA

On June 4, 2010, the Board and Darryl Clarence Harris, M.D., entered into an Agreed Voluntary Surrender order, requiring Dr. Harris to immediately cease practice in Texas, in lieu of further disciplinary proceedings. The Board's action was based on Dr. Harris's failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Kornell, Bernard D., M.D., Lic. No. F2308, Dallas TX

On June 4, 2010, the Board and Bernard D. Kornell, M.D., entered into an Agreed Voluntary Surrender Order, in which Dr. Kornell voluntarily and permanently surrendered his medical license due to his physical condition, in lieu of further disciplinary proceedings.

McNeel, Day Pattison, Jr., M.D., Lic. No. D0969, Canyon Lake TX

On June 4, 2010, the Board and Day Pattison McNeel, Jr., M.D., entered into an Agreed Voluntary Surrender Order, in lieu of further disciplinary proceedings, requiring Dr. McNeel to immediately cease practice in Texas. The voluntary surrender is permanent. The basis for action was the Board's finding that Dr. McNeel prescribed controlled substances from Dec. 10, 2008, through July 6, 2009, even though his authority to prescribe such substances expired in 1998 and was subsequently cancelled by the Texas Department of Public Safety.

Nepper, Leonard Gaylon, D.O., Lic. No. J9240, Brownwood TX

On June 4, 2010, the Board and Leonard Gaylon Nepper, D.O., entered into an Agreed Voluntary Surrender Order in which Dr. Nepper voluntarily and permanently surrendered his license due to his physical condition, in lieu of further disciplinary proceedings.

Sargent, Michael Geoffrey, M.D., Lic. No. F7910, Katy TX

On June 4, 2010, the Board and Michael Geoffrey Sargent, M.D., entered into an Agreed Order in which Dr. Sargent voluntarily and permanently surrendered his medical in lieu of further disciplinary proceedings. The Board's basis for action was Dr. Sargent's failure to practice medicine in an acceptable, professional manner and failure to use diligence in his practice.

Sharma, Arun, M.D., Lic. No. J1390, Webster TX

On June 4, 2010, the Board and Arun Sharma, M.D., entered into an Agreed Voluntary Surrender Order in lieu of further disciplinary proceedings, authorizing the Board to accept the voluntary surrender of Dr. Sharma's medical license and requiring Dr. Sharma to immediately cease practice in Texas. The Board's action was based on Dr. Sharma's conviction of conspiracy to commit health care fraud.

Sharma, Kiran, M.D., Lic. No. J6240, Baytown TX

On June 4, 2010, the Board and Kiran Sharma, M.D., entered into an Agreed Voluntary Surrender Order in lieu of further disciplinary proceedings, authorizing the Board to accept the voluntary surrender of Dr. Sharma's medical license and requiring Dr. Sharma to immediately cease practice in Texas. The Board's action was based on Dr. Sharma's conviction of conspiracy to commit health care fraud.

Shear, Jeffrey M., M.D., Lic. No. G2224, Cupecoy, St. Maarten, N.A.

On June 4, 2010, the Board and Jeffrey M. Shear, M.D., entered into an order in which Dr. Shear voluntarily and permanently surrendered his license due to a physical condition.

Wofford, Gary Gene, M.D., Lic. No. G9014, Pueblo CO

On June 4, 2010, the Board and Gary Gene Wofford, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Wofford permanently surrendered his medical license in lieu of further disciplinary proceedings before the Board. The Board's action was based on Dr. Wofford's voluntary relinquishment of his Colorado medical license for failure to comply with a Colorado State Board of Medical Examiners order.

REVOICATIONS/SUSPENSIONS

Clardy, Christina, M.D., Lic. No. G2929, Houston TX

On June 4, 2010, the Board and Christina Clardy, M.D., entered into an Agreed Order of Suspension, immediately suspending her medical license until Dr. Clardy requests in writing to have the suspension stayed or lifted and personally appears before the Board and provides convincing evidence that she is physically, mentally and otherwise competent to practice medicine. Such evidence must include complete and final resolution of any criminal charges and investigations that are currently pending. The basis for action was the Board's finding that Dr. Clardy engaged in unprofessional or dishonorable conduct following her arrest in Harris County on charges of engaging in organized crime. The charges arose out of Dr. Clardy's medical practice, identified as a "pill mill" due to non-therapeutic prescribing of controlled substances.

Few, Jennifer Joanne, M. D., PIT No. BP10023537, Pearland TX

On June 4, 2010, the Board entered a Default Order against Jennifer Joanne Few, M.D., which revoked her Physician-In-Training (PIT) No. BP10023537, that was effective until December 1, 2008. This follows an August 28, 2009, filing by the Board of a Complaint with the State Office of Administrative Hearings (SOAH) in case no. 503-09-6284, which alleged that Dr. Few provided false information to the Board, and failed to comply with Board directives. Further, it alleged that Dr. Few's medical judgment and ability to practice under the PIT permit were impaired. Previously, she reported she suffered from Hodgkin's lymphoma which was a false statement. Later, however, Dr. Few was diagnosed with major depressive disorder and Munchausen's Syndrome. After making one response to the Board denying she had any condition-related practice impairment, Dr. Few failed to respond to any subsequent Board requests for information. The Board then filed the SOAH Complaint to seek revocation of her still-active PIT. After filing the SOAH Complaint, all notices were perfected and the Board issued a Determination of Default, and all other required deadlines passed without any response

from Dr. Few and/or her attorney of record. As a result, all facts alleged in the Complaint were therefore deemed admitted, and Dr. Few's PIT was revoked by Default Order.

Luczkow, Daniel, M.D., Lic. No. K0911, West Barnstable , MA

On June 4, 2010, the Board and Daniel Luczkow, M.D., entered into an Agreed Revocation Order requiring Dr. Luczkow to immediately cease the practice of medicine in Texas. The Board's action was based on Dr. Luczkow's 2008 conviction for filing a false federal tax return.

Waller, Stephen Frank, M.D., Lic. No. F8724, Conroe TX

On May 12, 2010, the Board entered an Automatic Suspension Order for an indefinite period against Stephen Frank Waller, M.D., and it will remain in effect until such time as Dr. Waller provides evidence that shows he is in compliance with the terms and conditions of his February 2009 Agreed Order. The 2009 Order required Dr. Waller to obtain 20 hours of CME, as well as successfully pass the Medical Jurisprudence Exam (JP Exam), all to be completed within one year of the 2009 Order's effective date. The 2009 Order also contained a provision that failure to complete the JP Exam could subject Dr. Waller to an automatic suspension of his medical practice license. Dr. Waller made no attempt to comply with either requirement of the 2009 Order, and at a hearing on the non-compliance, he offered no reasonable excuses for consideration. Accordingly, acting under the terms in 2009 Order, the Board automatically suspended Dr. Waller's license.

TEMPORARY RESTRICTION/SUSPENSION

Cavender, Lundy Eldridge, M.D., Lic. No. H7711, Burleson TX

On June 2, 2010, a Disciplinary Panel of the Board, including at least one physician, entered an Order of Temporary Suspension (With Notice of Hearing) against the medical license of Lundy Eldridge Cavender, Jr., M.D., after concluding that Dr. Cavender's continuation in the practice of medicine presents a continuing threat to the public welfare. The temporary suspension remains in effect pending further Board action. This immediate temporary suspension with notice was initiated after the Board found evidence that included the following: unprofessional or dishonorable conduct by exposing himself and masturbating in view of female employees on numerous occasions in public areas of his office clinic; and being unable to practice medicine with reasonable skill and safety to patients as the result of a mental or physical condition, as indicated by two suicide attempts and a self-admission into a psychiatric treatment program in 2009 to seek treatment for unresolved psychiatric conditions.

O'Neal, Don Martin, M.D., Lic. No. E2769, Sulphur Springs TX

On May 24, 2010, a Disciplinary Panel of the Board entered an Order of Temporary Suspension (Without Notice of Hearing) against the medical license of Don Martin O'Neal, M.D., after concluding that Dr. O'Neal's continuation in the practice of medicine presents a continuing threat to the public welfare. The temporary suspension remains in effect pending further Board action. This immediate temporary suspension without notice was initiated after the Board found evidence that included the following: In November 2008, the Drug Enforcement Administration (DEA) investigated Dr. O'Neal for prescribing various narcotics in significant quantities to numerous patients; in August 2009, Dr. O'Neal surrendered his DEA authorization to prescribe controlled substances to avoid further DEA investigation and potential criminal charges; in

January 2010, a physician colleague of Dr. O'Neal discovered that he had been using the colleague's signature stamp to authorize his continued prescribing of controlled substances to numerous patients; and in April 2010, based on Dr. O'Neal's continuation of narcotics prescribing without a valid DEA authorization of his own, and by using the DEA authorization of another physician, he was charged with a total of 55 felony counts related to the allegations of fraudulent and/or unauthorized prescribing of controlled substances.

Patrick, Joseph J., M.D., Lic. No. G7864, Houston TX

On June 2, 2010, a Disciplinary Panel of the Board, including at least one physician, entered an Order of Temporary Restriction (With Notice of Hearing) against the medical license of Joseph J. Patrick, M.D., after concluding that Dr. Patrick's continuation in the practice of medicine would constitute a continuing threat to the public welfare. The temporary restriction remains in effect pending further Board action. This immediate temporary restriction with notice was initiated after the Board found evidence that Dr. Patrick: non-therapeutically prescribed controlled substances, and prescribed in a manner inconsistent with the public health and welfare, as evidenced by his having written over 21,000 prescriptions for controlled substances in a 19-month period, including 900 controlled substance prescriptions through an emergency medical ambulance service; failed to adequately supervise persons to whom he delegated prescriptive authority; and pre-signed prescriptions that were issued while he was out of the country. In addition, the Board also found that Dr. Patrick did not timely respond to the Board's requests to provide information and medical records. Dr. Patrick admitted he had not acted diligently in his role as Medical Director at the several clinics where the prescriptions were issued. The 2010 Order temporarily restricts Dr. Patrick's practice by prohibiting: any practice other than as an emergency room (ER) physician in a hospital ER; prescription of any Schedule II drugs for any purpose; prescription of controlled substances or other pain medications other than for acute pain and in an amount in excess of what is needed by a patient for 72 hours; authorization of refills for any controlled substances or other pain medications, and prescription of controlled substances or other pain medications for any patient he has previously seen in the ER and prescribed such drugs.

FAILURE TO PROPERLY SUPERVISE OR DELEGATE

Kelly, Patrick F., D.O., Lic. No. K5127, Woodward OK

On June 4, 2010, the Board and Patrick Kelly, D.O., entered into an Agreed Order requiring Dr. Kelly to pay an administrative penalty of \$2,000 within 60 days. The Board's action was based on Dr. Kelly's unprofessional conduct in his failure to respond in a timely manner to communications from a patient and failure to supervise adequately those acting under Dr. Kelly's supervision.

VIOLATION OF PROBATION OR PRIOR ORDER

Armstrong, Davill, M.D., Lic. No. F3025, Houston TX

On June 4, 2010, the Board and Davill Armstrong, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Armstrong, restricting him from supervising or delegating prescriptive authority to physician extenders, and requiring him to pay an administrative penalty of \$4,000 within 30 days and pass the Medical Jurisprudence Examination within three attempts, within

one year; schedule a professional assessment of his practice with the Texas A&M Health Science Center Rural and Community Health Institute; complete within one year complete 10 hours of CME in ethics and 10 hours in risk management. The Board's action was based on Dr. Armstrong's violation of a 2006 Order suspending his license, aiding and abetting the practice of medicine by a person not licensed to practice medicine and dishonorable conduct likely to defraud or injure the public. The Board found that Dr. Armstrong signed federal forms so two patients could receive Medicare, even though he was excluded from such activities due to his suspended license.

Guerrero, Teresa Trumble, M.D., Lic. No. H8471, The Woodlands TX

On June 4, 2010, the Board and Teresa Trumble Guerrero, M.D., entered into an Agreed Order requiring her to enter into an agreement within 60 days with First Advantage, a substance abuse monitoring program, to cover her costs associated with screenings for drugs and alcohol. The Board's action was based on Dr. Guerrero's violation of a 2008 Order requiring her to stay current on her balance.

ORDER MODIFYING A PRIOR ORDER

Nakissa, Nasser, M.D., Lic. No. G6355, San Antonio TX order modifying a prior order...
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On June 4, 2010, the Board and Nasser Nakissa, M.D., entered into an Agreed Order modifying his September 12, 2005 Agreed Order to require Dr. Nakissa to have a chart monitor for two additional monitoring cycles and that he fully implement all recommendations made in a chart monitor report in October 2009. In addition, Dr. Nakissa is prohibited from requesting a modification or termination of the 2005 Order as modified until both of the additional monitor cycles are completed and the Board has received the monitor reports for each cycle. The action was based on Dr. Nakissa's compliance with all aspects of the 2005 Order except for implementing the chart monitor's recommendations.

PEER REVIEW ACTIONS

Patman, Ralph Donald, M.D., Lic. No. C7186, Dallas TX

On June 4, 2010, the Board and Ralph Donald Patman, M.D., entered into an Agreed Order requiring Dr. Patman to complete within one year four hours of CME in ethics and pay an administrative penalty of \$500 within 90 days. The basis for action was the formal censure of Dr. Patman by the American College of Surgeons for giving expert medical testimony that was judged by the ACS to have violated its bylaws.

Trostel, Robert Rhoads, M.D., Lic. No. D0325, Garland TX

On June 4, 2010, the Board and Robert Rhoads Trostel, M.D., entered into an Agreed Order restricting Dr. Trostel to a non-clinical setting and requiring him to pay an administrative penalty of \$1,000 within 60 days. The Board's action was based on disciplinary action taken by Dr. Trostel's peers, mitigated by the fact Dr. Trostel is no longer practicing.

ADVERTISING

Belcazar, Alberto Leonardo, M.D., Lic. No. G9710, Corpus Christi TX

On June 4, 2010, the Board and Alberto Leonardo Belcazar, M.D., entered into an Agreed Order requiring Dr. Belcazar to immediately cease the use of any and all existing advertisements used in any medium, including but not limited to television, radio, print and Internet and revise all such advertising to conform to the Medical Practice Act and Board rules; within one year complete 30 hours of CME divided equally between ethics, medical record-keeping and plastic surgery procedures of the face; and pay an administrative penalty of \$2,000 within 90 days. The action was based on the Board's finding that Dr. Belcazar used false and misleading advertising (proclaiming his services were some of the "best in the world"), failed to practice medicine in an acceptable manner, failed to disclose reasonably foreseeable side effects, failed to obtain informed consent and failed to ensure proper documentation.

CRIMINAL CONVICTION

Bartschi, Carlin Grant, M.D., Lic. No. J0916, Gilbert AZ

On June 4, 2010, the Board entered a Final Order regarding Carlin Grant Bartschi, M.D., revoking Dr. Bartschi's medical practice license. The 2010 Order results from the State Office of Administrative Hearings (SOAH) docket no. 503-10-2510 findings of fact and conclusions of law wherein the SOAH court granted the Board's Motion for Summary Disposition, finding that the Board was entitled to the decision as a matter of law. The Board's action was based on evidence showing that Dr. Bartschi is incarcerated at a United States Penitentiary in Tuscon, Arizona, following his conviction in October 2008 on several felony counts that included: Evasion of Assessment; Evasion of Payment; Submission of Fictitious Obligations, and Mail Fraud. The Board asserted that it was required by statute to revoke a licensee's license if the licensee was incarcerated in prison. The SOAH court considered the evidence submitted by the Board and agreed.

Crain, Daniel A., D.O., Lic. No. J4063, Mexia TX

On June 4, 2010, the Board and Daniel A. Crain, D.O., entered into an Agreed Order requiring Dr. Crain to pass within one year the Medical Jurisprudence Examination within three attempts; complete within one year five hours of CME in ethics and five hours in risk management; pay an administrative penalty of \$1,500 within 90 days; obtain copies of medical records requested by two patients and write letters of apology to these patients within 45 days; place advertisements within 15 days in the highest circulation newspapers in Beaumont, Port Arthur and Orange to notify patients where they can contact him to obtain copies of their medical records. The action was based on Dr. Crain's being placed on deferred adjudication due to a Class A misdemeanor assault; failure to notify patients of termination of his practice; failure to release patient records; failure to comply with a Board subpoena or request for information; and failure to update his practice and/or mailing address to the Board within 30 days of the change.

Gunn, John Christian, M.D., Lic. No. L9039, San Antonio TX

On June 4, 2010, the Board and John Christian Gunn, M.D., entered into a Voluntary Revocation Order to avoid further investigation, hearings and litigation. The action was based on Dr. Gunn's incarceration in a federal correctional institution for bank robbery.

RULES VIOLATION

Schell, Michael Todd, M.D., PIT Permit No. BP10025584, Houston TX

On June 4, 2010, the Board and Michael Todd Schell, M.D., entered into an Agreed Order requiring Dr. Schell to pass within one year the Medical Jurisprudence Examination given by the Texas Medical Board within three attempts; and pay an administrative penalty of \$500 within 90 days. The Board's action was based on Dr. Schell's violation of Board rules requiring physicians to notify the Board in writing of changes in mailing and practice addresses.

MINIMAL STATUTORY VIOLATIONS

The board issued 21 orders for minimal statutory violations.

ACUPUNCTURIST

Butler, Christopher Cook, L.AC., Lic. No. AC00222, Austin TX

On May 18, 2010, the Texas State Board of Acupuncture Examiners entered a Final Order against Christopher Cook Butler, requiring him to pay an administrative penalty of \$250 within 30 days. The basis for action was the finding of the State Office of Administrative Hearings that in 2005 Mr. Butler failed to identify himself as an acupuncturist immediately after his name on a fax sent to the school nurse of a patient, and held himself out as a physician or surgeon by using the title of "Dr." As a mitigating factor, the Board considered that the fax did include information that Mr. Butler was an acupuncturist, although the information was not in the proper form required.

CORRECTIVE ORDERS

Corrective orders are for violations that do not warrant restricting a physician's license but may include requirements such as administrative penalties, continuing medical education or chart monitoring.

Bhai, Aziz W., M.D., Lic. No. K8008

Braden, Stephen Anthony, M.D., Lic. No. F3773

Ha, Chen, M.D., Lic. No. M0099

Malik, Nadia, M.D., Lic. No. M9478

Rodriguez, Raul Pedro, M.D., Lic. No. G5549

Thach, Thao Thanh, M.D., Lic. No. L6667