

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

August 27, 2019

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TMB disciplines 44 physicians at August meeting, adopts rule changes

At its August 16, 2019 meeting, the Texas Medical Board disciplined 44 licensed physicians.

The disciplinary actions included: nine orders related to quality of care violations, nine orders related to unprofessional conduct, five voluntary surrenders/revocations, two suspensions, three restrictions, three orders related to nontherapeutic prescribing, three orders related to peer review action, four orders related to other states' actions, one order related to violation of Board rules, three orders related to inadequate medical records, one order related to a Texas Physician Health Program violation, and one order related to impairment. The Board also ratified four agreed cease and desist orders.

The Board issued 257 physician licenses at the August meeting, bringing the total number of physician licenses issued in FY19 to 4,726. The last date of licensing for the fiscal year is August 30, 2019.

RULE CHANGES ADOPTED

CHAPTER 165. MEDICAL RECORDS

The amendments to **§165.5**, relating to Transfer and Disposal of Medical Records, update and modernize the notice requirements when a physician leaves from or relocates a practice. The rule as amended allows for use of electronic communications for notice to patients. The rule also provides exceptions from notice provisions for certain types of medical practices, including locum tenens and hospital-based practitioners.

CHAPTER 193. STANDING DELEGATION ORDERS

The repeal of **§193.8**, relating to Prescriptive Authority Agreements: Minimum Requirements, is being repealed in its entirety. The repeal eliminates duplicative language already required under §157.0512, Occupations Code.

The amendments to **§193.17**, relating to Nonsurgical Medical Cosmetic Procedures, requires providing notice to patients of the identity and license number of the physician supervisor at a facility providing nonsurgical cosmetic procedures. It also requires posting notice of how and where to file a complaint against a physician or physician assistant involved at one of these facilities.

CHAPTER 185. PHYSICIAN ASSISTANTS

The amendments to **§185.4**, relating to Procedural Rules for Licensure Applicants, repeal language under subsection (a) requiring that an applicant pass the jurisprudence examination within three attempts. The changes are made to align the rules with recent rule amendments repealing jurisprudence exam attempt limits for individuals applying for a medical license, made pursuant to Senate Bill 674 (85th Legislature, Regular Session).

The amendment to **§185.6**, relating to Biennial Renewal of License, repeals language requiring physician assistants to inform the board of address changes within two weeks of the effective date of the address change. The language proposed for repeal conflicts with another rule found under §185.27 requiring physician assistants to report any address change to the board within 30 days after the change occurs.

The amendment to **§185.28**, relating to Retired License, repeals language requiring retired physician assistants who wish to return to active status to provide professional evaluations from each employment held before his or her license was placed on a retired status.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Alo, Kenneth Mark, M.D., Lic. No. H7865, Houston

On August 16, 2019, the Board and Kenneth Mark Alo, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; have his billing practices monitored for eight consecutive monitoring cycles; and within one year complete at least 28 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in informed consent, eight hours in spinal surgery, four hours in ethics and eight hours in proper billing methods. The Board found Dr. Alo violated the standard of care with respect to performing a surgery when there was no indication for the procedure and the amount billed did not reflect the actual procedures performed.

De La Chapa, Jorge Adrian, D.O., Lic. No. K9252, Corpus Christi

On August 16, 2019, the Board and Jorge Adrian De La Chapa, D.O., 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 eight hours of in-person CME in retinal disease, which must include discussion of retinal detachment. The Board found Dr. De La Chapa violated the standard of care when he failed to diagnose a retinal detachment, instead diagnosing the patient with glaucoma. Dr. De La Chapa failed to document that he performed a scleral depression that would meet the standard of care and might have shown the detached retina.

Hall, Theodore Ray, M.D., Lic. No. G4592, Huntsville

On August 16, 2019, the Board and Theodore Ray Hall, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment and Research (KSTAR) program; within 30 days undergo an independent medical evaluation by an approved board certified psychiatrist and follow all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence exam; and within one year complete at least 16 hours of CME, divided as follows: four hours in risk management, four hours in ethics and eight hours in managing complex patients. The Board found Dr. Hall failed to adequately meet the standard of care for 11 of 17 institutionalized patients reviewed and failed to cooperate with requests and respond to Board subpoenas seeking medical records and requests for information. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Mech, Arnold Walter, M.D., Lic. No. G9499, Frisco

On August 16, 2019, the Board and Arnold Walter Mech, M.D., entered into an Agreed Order publicly reprimanding Dr. Mech and requiring him to within 25 business days provide copies of all patients' medical records to the respective patients included in investigations that arose as a result of his change of practice address in accordance with Board rules; within one year complete the practice management 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 24 hours of CME, divided as follows: 12 hours in ethics and 12 hours in risk management; and within one year pay an administrative penalty of \$3,000. The Board found Dr. Mech failed to timely update his address with the Board and ensure notice of relocation to patients which affected continuity of care for some, failed to timely respond to Board request for information and timely respond to subpoenas for medical records for multiple Board investigations. Additionally, Dr. Mech failed to timely provide a patient with a copy of their electroencephalogram report in violation of the standard of care.

Merritt, Dorothy Francoeur, M.D., Lic. No. G9878, Dickinson

On August 16, 2019, the Board and Dorothy Francoeur Merritt, M.D., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping and eight hours in treatment of endocrine disorders; and

within 90 days pay an administrative penalty of \$1,000. The Board found Dr. Merritt treated a patient for thyroid problems absent objective evidence that the patient needed such treatment. Treatment with thyroid medication was improperly continued even after the patient showed no positive response to the treatment. Dr. Merritt ordered thermography to evaluate the patient's risk for developing breast cancer and failed to clearly document that she also verbally recommended a mammogram, although the report did state in writing that thermography did not replace the need for a mammogram.

Naik, Sunil Shanker, M.D., Lic. No. K3803, Houston

On August 16, 2019, the Board and Sunil Shanker Naik, M.D., entered into an Agreed Order on Formal Filing requiring him to have his practice monitored by another physician for six consecutive monitoring cycles; 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 drug-seeking behavior and eight hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Naik prescribed narcotics without, in some cases, adhering to the established monitoring guidelines and Board rules for the treatment of chronic pain. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Pinkston, Marianna Johnna, M.D., Lic. No. K9871, San Antonio

On August 16, 2019, the Board and Marianne Johnna Pinkston, M.D., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within six months complete at least eight hours of in-person CME in medical recordkeeping; and within 90 days pay an administrative penalty of \$10,000. The Board found Dr. Pinkston breached the standard of care and failed to maintain adequate medical records for two patients. For one patient she erroneously and nontherapeutically prescribed contraindicated medications to a high risk diabetic patient causing foreseeable complications, and failed to properly treat another patient's hypothyroidism.

Quiroz, Carlos Arturo, D.O., Lic. No. K3632, San Antonio

On August 16, 2019, the Board and Carlos Arturo Quiroz, D.O., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; shall not treat or otherwise serve as a physician for his immediate family or friends and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to himself, immediate family or friends; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 32 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in prescribing, eight hours in attention deficit disorder and eight hours in patient-physician boundaries; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Quiroz violated the standard of care in relation to six patients, some of which were family and friends he prescribed controlled substances to and could not provide adequate medical records for some of those he treated. Dr. Quiroz also admitted to being in a personal relationship with one of the patients reviewed and prescribing to that patient after the relationship ended.

Reyes, Jose Ramon, Jr., M.D., Lic. No. J9299, Pasadena

On August 16, 2019, the Board and Jose Ramon Reyes, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 26 hours of in-person CME, divided as follows: twelve hours in pain management, eight hours in medical recordkeeping and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Reyes failed to develop and implement patient-specific treatment plans for multiple chronic pain patients, and failed to document proper patient monitoring and justification for his prescribing practices.

UNPROFESSIONAL CONDUCT

Ettinger, Mark, M.D., Lic. No. N8184, Dallas

On August 16, 2019, the Board and Mark Ettinger, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program (TXPHP) for future monitoring and evaluation; and requiring him to comply with all terms of the July 2018 TXPHP agreement for the duration of the agreement, including but not limited to, complying with the worksite monitor agreement. The Board found Dr. Ettinger improperly diverted a controlled substance, Tramadol, for his own personal use.

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

On August 16, 2019, the Board and John Franklin Gilmore, III, M.D., entered into an Agreed Order requiring him to within 30 days create an informed consent form that shall be used to obtain patient consent for video recordings and any subsequent publication of those recordings in any format and submit to the Board for review and approval; within one year complete at least 12 hours of CME, divided as follows: four hours in HIPAA, four hours in informed consent and four hours in limitations on physician advertising. The Board found Dr. Gilmore failed to get informed consent from patients that he video recorded and posted to YouTube, although he asked for verbal consent, this is not adequate. Dr. Gilmore obtained no written or electronic consents, which is required by Texas HIPAA law.

Jones, Wayne Charles, M.D., Lic. No. D6049, Richardson

On August 16, 2019, the Board and Wayne Charles Jones, M.D., entered into an Agreed Order restricting his practice under the following terms: shall not perform any injection or physical examination on female patients; have a chaperone available to observe anytime he conducts an in-person visit with a female patient; within 60 days undergo a competency evaluation to determine whether he is physically, mentally, or otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, medical records and reports of psychological and neuropsychiatric evaluations; within one year 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. The Board found Dr. Jones inappropriately touched a patient while making inappropriate comments during an office visit and without having a chaperone present. This order replaces the June 14, 2019, order which was vacated due to incorrect terms.

Klein, Michael Philip, M.D., Lic. No. H7022, Cuero

On August 16, 2019, the Board and Michael Philip Klein, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation by an approved board certified psychiatrist and follow any recommendations for care and treatment. The Board found Dr. Klein engaged in a sexual relationship with a patient during which time he was treating the patient and prescribing controlled substances.

Kumar, Rajeshwar, M.D., Lic. No. K4474, Allen

On August 16, 2019, the Board and Rajeshwar Kumar, M.D., entered into an Agreed Order requiring him to comply with all terms of the Order of Deferred Adjudication entered in March 2017; and within a year complete at least eight hours of CME, divided as follows: four hours in professionalism and four hours in ethics. The Board found Dr. Kumar in January 2017, pled no contest to a Class C misdemeanor charge of assault family violence, and in March 2017, pled guilty to a felony charge of aggravated assault with a deadly weapon.

Lynch, Robert Kevin, D.O., Lic. No. K3317, Odessa

On August 16, 2019, the Board and Robert Kevin Lynch, D.O., entered into an Agreed Order on Formal Filing requiring him to within 30 days undergo an independent medical evaluation by an approved board certified psychiatrist and follow all recommendations for care and treatment; within one year complete at least eight hours of in-person CME in ethics; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Lynch was arrested, charged and pled guilty to two felony counts of Cruelty to Non-Livestock Animals – Killing/Poisoning. Dr. Lynch has fulfilled terms of his probation, including restitution to the family for veterinarian bills. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Nikko, Anthony Phan, M.D., Lic. No. K5639, Houston

On August 16, 2019, the Board and Anthony Phan Nikko, M.D., entered into an Agreed Order requiring him to within 30 days update/correct his website advertising regarding board certification and cosmetic surgery and provide the Board with documentation showing his website has been corrected; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Nikko's website stated that he was a "Board Certified Cosmetic Surgeon," although he is not board certified in this specialty.

Skie, Gregory, M.D., Lic. No. G5617, Arlington

On August 16, 2019, the Board and Gregory Skie, M.D., entered into an Agreed Order publicly reprimanding Dr. Skie and requiring him to within one year complete at least eight hours of in-person CME, divided as follows: four hours in ethics and four hours in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Skie engaged in unprofessional conduct when he failed to respond to Board staff's request for information related to an investigation.

Thompson, Katherine Hegmann, M.D., Lic. No. K1699, Houston

On August 16, 2019, the Board and Katherine Hegmann Thompson, M.D., entered into an Agreed Order publicly reprimanding Dr. Thompson and requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within 30 days obtain an independent medical evaluation by an approved board certified psychiatrist and follow all recommendations made for care and treatment; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Thompson was nonresponsive to Board staff and the Board panel, failed to appreciate the significance of her inaction with regard to responsiveness to the Board, and demonstrated an apparent lack of understanding of the situation and an inability to clearly respond to questions from the panel.

VOLUNTARY SURRENDER/REVOCAION

Barker, Wade Neal, M.D., Lic. No. J1859, Mesquite

On August 16, 2019, the Board and Wade Neal Barker, M.D., entered into an Agreed Order of Voluntary Revocation in which Dr. Barker agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Barker is awaiting sentencing following his entry of a guilty plea to two federal felony counts related to health care fraud.

Crouse, Edward J. Nuila, M.D., Lic. No. G4367, Houston

On August 16, 2019, the Board and Edward J. Nuila Crouse, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Crouse agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Crouse is currently incarcerated at FCI Beaumont Low following his sentencing for pleading guilty to one felony count of tax evasion.

Davis, Randy, D.O., Lic. No. N2053, Arlington

On August 16, 2019, the Board and Randy Davis, D.O., entered into an Agreed Order of Voluntary Revocation in which Dr. Davis agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Davis indicated his desire to voluntarily surrender his license rather than continuing to serve under his 2018 Order.

Do, Anh My, M.D., Lic. No. F5893, Houston

On August 16, 2019, the Board and Ahn My Do, M.D., entered an Agreed Order of Voluntary Revocation in which Dr. Do agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Do entered a guilty plea to one count of conspiracy to commit healthcare fraud and was sentenced to 36 months in prison and ordered to pay restitution.

Sheikh, Shafeeq T., M.D., Lic. No. P6270, Houston

On August 16, 2019, the Board and Shafeeq T. Sheikh, M.D., entered into an Agreed Order of Voluntary Revocation on Formal Filing in which Dr. Sheikh agreed to the revocation of his Texas medical license in lieu of further disciplinary

proceedings. The Board found Dr. Sheikh was convicted of second degree felony sexual assault of a female patient by a jury in Harris County, Texas, and has been required to register as a sex offender and is under probation with the Texas Department of Criminal Justice for 10 years. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

SUSPENSION

Howell, Kristina Michele, M.D., Lic. No. J0005, Denton

On August 16, 2019, the Board and Kristina Michele Howell, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Howell's medical license until such a time as 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. Howell was admitted previously for psychiatric treatment and has granted a family member Statutory Durable Power of Attorney. Dr. Howell's prescription pad was obtained by a former patient who used it to fraudulently write a prescription, and as a result, Dr. Howell's Durable Power of Attorney permanently surrendered Dr. Powell's DEA registration on March 20, 2019.

Villarreal, J.A., Lic. No. H3292, Corpus Christi

On August 16, 2019, the Board and J.A. Villarreal, M.D., entered into an Agreed Order suspending Dr. Villarreal's Texas medical license until such a time as his criminal proceeding in any court, and any other criminal proceedings filed during the pendency of this order, are resolved. Dr. Villarreal's license had previously been temporarily suspended following his arrest and indictment for felony sexual assault charges.

RESTRICTION

Hallett, Robert Victor, M.D., Lic. No. L9581, Lufkin

On August 16, 2019, the Board and Robert Victor Hallett, M.D., entered into an Agreed Order, lifting his temporary restriction and placing him under the following terms: shall not engage in the practice of Interventional Cardiology; limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance; 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 two times a week; and within 30 days obtain pre-approved board certified treating practitioners, including a psychiatrist, psychologist, and neurologist and follow any recommendations made for care and treatment. The Board found Dr. Hallett suffers from an impairment that affects his ability to practice medicine with reasonable skill and safety to patients.

Kim, Cheor Jung, M.D., Lic. No. E2650, Houston

On August 16, 2019, the Board and Cheor Jung Kim, M.D., entered into an Agreed Order restricting Dr. Kim's medical license under the following terms: shall not prescribe, administer, or possess any Schedule II or III medications to any patient, nor any benzodiazepine, nor Soma to any patient until further order of the Board; and within one year complete the prescribing and medical recordkeeping courses offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Kim violated the standard of care in his treatment of 13 patients for chronic pain, failed to follow the minimum requirements in Board rules for treating chronic pain, and failed to maintain adequate medical records for multiple patients. This order supersedes the Order of Temporary Restriction entered on July 13, 2018.

Parde, Andrea KZ, M.D., Lic. No. Q4485, Lincoln, NE

On August 16, 2019, the Board and Andrea KZ Parde, M.D., entered into an Agreed Order, lifting the suspension of Dr. Parde's license and placing her under the following terms: shall not practice medicine in Texas until such a time as she appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, evidence that she is in compliance with all terms of any action and monitoring program issued by the Nebraska Department of Health and Human Services, and a plan for return to practice, including any requirements imposed by potential employers and Dr. Parde's plans to comply with and cooperate with those requirements; 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. Parde has engaged in substance abuse of controlled substances and alcohol and action was taken against her Nebraska medical license as a result of a violation based on her use of controlled substances without a prescription.

NONTHERAPEUTIC PRESCRIBING

Colbert, Christle Denise, M.D., Lic. No. P1533, Beaumont

On August 16, 2019, the Board and Christle Denise Colbert, M.D., entered into an Agreed Order on Formal Filing under the following terms: limit her medical practice, including any office and inpatient practice, to a group or institutional setting approved in advance; within seven days surrender her DEA controlled substances registration and not reregister without prior approval; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of in-person CME, divided as follows: eight hours in medical recordkeeping and eight hours in ethics. The Board found Dr. Colbert violated the standard of care in the treatment of multiple chronic pain patients and failed to maintain adequate medical records. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Escalante, Dante Penson, M.D., Lic. No. J3789, San Antonio

On August 16, 2019, the Board and Dante Penson Escalante, M.D., entered into an Agreed Order restricting his license under the following terms for a period of five years: shall not treat patients for chronic pain, except for hospice or palliative care patients; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in treatment of drug-seeking patients; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant, except for delegating to midlevels for treatment of chronic pain in hospice or palliative care. The Board found Dr. Escalante failed to meet the applicable standard of care by nontherapeutically prescribing controlled substances to twelve chronic pain patients.

Pena-Rodriguez, Cesar B., M.D., Lic. No. L7105, Garland

On August 16, 2019, the Board and Cesar B. Pena-Rodriguez, M.D., entered into an Agreed Order, lifting the suspension of Dr. Pena-Rodriguez' license and placing him under the following terms: within seven days surrender his DEA Controlled Substances Registration Certificate and not reregister without prior Board approval; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least eight hours of CME in medical recordkeeping; comply with all terms of his court-ordered Temporary Restraining Order and/or subsequent Temporary Injunction Order; and within 120 days pay an administrative penalty of \$3,000. The Board found Dr. Pena-Rodriguez violated the standard of care by prescribing controlled substances to patients without appropriate documentation, and a Federal Temporary Restraining Order was entered against Dr. Pena-Rodriguez for issuing prescriptions for a variety of controlled substances without a legitimate medical purpose.

PEER REVIEW ACTION

Ezekiel, Adaiah Abumeze, M.D., Lic. No. L3418, Houston

On August 16, 2019, the Board and Adaiah Abumeze Ezekiel, M.D., entered into an Agreed Order requiring him to within one year complete the TMB Remedial Coaching Program at the University of Texas at Dallas School of Management; and within one year complete at least 20 hours of CME, divided as follows: eight hours (in-person) in risk management, four hours (in-person) in medical recordkeeping and four hours in ethics. The Board found Dr. Ezekiel was subject to a performance improvement plan by her peers for professional conduct and failed to comply with the plan, resulting in the suspension of her privileges for 14 days.

Hinds, Frank Christopher, M.D., Lic. No. M4158, Port Lavaca

On August 16, 2019, the Board and Frank Christopher Hinds, 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 medical recordkeeping and eight hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Hinds was the

subject of peer review action. Dr. Hinds failed to maintain adequate medical records for five patients and breached the standard of care with regard to two patients.

Ramamurthy, Hariharan, M.D., Lic. No. K8821, Big Spring

On August 16, 2019, the Board and Hariharan Ramamurthy, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Ramamurthy and requiring him to within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Ramamurthy engaged in unprofessional conduct with a patient and was subject to peer review action wherein his privileges were ultimately terminated. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

OTHER STATES' ACTIONS

Brown, Stanley Kent, M.D., Lic. No. G3934, Scottsdale, AZ

On August 16, 2019, the Board and Stanley Kent Brown, M.D., entered into an Agreed Order requiring him to complete and comply with all terms of the Order of Reprimand entered by the Arizona Medical Board (AMB) on or about February 5, 2019, and shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses. The Board found Dr. Brown was issued an Order related to his failure to conform to acceptable standards of medical practice by the ABM.

Lee, Luke Poyee, M.D., Lic. No. J0986, Baton Rouge, LA

On August 16, 2019, the Board and Luke Poyee Lee, M.D., entered into an Agreed Order publicly reprimanding him and requiring him to within 120 days pay an administrative penalty of \$3,000. The Board found Dr. Lee was reprimanded and fined by the Louisiana State Board of Medical Examiners through a Consent Order which arose from his unprofessional conduct.

Martinez, Manuel Jose, M.D., Lic. No. G8729, Bayamon, Puerto Rico

On August 16, 2019, the Board and Manuel Jose Martinez, M.D., entered into an Agreed Order prohibiting Dr. Martinez from practicing medicine in Texas until such a time as he appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. The Board found Dr. Martinez's Florida medical license was suspended in January 2019 because it was determined his medical conditions preclude him from safely practicing.

Zeh, Kim Marie, M.D., Lic. No. H0023, Stamford, CT

On August 16, 2019, the Board and Kim Marie Zeh, M.D., entered into an Agreed Order under the following terms: shall not practice medicine in Texas until such a time as she appears before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, evidence that she has self-reported to the Texas Physician Health Program, has been evaluated and is in compliance with a monitoring agreement, if any; and shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses. The Board found Dr. Zeh was reprimanded by the Connecticut Medical Examining Board through a Consent Order effective August 21, 2018 due to impairment issues.

VIOLATION OF BOARD RULES

Broder, Lawrence, M.D., Lic. No. L2154, Cedar Park

On August 16, 2019, the Board and Lawrence Broder, M.D., entered into a Mediated Agreed Order under the following terms: shall ensure that all patients receive a pre-operative clearance prior to receiving any procedure requiring any form of sedation that is performed by himself or anyone acting under his delegation. The clearance shall be performed by an outside, independent physician and obtained in writing and included in the patient's chart. Additionally, Dr. Broder shall within one year and three attempts, pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: six hours in medical recordkeeping, six hours in treating pre-operative preparation and clearance, six hours in informed consent, and six hours in supervision and delegation; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Broder failed to obtain informed consent from a patient prior to

the patient being sedated for another procedure, and failed to maintain adequate medical records for another patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

INADEQUATE MEDICAL RECORDS

Courtney, Stephen Paul, M.D., Lic. No. J1639, Plano

On August 16, 2019, the Board and Stephen Paul Courtney, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least 16 hours of CME, divided as follows: 12 hours in diagnosis, treatment, and surgical approach to abnormalities of the spine, and four hours in prevention of known post-operative complications, including kyphosis; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Courtney's medical records do not include adequate information regarding his decision to decompress an area of the spine without stabilizing instrumentation in a patient's follow-up spinal surgery. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Frazier, Meriwether Lewis, M.D., Lic. No. J9037, Plano

On August 16, 2019, the Board and Meriwether Lewis Frazier, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; 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 with a focus on the treatment of chronic pain. The Board found Dr. Frazier's documentation for his care of 15 patients is sparse and does not contain enough information to support the prescriptions and treatments he offered to those patients.

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

On August 16, 2019, the Board and Ghyasuddin Syed, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; shall consult the Prescription Monitoring Program website on each patient encounter prior to prescribing any opioid medication; and within one year complete at least eight hours of CME in medical recordkeeping. The Board found that although Dr. Syed was diligent about checking patient prescription monitoring reports and performing pill counts, he failed to document these activities in office notes, instead relying at least in part on hospital software to produce the reports.

TXPHP VIOLATION

Carlock, Anna Rogers, M.D., Lic. No. N0677, Dallas

On August 16, 2019, the Board and Anna Rogers Carlock, M.D., entered into an Agreed Order publicly referring her to the Texas Physician Health Program (TXPHP). The Board found that on November 14, 2018, Dr. Carlock was terminated from TXPHP for non-compliance; however, Dr. Carlock completed a KSTAR Fitness for Duty Evaluation that stated she is performing at a level that is consistent with a safe and independent practice and she has been proactive in her recovery.

IMPAIRMENT

Synek, Thomas Robert, M.D., Lic. No. N6054, Spring

On August 16, 2019, the Board and Thomas Robert Synek, M.D., entered into an Agreed Order requiring him to within 30 days submit to an evaluation by the Texas Physician Health Program and comply with any and all recommendations; and fully comply with all terms imposed by his pre-trial diversion program. The Board found Dr. Synek suddenly left his practice to enter inpatient treatment following an arrest for possession of a controlled substance. Dr. Synek accepted a pre-trial diversion program to settle the charge and is in the program until April 2020.

CEASE AND DESIST

Hernandez, Ritter Von Ali, No License, Houston

On August 16, 2019, the Board and Ritter Von Ali Hernandez entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr.

Hernandez owned and operated Novopelle Med Spa, which provided medical services that included Botox injections to at least one patient.

Posey, Michael, D.C., No License, Abilene

On August 16, 2019, the Board and Michael Pose, D.C., entered into an Agreed Cease and Desist Order prohibiting Ms. Posey from practicing medicine in the state of Texas unless licensed to do so. Ms. Posey shall not hold herself out as a physician or medical doctor in the state of Texas, and shall not use any letters, words, or terms affixed on stationary, media, websites, including social media, or in any other manner, to indicate that she is entitled to practice medicine when she is not licensed to do so. The Board found Ms. Posey, who is a Texas-licensed chiropractor, through her practice's website, held herself out as a "Board Certified Functional Neurologist," and further described herself as "the only Board Certified Functional Neurologist in the Big Country and 1 of only 500 doctors worldwide to hold this elite title." Ms. Posey also previously appeared in several television segments on KTAB, a network affiliate in the Abilene area, providing information regarding various conditions, including depression and anxiety, and how she treats those conditions.

Romero, Jorge Braulio, No License, Houston

On August 16, 2019, the Board and Jorge Braulio Romero entered into an Agreed Cease and Desist Order requiring him to immediately cease with the practice of medicine. Mr. Romero will not hold himself out as a physician or doctor in the state of Texas, and will not use any letters, words, or terms affixed on stationary, media, websites, including social media, or in any other manner, to indicate that he is entitled to practice medicine. The Board found that on or before June 14, 2018, Mr. Romero held himself out as a physician, using the title "Dr." without specifying the authority under which he uses it, while working at Clinica Naturista – Health Clinic Wellness Center at 2855 Mangum Road, Houston, Texas.

Whitaker, Jhon, No License, Plano

On August 16, 2019, the Board and Jhon Whitaker entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found that Ms. Whitaker's website, and other promotional materials, state that she treats a variety of chronic pain conditions and neurological conditions with hypnosis and cold laser treatments, and refers to herself as "Dr. Jhon" on her website and social media without stating that she is not a licensed Texas physician.

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To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile. Within that profile is a button that says "View Board Actions."

All releases and bulletins are also available on the TMB website under the "Newsroom" heading.