

## 2005 Press Releases

**Wednesday, February 9, 2005**

### **28 Doctors Disciplined**

During its February 3-4 Board meeting, the Texas State Board of Medical Examiners took disciplinary action against 27 licensed physicians, who received one or more of the following actions: five surrenders/revocations; six suspensions, with four stayed and probated; 10 restrictions; five public reprimands; and 11 administrative penalties totaling \$1,070,000. The board temporarily suspended the license of one physician since the last board meeting. The board accepted the voluntary surrender of the license of one non-certified radiologic technician.

### **New Licenses Issued**

During its February 3-4 Board meeting, the Board approved the licensure applications of 295 physicians.

### **Rule Changes**

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

Chapter 163, Licensure: Amendments to §163.1(13) regarding the definition of substantial equivalence and the repeal of §163.15 regarding visiting physician permits.

Chapter 183, Acupuncture. Amendment to §183.20(c) relating to reporting of continuing acupuncture education for acupuncturists on-line.

### **Proposed Rule Change Withdrawn**

Chapter 170, Authority of Physician to Prescribe for the Treatment of Pain. Proposed repeal of existing chapter and creation of a new chapter regarding the need for patients of Texas to have optimal pain management was withdrawn for further review and comment.

### **Proposed Rule Changes**

The Board proposed the following rule changes for publication in the *Texas Register* and comment:

Chapter 182, Use of Experts: Proposed new §182.7 regarding the use of Executive Committee members to make interim appointments of expert panelists until the next board meeting.

## **Disciplinary Actions**

The following are summaries of the Board actions. The full text of the Board orders will be available on the board's web site at [www.tsbme.state.tx.us](http://www.tsbme.state.tx.us) about 10 days after the Board meeting. The orders provide all information that is public regarding the facts of the case and violations of the law.

Open records requests for orders may be made to [openrecords@tmb.state.tx.us](mailto:openrecords@tmb.state.tx.us); media contact Jill Wiggins at (512) 305-7018 or [jill.wiggins@tmb.state.tx.us](mailto:jill.wiggins@tmb.state.tx.us).

## **Disciplinary Actions**

### **ALEXANDER, PRESTON CLAY, M.D., RICHARDSON, TX, Lic. #G4779**

On February 4, 2005, the Board and Dr. Alexander entered into an agreed order assessing a \$500 administrative penalty. The action was based on allegations that Dr. Alexander failed to complete timely required continuing medical education in ethics.

### **BURNS, DAVID ERIN, M.D., HOUSTON, TX, Lic. #G7498**

On February 4, 2005, the Board and Dr. Burns entered into an agreed order restricting the doctor's license for three years. The action was based on allegations that Dr. Burns violated the standard of care in his treatment of five patients by inadequate diagnostic workup and treatment and poor documentation of treatment modalities.

### **BUTTS, JEFFREY L., D.O., AUSTIN, TX, Lic. #H7939**

On February 4, 2005, the Board and Dr. Butts entered into an agreed order suspending his license until at least June 3, 2005. The action was based on allegations that Dr. Butts ingested cocaine, in violation of a prior board order.

### **CLARK, ALAN SCOTT, M.D., WHITEHOUSE, TX, Lic. #K5489**

On February 4, 2005, the Board and Dr. Clark entered into an agreed order assessing a \$500 administrative penalty. The action was based on an allegation that Dr. Clark did not timely complete his required CME in ethics.

### **CURTIS, ROBERT BURNELL, M.D., AMARILLO, TX, Lic. #H6143**

On February 4, 2005, the Board and Dr. Curtis entered into an agreed order requiring the doctor to complete 20 hours of CME in management of difficult patients and issues related to emergent GI bleeds, and assessing a \$1,000 penalty. The action was based on allegations that Dr. Curtis did not adequately investigate the severity of a patient's GI bleed, which resulted in the patient returning to the emergency room with a subsequent admission to the intensive care unit.

**ELDER, JAMES EVERETT JR., M.D., DALLAS, TX, Lic. #K5289**

A Temporary Suspension Order was entered on January 24, 2005, finding that Dr. Elder poses a continuing threat to public welfare. The suspension was based on Dr. Elder's diversion of another physician's triplicate prescription pad to prescribe medications to himself and family members; his resignation from Green Oaks Hospital while under investigation; his improper termination of a physician-patient relationship (the patient was a minor child whom he was treating for bipolar disorder); and his failure to provide medical records to a patient. The suspension order will remain in effect until such time as it is superseded by a subsequent board order.

**ENGLAND, RICHARD WAYNE, M.D., BEAUMONT, TX, Lic. #E0902**

On December 10, 2004, the Board and Dr. England entered into an Agreed Order accepting the voluntary surrender of Dr. England's license. The action was based on Dr. England's physical impairment.

**FISHER, JAMES FORREST, M.D., SEGUIN, TX, Lic. #E6077**

On February 4, 2005, the Board and Dr. Fisher entered into an agreed order publicly reprimanding Dr. Fisher, assessing a \$10,000 penalty, requiring an additional 50 hours of CME per year for three years, and successful passage of the medical jurisprudence examination within one year. The action was based on allegations that Dr. Fisher acquiesced to a parent's request that he prescribe Zoloft for a pediatric patient. The parent requested Zoloft in the mistaken belief that it was an antihistamine.

**FRY, ROBERT BRYANT JR., M.D., TEXARKANA, TX, Lic. #E4339**

On February 4, 2005, the Board and Dr. Fry entered into an Agreed Order requiring the doctor to obtain an additional 20 hours of CME in medical record documentation. The action was based on allegations that Dr. Fry failed to document adequately his examination and care of one patient.

**GRANEK, HAROLD, M.D., FORT WORTH, TX, Lic. #F8495**

On February 4, 2005, the Board and Dr. Granek entered into an Agreed Order issuing a public reprimand and assessing a \$1000 administrative penalty. The action was based on allegations that Dr. Granek failed to disclose material information on an application for medical staff privileges. Also on February 4, 2005, the Board modified an order entered on September 23, 2002, adding three years to Dr. Granek's probated suspension, thereby placing his license on probation for six years. The action was based upon findings that Dr. Granek violated a prior Order of the Board when he examined and treated female patients. Dr. Granek may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

**HARRIS, MICHAEL SPELLMAN, M.D., DALLAS, TX, Lic. #D3255**

On February 4, 2005, the Board and Dr. Harris entered into an agreed order requiring Dr. Harris to complete an additional 10 hours of CME in risk management and assessing a \$2,500 administrative penalty. The action was based on allegations that Dr. Harris violated the standard of care when he failed to perform timely a pre-operative examination on a patient undergoing cataract surgery.

**INBODY, STEVEN BRYCE, M.D., HOUSTON, TX, Lic. #G7443**

On February 4, 2005, the Board and Dr. Inbody entered into an agreed order suspending Dr. Inbody's license, but probating the suspension for 10 years. The action was based on allegations that Dr. Inbody self-prescribed and was addicted to a hydrocodone-containing medication.

**KERN, SUSAN B., M.D., HOUSTON, TX, Lic. #G6785**

On February 4, 2005, the Board and Dr. Kern entered into an agreed order publicly reprimanding Dr. Kern, requiring an additional 20 hours of CME for three years, and requiring Dr. Kern's practice to be monitored for one year. The action was based on allegations that Dr. Kern altered a medical record after she became aware that the Board was investigating an allegation that Dr. Kern failed to treat a patient within the standard of care.

**KOLLAUS, KENNARD LEE, M.D., SEGUIN, TX, Lic. #G8222**

On January 24, 2005, the Board and Dr. Kollaus entered into an Agreed Order wherein the doctor was publicly reprimanded and assessed a \$5,000 penalty. The action was based on allegations that Dr. Kollaus failed to supervise adequately advanced practice nurses, including leaving presigned prescription pads in clinics.

**LEAVITT, LEWIS A. III, M.D., HOUSTON, TX, Lic. #F9718**

On February 4, 2005, the Board and Dr. Leavitt entered into an agreed order suspending Dr. Leavitt's license, but probating the suspension for five years, issuing a public reprimand, limiting Dr. Leavitt's prescribing privileges, requiring 15 hours of CME in ethics for each year of the probation, assessing a \$2,500 administrative penalty, and requiring the doctor to take and pass the medical jurisprudence examination. The action was based on allegations that Dr. Leavitt prescribed hydrocodone and benzodiazepine to a family member without maintaining a medical record.

**MCDONALD, RUSSELL NEIL, D.O., GROVES, TX, Lic. #E8705**

On February 4, 2005, the Board and Dr. McDonald entered into an agreed order requiring Dr. McDonald to complete a 20-hour course concerning intake history and physicals for weight loss patients. The action was based on allegations that Dr. McDonald treated a patient with weight loss medications

for two months, with no documentation of a physical examination and no labs ordered prior to treatment.

**NARANG, HARCHARAN SINGH, M.D., HOUSTON, TX, Lic. #L5481**

On February 4, 2005, the Board and Dr. Narang entered into an agreed order assessing a \$1,000 administrative penalty. The action was based on allegations that Dr. Narang failed to provide medical records in a timely fashion.

**PIERCE, BILLY DON, M.D., WEST, TX, Lic. #C6757**

On February 4, 2005, the Board and Dr. Pierce entered into an agreed order publicly reprimanding Dr. Pierce, requiring successful completion of the medical jurisprudence examination and 16 hours of CME in medical record keeping. The action was based on allegations that Dr. Pierce failed to maintain a complete medical record on a patient.

**POWELL, BURRELL EDWIN, M.D., CONROE, TX, Lic. #C3175**

On February 4, 2005, the Board and Dr. Powell entered into an agreed order wherein the Board accepted the voluntary and permanent surrender of Dr. Powell's license. The action was based on Dr. Powell's inability to pass the Special Purpose Examination and his desire to retire from the practice of medicine.

**RASHID, KHUSRO, M.D., SAN ANTONIO, TX, Lic. #K4203**

On February 4, 2005, the Board and Dr. Rashid entered into an agreed order suspending Dr. Rashid's license, but probating the suspension for five years. The action was based on allegations of disruptive behavior and failure to properly assess two patients before emergency room treatment.

**SCALLY, MICHAEL CHARLES, M.D., HOUSTON, TX, Lic. #G0066**

On February 4, 2005, the Board revoked Dr. Scally's license and assessed an administrative penalty of \$190,000 and transcript costs of \$12,809.50. The action was based upon findings that Dr. Scally prescribed anabolic steroids without a medical purpose, failed to recognize any errors in his treatment regime, and maintained inadequate medical records. Dr. Scally may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

**SCHEFFEY, ERIC HESTON, M.D., HOUSTON, TX, Lic. #E6607**

On February 4, 2005 the Board revoked Dr. Scheffey's license and assessed an administrative penalty of \$845,000 and transcript costs of \$9,444.55. The action was based upon findings that Dr. Scheffey performed 29 unnecessary surgeries on 11 patients and also failed to report medical malpractice liability

claims. Dr. Scheffey may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the Motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the Motion, the Order is not final and a hearing will be scheduled.

**SILBERG, LOUISE BARBARA, D.O., EL PASO, TX, Lic. #J9348**

On February 4, 2005, the Board and Dr. Silberg entered into an agreed order accepting the voluntary and permanent surrender of the doctor's license. The action was based on Dr. Silberg's illness.

**STAFFORD, NOVARRO CHARLES, M.D., HOUSTON, TX, Lic. #H5072**

On February 4, 2005, the Board and Dr. Stafford entered into an agreed order requiring the doctor to obtain an additional 20 hours of CME each year for two years in pediatric infectious diseases. The action was based on allegations that Dr. Stafford overutilized tympanograms.

**SUOMINEN, DAVID, M.D., CORINTH, TX, Lic. #J6752**

On February 4, 2005, the Board and Dr. Suominen entered into an agreed order suspending Dr. Suominen's license, but probating the suspension for 10 years and assessing a \$10,000 administrative penalty. The action was based on allegations of unprofessional conduct, including misdemeanor criminal conduct, self-prescribing, and alcohol abuse.

**TAYLOR, JILL ANN, D.O., KINGWOOD, TX, Lic. #K2296**

On February 4, 2005, the Board and Dr. Taylor entered into an agreed order assessing a \$1,000 administrative penalty. The action was based on allegations that Dr. Taylor erroneously approved an advertisement that stated she was board certified in bio-identical hormone therapy.

**WALKER, RANDALL DEAN, M.D., MAGNOLIA, TX, Lic. #G5744**

On February 4, 2005, the Board and Dr. Walker entered into an Agreed Order suspending the doctor's license for a minimum of 18 months. The action was based on allegations that Dr. Walker ingested alcohol, contrary to the requirements of a prior agreed order.

**WHITTEN, LEWIS W., DRIPPING SPRINGS, TX, Lic. #NC00063**

On February 4, 2005, the Board and Mr. Whitten entered into an agreed order wherein the Board accepted the voluntary surrender of his non-certified radiologic technician's license. The action was based on allegations that Mr. Whitten was convicted of a third-degree felony.

*The Texas State Board of Medical Examiners, the state agency that regulates physicians, physician assistants, surgical assistants and acupuncturists, provides consumer protection through licensure, investigation and disciplinary action. The Board, under President Lee S. Anderson, M.D., and Executive Director Donald W. Patrick, M.D., J.D., and mandated by Senate Bill 104 of the 78th Legislature, is strengthening and accelerating the disciplinary process for licensees who fail to meet the required standards of professional proficiency and behavior. Information on filing a complaint is on the agency web site at [www.tsbme.state.tx.us](http://www.tsbme.state.tx.us) or by calling (800) 201-9353*

Media contact Public Information Officer Jill Wiggins at [jill.wiggins@tmb.state.tx.us](mailto:jill.wiggins@tmb.state.tx.us) or (512) 305-7018

Non-media contact: (512) 305-7030 or (800) 248-4062

Open records requests for orders may be made to

or write to:

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