

Medical Board Report

Newsletter of the Texas State Board of Medical Examiners

**Spring 2002
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CONTENTS:

[Governor Appoints New Board Members](#)

[◆Just Say No◆ Still Applies: Doctors and Sexual Boundaries](#)

[Physician Profiles Nearing Completion](#)

[Attorney General Opinions](#)

[Board Streamlines Physician Licensure Application Process On-Line](#)

[Renewals To Be Available Soon](#)

[Board Begins New Drug Screening Procedure](#)

[Rule Changes](#)

[Board Organizational Changes Expected to Improve Patient](#)

[Protection](#)

[Formal Complaints](#)

[New Controlled Substance Prescription Forms Available](#)

[Continuing Medical Education Reminder](#)

[Disciplinary Actions](#)

Governor Appoints New Board Member

Governor Rick Perry announced the appointment of three new members of the Texas State Board of Medical Examiners. They attended their first meeting on February 7.

Patricia S. Blackwell, of Midland, is administrative assistant for the West Texas Geological Society and served six years on the Texas State Board of Dental Examiners. A public member of the board, she replaces Penny Angelo, also of Midland.

Roberta Kalafut, D.O., of Abilene, earned her medical degree from Ohio University College of Osteopathic Medicine and completed her residency in physical medicine and rehabilitation at Johns Hopkins Hospital and Sinai Hospital of Baltimore. She is presently Vice Chief of Staff at Abilene Regional Medical Center and maintains a private practice in physical medicine and rehabilitation in Abilene. She is a national examiner for the American Board of Physical Medicine and Rehabilitation. She replaced R. Russell Thomas, D.O., of Austin.

John W. Pate Jr., M.D., of El Paso, graduated from the University of Texas at Austin, the University of Texas Dental Branch, Houston, and the University of

Texas Medical Branch, Galveston. He is board certified in Otolaryngology/Head and Neck Surgery and Facial Plastic and Reconstructive Surgery. He replaces Vernon Ryan, M.D., of San Angelo. All terms expire April 13, 2007.

◆Just Say No◆ Still Applies: Doctors and Sexual Boundaries

by Cynthia Playfair, M.D.

Patients often seek therapy because of boundary issues; they just don't expect physicians to join in their problem, as Linda Weisberg said in 1994. Warmth and caring through a reassuring touch has its place in medicine. The reassuring touch of a physician just before surgery can have a powerfully therapeutic effect. However, as the great psychotherapy teacher, Elvin Semrad, said: ◆when you touch a patient, the therapy is over.◆

Defining sexual misconduct can be complicated. The circumstances in each case need to be understood within their context. There are cases of clear atrocities. There are also cases of good physicians using poor judgment at a particularly vulnerable moment. Each has a different prognosis for rehabilitation. Since we are all vulnerable to boundary violations, it behooves every physician to remain sensitive to and educated about this subject.

The prevalence rate of sexual misconduct in physicians is estimated at 6-10 percent but this phenomenon is likely under-reported in physician surveys and by patients. It is believed that the number of false claims made by patients is very low. A 1992 study indicates that only 4-8 percent of patients report a doctor's sexual misconduct.

The Hippocratic oath states, ◆I will come for the benefit of the sick remaining free of all mischief, and in particular, of sexual relations with both female and male persons.◆ The 1996 AMA medical ethics code states: sexual contact that occurs concurrent with the physician-patient relationship constitutes sexual misconduct. The AMA also finds relationships between supervisors and trainees to be unethical. In 1973, the American Psychiatric Association also defined ◆sexual activity with a patient◆ as unethical, and in 1993 went further, determining sexual activity with a current or former patient to be unethical. Many states have criminalized sexual misconduct with patients. Texas is one of them. The statute permits prosecution for up to two years following termination of the doctor-patient relationship.

The physician most at risk has a mean age of 53, has been in practice roughly 25 years, has a substance abuse history, has frequent use of nonsexual touch with patients, is male, in the midst of a life crisis, and is in private practice. One third of male therapist offenders are currently experiencing divorce or separation. The breakdown by specialty is as follows: 19 percent in obstetrics/gynecology, 13 percent in primary care, 12 percent in internal medicine and 10 percent in psychiatry.

The patient most at risk is female with a mean age of 33 years. Physician boundary violations may result in guilt, isolation, emptiness, ambivalence, cognitive dysfunction, identity issues, boundary issues, trust issues, sexual

confusion, mood instability, severe depression, rage and an increased suicidal risk.

It often takes years for patients to report physician sexual misconduct because of shame, guilt, fear or loyalty to the physician. The biggest obstacle is a fear of being seen as crazy. There can also be a high degree of ambivalence with a loving protective attitude towards the physician. The patient may refer to the interaction as ♦the affair,♦ an important distorted perspective to address early in the treatment.

Patients have the following avenues of recourse: complaining to ethics committees of hospitals or to societies or organizations to which the physician belongs; filing a civil malpractice suit; filing a criminal complaint; and/or reporting to the licensing board. Twenty percent of the costs to malpractice insurers involve sexual misconduct cases.

Medical boards are mandated with a unique and critical position in that they are the only agency that can interfere with a physician♦s license to practice medicine. Sanctions by professional societies, hospitals or even the legal system do not directly interfere with this ability. Boards face many challenges as they attempt to address this distinctly difficult issue including insufficient manpower and funding, especially in relation to their mandates. They also face high volumes of cases to investigate and/or regulate and multiple appeal processes that can drag a case out to great length at great cost.

The doctor-patient relationship is a fiduciary relationship, meaning one person, the patient, trusts another person, the doctor, to act in the patient♦s best interest. When physicians use their privileged position of authority in the context of their emotional and physical proximity to the patient for self-gratification, there is inevitable harm to the patient. It is the physician, not the patient, who has an ethical code to uphold. It is simply part of good care to maintain strong boundaries with patients.

Dr. Playfair is an Austin psychiatrist. She spoke to the Board on the issue of physicians and sexual misconduct in February, and the board appreciates her assistance.

Physician Profiles Nearing Completion

Profiles for approximately one-half of the nearly 53,000 Texas physicians are now available on the TMB website. All of the remaining profiles should be published within the next four to five months.

Several changes to the physician profile report were made during the first year. The following items were eliminated from the profile report because they did not provide useful information to consumers:

- ♦ Continuing medical education status;
- ♦ Expiration date of the physician♦s permit to conduct outpatient anesthesia services, if any; and

◆ Method of licensure of the physician ◆s original Texas license.

The physician mailing address was eliminated from the report, leaving only the practice address. This was done at the request of physicians who use their home address as the mailing address. Physicians should be aware that mailing addresses will continue to be subject to open records requests and cannot be withheld from the public.

The Board proposed additional rule changes in April to remove the dates of the licensure status, disciplinary status and registration status. The change was recommended because the dates created confusion for both physicians and consumers as they often represented the date of data conversion or other administrative action rather than any action of significance to consumers. TMB previously revised profile rules to make the reporting of place of birth and ethnicity optional for physicians.

◆We appreciate the efforts of physicians in providing all the required profile information. We realize that it greatly increased the time required to complete the annual permit application, but believe the profile will benefit both physicians and the public,◆ said Dr. Lee Anderson, president of the Board.

Profile reports can be viewed online at www.tsbme.state.tx.us/agency/profile.htm. Physicians should review their profiles and submit any changes to Physician Profile, Mail Code 906, TMB, P.O. Box 2018, Austin, TX 78768-2018. v

Update on Opinions from the Office of the Attorney General

OR 20021- 1921 (4-16-02)

Question: Whether information received by TMB concerning physicians who received hospital suspensions for at least 30 days or information concerning notices or claims or lawsuits against physicians are available to the public through an open records request.

Response: The requested information is statutorily exempted from disclosure under Sec. 160, A and B, of the Texas Occupations Code. Since none of the conditions for release as set out in Sec. 160.006 apply to this request, the Board must withhold this information.

Opinion No. JC-0458 (2-8-02)

Question: Whether the state ◆s flat prohibition on testimonial advertising by health care professionals could be constitutionally enforced to preclude the use of a specific testimonial advertisement.

Response: It is believed that a court would probably conclude as a matter of law that a flat prohibition on testimonial advertising contravenes the standards regarding commercial speech set forth by the Supreme Court.

Follow-up: TMB is in the process of revising Rule 164.3 to read as follows: Misleading or Deceptive Advertising. No physician shall disseminate or cause the dissemination of any advertisement that is in any way false, deceptive, or misleading. Any advertisement shall be deemed by the Board to be false, deceptive, or misleading if it: (8) contains a testimonial that includes false, deceptive, or misleading statements, or fails to include disclaimers or warnings as to the credentials of the person making the testimonial.

Board Streamlines Physician Licensure Application Process

The Texas State Board of Medical Examiners has responded to complaints from physicians trying to get licensed in Texas that the process takes too long. The old system, first-come, first-served, is being replaced with a triage system. The new system will not sacrifice the current quality of the licensure investigation process and will continue to ensure that a license is granted only after adequate background review indicates the physician is competent to practice in Texas.

The new system identifies uncomplicated applications for routing to a fast track to expedite approval. Applications with questionable history or non-standard documents will be routed to a standard track for comprehensive review and scrutiny.

The change includes a new licensure application form reduced from 49 pages to fewer than 12. The form includes improved instructions to reduce the possibility of errors and omissions that slow the process. There are separate application packets for use depending on the type of applicant and type of licensure: US or Canadian graduate, international medical school graduate, relicensure or reissue application, or telemedicine application. The new forms are available on TMB's web site at www.tsbme.state.tx.us/professionals/physicians/applicants/licapp.htm

On-Line Renewals To Be Available Soon

Physicians will be able to renew on-line soon. An on-line registration system will be implemented late this summer for those physicians who meet eligibility requirements.

Payment will be by credit card (Visa, MasterCard, Discover or American Express) or electronic check. When registration is completed, the physician will receive a confirmation notice.

Additional funding needed to implement and maintain the on-line registration system comes from a \$4 increase in the annual registration fee, which is already in effect.

The registration form will be accessible from the Board's web site at www.tsbme.state.tx.us.

Look for an update in the Fall 2002 issue of the *Medical Board Report*. Physician assistant on-line registration will be added later this year.

Board Begins New Drug Screening Procedure

Beginning in April, the Board instituted a new drug and alcohol testing protocol for licensees who are being monitored for substance abuse. Under the new testing protocol each licensee is assigned a personalized identification number and a color. The color is assigned based on the length of time the individual has been under monitoring.

Each weekday, the licensee must call a toll-free number between a certain time period and enter the assigned PIN, which logs the caller onto a computer with his or her identity and the time of the call. The computer provides the color for that day. If the caller's assigned color is called, then he or she must provide a urine sample within an assigned time period at facilities selected by the Board.

The color will be reassigned based on behavior. As long as the licensee remains free of prohibited substances over time, a color that tests less frequently will be assigned. If the licensee relapses and is allowed to keep the license, a more frequent testing regimen will be required.

The new program is more efficient and places responsibility for compliance in the hands of the licensee. In addition, the program has greatly increased the frequency of testing. Under the old program, most licensees were tested approximately once every five weeks. Under the new protocol, most licensees are tested weekly. Under the new protocol, testing can be performed in most places in the United States, as the Board's vendor has agreements with more than 5,800 testing locations across the country. Under the old protocol, if the licensee was out of town, testing did not occur.

The Board understands that the new testing protocol is more stringent, more frequent, and more expensive for those required to be tested, but it believes the new protocol better protects the public, which is the ultimate responsibility of the Board. v

Rule Changes

The Board adopted the following proposed rule changes that were published in the *Texas Register*: Chapter 161, General Provisions: rule review, repeal of §§161.1-161.5, and new §§161.1-161.13, regarding the purpose and function of the board, clarification of its organization and structure, and description of each committee's responsibilities.

Chapter 163, Licensure: new §163.13 regarding expedited licensure process; amendments to §§163.1-163.5, 163.9, and 163.10 regarding the performance and delivery of medical education, examinations, education and documentation requirements, relicensure requirements, and the use of the Federation of State Medical Board's Credentials Verification Service (FCVS).

Chapter 166, Physician Registration: Rule review and amendments to §§166.1-166.6 regarding general cleanup, CME temporary licenses, SB 1300

(30-day grace period to practice with an expired permit) and voluntary charity care provided to indigent populations.

Chapter 171, Postgraduate Training Permits (new title): amendments to §§171.1-171.7 relating to eligibility and documentation requirements of Physician in Training Permits and Visiting Professor Permits, along with general cleanup of the chapter.

Chapter 173, Physician Profiles: amendments to §173.1 relating to information required for physician profiles and updates to Occupations Code cites.

Chapter 175, Fees, Penalties, and Applications: rule review, amendments to §§175.1-175.3, repeal of §§175.4-.5, and new §175.4 regarding fees for physician renewal, physicians in training permits, and certification as nonprofit health organizations.

Chapter 180, Rehabilitation Orders: repeal of §180.1 and new §180.1 regarding the purpose of rehabilitation orders and the factors to be considered when proposing and determining eligibility for a rehabilitation order.

Chapter 181, Contact Lens Prescriptions: rule review and amendments to §§181.1-181.3 and 181.5-181.7 for general cleanup of the chapter and update of Occupations Code cites.

Chapter 183, Acupuncture: amendments to §§183.2-183.6, 183.12-183.14, 183.16-183.21, pursuant to SB 643 concerning the definition of acupuncture and acupuncturist and the authority of an acupuncturist to treat alcoholism and chronic pain without referral; licensure documentation; and updates Occupations Code cites.

Chapter 184, Surgical Assistants: new §184.1-.3, 184.5-.16 regarding the regulation of surgical assistants as mandated by HB 1183 of the 77th Legislature. Section 184.4 regarding qualifications for licensure is effective as an emergency rule; final adoption pending.

Chapter 185, Physician Assistants: amendments to §§185.2, 185.7, 185.17, 185.19, 185.21, 185.30, and new 185.29 regarding employment guidelines pursuant to SB 1166 and changes concerning temporary licenses, automatic suspension and temporary suspensions pursuant to HB 3421; amendments to §§185.4 and 185.9 regarding physician assistants not currently in active practice and reactivation of an inactive license; amendment to section 185.16 prohibiting a physician assistant from being supervised by a physician under a board order.

Chapter 187, Procedural Rules (new title): Repeal of §§187.1-187.41 and new §§187.1-187.44 regarding procedures for formal and informal board proceedings.

Chapter 188, Complaint Procedure Notification: Amendment to §188.1 regarding corrections to Spanish translation of the complaint procedure notification form.

Chapter 189, Compliance Program: new §§ 189.1-189.14 relating to requirements and responsibilities for probationers and the system for monitoring a probationer's compliance.

Chapter 193, Standing Delegation Orders: amendment to section 193.6 regarding the delegation of prescriptive authority to alternate practice sites as specified in SB1166. v

Board Organizational Changes Expected to Improve Patient Protection

TMB understands that protection of the public through the regulation of physicians requires speedy resolution of complaints. In order to reduce resolution time, the Board, the Executive Director, Donald W. Patrick, M.D., J.D., and the agency's management team have initiated organizational changes effective May 13.

The changes are designed to result in quicker action to protect the public, while still affording appropriate and thorough investigation of complaints. Changes include the utilization of a system to triage complaints. Allegations of a physician's professional or behavioral incompetence that results in death, serious injury or sexual impropriety will be investigated as high priorities.

The organizational changes will occur in the investigations, litigation and compliance areas of the agency. The plan creates three new departments, Complaints and Disciplinary Support; Litigation; and Investigations and Compliance.

Each department will focus on a specific area of enforcement responsibility and coordinate its actions through the agency's executive management team.

The purposes of the organizational changes are to assure that the highest priority complaints are investigated and resolved promptly and to maximize the quality of the agency's disciplinary efforts.

“I feel that the Texas State Board of Medical Examiners – both board members and agency personnel – perform an excellent job for the citizens of Texas,” said Lee S. Anderson, M.D., president of the Board. “The board members are all volunteers appointed by the governor. We have no other agenda except to provide oversight to agency personnel. Texas citizens deserve competent, qualified physicians. Physicians deserve efficient licensure and due process in discipline.”

Formal Complaints

The following Formal Complaints were filed with the State Office of Administrative Hearings since the last publication of the *Medical Board Report* regarding the licensees listed below. The cases are unresolved as the *Medical Board Report* goes to press.

Name	Lic. No.	Date Filed	Alleged Statutory Violation
Harold F. Adelman, M.D.	H3965	4-12-02	Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct; commission of an act that violates the laws of this state if the act is connected with the physician's practice of medicine; sexual contact with a patient to whom he was a health care services provider.
Jess B. Caderao, M.D.	F6363	4-9-02	Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct; commission of an act that violates the laws of this state if the act is connected with the physician's practice of medicine; persistent or flagrant overcharging or overtreating.
Paul T. Elliott, M.D.	D5979	4-12-02	Violation of Board rules; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct; writing or dispensing to a known abuser of drugs.
Demetris A. Green, M.D.	J4168	3-26-02	Inability to practice with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals or another substance; unprofessional or dishonorable conduct.
John B. Harmon Jr., M.D.	G3432	2-26-02	Unprofessional or dishonorable conduct.
Annette M. Howard, M.D.	J5161	4-23-02	Unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.
Allan B. Manning, M.D.	D0210	4-24-02	Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; violation of Board Rule 170 dealing with the treatment of intractable pain; failure to practice in an

Michael S. Phillips, M.D.	E4598	4-24-02	acceptable professional manner consistent with public health and welfare; dispensing to a known abuser of narcotics or controlled substances.
Gregory Vagshenian, M.D.	J8155	5-10-02	Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; disciplinary action by peers; unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.
Gordon P. Ward, D.O.	F2096	5-8-02	Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; submitting false or misleading information in an application for a license; unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public. Failure to practice medicine in an acceptable professional manner consistent with public health and welfare; violation of Board Rule 170 dealing with treatment of intractable pain and Board Rule 165 for failing to maintain proper medical records; disciplinary action by peers; unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

New Controlled Substance Prescription Forms Available

Single-copy prescription forms are now available from the Texas Prescription Program. The new prescription form can be used **in addition to** the traditional triplicate prescription, and either prescription is valid if the practitioner's preprinted DPS controlled substances registration number is valid.

Ordering procedures for the new form is identical to those for triplicate prescriptions: obtain an order card from the Texas Prescription Program, submit a letter requesting prescription forms, or use the notification card that you will receive in the mail. The orders must be accompanied by a check. The cost for the single-copy prescription forms is \$12.50 per 100 forms. The cost for triplicate prescription forms has increased to \$10 per 100 forms.

The single-copy prescription has a green background and contains several security features that can be used to confirm its validity and legitimacy. Among them are the following:

◆ Prescription control number ◆ Preprinted by DPS or contractor and unique to individual prescriptions

◆ VOID pantograph ◆ A copied prescription is voided

◆ Heat sensitive ◆ thumb print ◆ Disappears and reveals the word ◆ SAFE ◆ when rubbed or heated

◆ Watermark ◆ gray-scale DPS seal in the middle of the prescription

Additional information is available at

www.txdps.state.tx.us/criminal_law_enforcement/narcotics/Triplicate.

Continuing Medical Education Reminder

As a prerequisite to the annual registration of a physician's license, 24 hours of continuing medical education are required to be completed in the following categories:

Formal Hours (at least 12): ◆ Category 1 or 1A designated for AMA/PRA Category 1 credit by a CME sponsor accredited by the Accreditation Council for Continuing Medical Education or a state medical society recognized by the Committee for Review and Recognition of the Accreditation Council for Continuing Medical Education; approved for prescribed credit by the American Academy of Family Physicians; designated for AOA Category 1-A credit required for osteopathic physicians by an accredited CME sponsor approved by the American Osteopathic Association; or approved by the Texas Medical Association based on standards established by the AMA for its Physician's Recognition Award.

At least one formal hour must involve medical ethics and/or professional responsibility.

Informal Hours: The remaining 12 hours may be informal self-study, hospital lectures or grand rounds.

If you have questions, call the Permits Department at (512) 305-7020. For information on CME courses, call TMA at (512) 370-1300; TOMA at (512) 708-8662; or the Texas Academy of Family Physicians at (512) 329-8666, or check their web sites: TMA: www.texmed.org, TOMA: www.txosteo.org or TAFP: www.tafp.org.

Disciplinary Actions

Allen, Robert Wood, M.D., Rockwall, TX, Lic. #C8183

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license. Action due to the fact that the physician suffered a stroke and has no plans to practice medicine in the future.

Alloju, Lisa Diane, D.O., Bedford, TX. Lic. #IP35314

An Agreed Order was entered on 5-17-02 restricting the physician's Institutional Permit under certain terms and conditions. Action due to intemperate use of alcohol or drugs that, in the Board's opinion, could endanger a patient's life.

Aragon, Gilbert Christopher Jr., D.O., Irving, TX, Lic #J8886

An Agreed Order was entered on 5-17-02 suspending the physician's license. Upon meeting certain requirements for evaluation, the suspension is stayed and the physician is placed on probation for five years under certain terms and conditions. The physician was assessed a \$1,000 administrative penalty. Action due to the following: unprofessional conduct that is likely to deceive, defraud, or injure the public; commission of an act that violates any law of Texas if the act is connected with respondent's practice of medicine; writing prescriptions or dispensing to a person who is known to be an abuser of narcotic drugs, controlled substances, or dangerous drugs; writing false or fictitious prescriptions for dangerous drugs; nontherapeutic prescribing; and prescribing, administering or dispensing drugs in a manner inconsistent with public health and welfare.

Barnes, Stephen A., M.D., Houston, TX, Lic. #K5800

A Temporary Suspension Order was entered on 3-6-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to the public welfare. An Agreed Order was entered on 4-5-02 lifting the suspension and restricting the physician's license for five years under certain terms and conditions. Action due to intemperate use of alcohol or drugs.

Blinkov, Andrew, M.D., Houston, TX, Lic. #K1368

A Temporary Suspension Order was entered effective 2-8-02, temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare due to violation of prior order of the Board. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Blume, Horst Gunther, M.D., Sioux City, IA, Lic. #D1551

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license. Action due to disciplinary action by another state.

Bonham, Henry E., M.D., Fort Worth, TX, Lic. #D4076

An Agreed Order was entered on 12-7-01 revoking the physician's license. Action due to conviction of a felony or a crime of a lesser degree that involves moral turpitude, and unprofessional or dishonorable conduct.

Brice, Nelson, M.D., Snyder, TX, Lic. #E6250

An Agreed Order was entered on 4-5-02 suspending the physician's license, staying the suspension, and placing the physician on probation for five years under certain terms and conditions. Action due to the following: unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and failure to keep a record of the physician's purchase and disposal of drugs and controlled substances.

Brown, Michael Glyn, M.D., Houston, TX, Lic. #G3190

An Agreed Order was entered on 5-17-02 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for seven years under certain terms and conditions. Action due to the following: inability to practice medicine with reasonable skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance, or as a result of any mental or physical condition; and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Burrows, Williams B., D.O., Mount Pleasant, TX, Lic. #J9637

An Agreed Order was entered on 4-5-02 suspending the physician's license. Action due to inability to practice medicine with reasonable skill and safety to patients because of illness; drunkenness; excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition, and writing false or fictitious prescriptions for dangerous drugs.

Caldwell, Troy A. Jr., M.D., Rusk, TX, Lic. #E8372

An Agreed Order was entered on 12-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for five years under certain terms and conditions. Action due to nontherapeutic prescribing or treatment.

Cantu, Ernesto, M.D., San Antonio, TX, Lic. #F7416

An Agreed Order was entered on 12-7-01 suspending the physician's license. Action due to the following: failure to practice medicine in an acceptable manner consistent with public health and welfare; unprofessional or dishonorable conduct; nontherapeutic prescribing or treatment; writing false or fictitious prescriptions; failure to keep drug records; and failure to supervise delegates.

Clark, Robert E. Jr., M.D., Memphis, TX, Lic. #C3610

An Agreed Order was entered on 12-7-01 in which the physician voluntarily and permanently surrendered his Texas medical license. Action due to inability to practice medicine with reasonable skill and safety to patients as a result of his physical condition or poor health.

Collins, Rebecca N., M.D., Lewisville, TX, Lic. #H7548

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$4,500. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Colpitts, Robert Vernon, M.D., Houston, TX, Lic. #C3613

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license. Action due to the physician's inability to practice medicine with reasonable skill and safety to patients because of his physical condition and poor health.

Cowden, William L., M.D., Fort Worth, TX, Lic. #F1483

An Agreed Order was entered on 2-8-02 suspending the physician's license; however, the suspension was stayed and physician was placed on probation for three years under certain terms and conditions. Action due to violation of a Board rule.

Crites, Frances Betker, M.D., Dallas, TX, Lic. #H3868

An Agreed Order was entered on 5-17-02 publicly reprimanding the physician and placing the physician's license under certain terms and conditions as outlined in the Order. Action due to intemperate use of alcohol or drugs that, in the Board's opinion, could endanger a patient's life.

Deep, Anthony M., M.D., Kerrville, TX, Lic. #K9254

An Agreed Order was entered on 12-7-01 restricting the physician's license for five years under certain terms and conditions. Action due to unprofessional or dishonorable conduct.

Dorian, Hugh, M.D., El Paso, TX, Lic. #E3899

An Agreed Order was entered on 4-5-02 restricting the physician's license for three years under terms and conditions. Action due to failure to practice medicine in an acceptable manner consistent with public health and welfare.

Farkas, Babette Frances, M.D., Dallas, TX, Lic. #H0335

An Agreed Order was entered on 5-17-02 assessing an administrative penalty in the amount of \$3,000. Action due to the following: prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or

prescribed; and prescribing, administering, or dispensing a dangerous drug in a manner inconsistent with public health and welfare.

Farner, Robert E. Jr., M.D., Hot Springs, AR, Lic. #K0293

An Agreed Order was entered on 12-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for 10 years under certain terms and conditions. Action due to conviction of a felony and the physician's inability to practice medicine with reasonable skill and safety to patients as a result of a mental condition.

Fisher, Stephen N., M.D., Pittsburgh, PA, Lic. #H9635

An Agreed Order was entered on 12-7-01 suspending the physician's license. Action due to conviction of a felony and unprofessional or dishonorable conduct.

Fogelman, Jay, M.D., Austin, TX, Lic. #E2560

An Agreed Order was entered on 5-17-02 restricting the physician's license under certain terms and conditions. Action due to the following: inability to practice medicine with reasonable skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance, or as a result of any mental or physical condition; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; disciplinary action by peers; submitting to the Board a false or misleading statement, document, or certificate in an application for license; unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed; and prescribing, administering, or dispensing a dangerous drug in a manner inconsistent with public health and welfare.

Freeman, Phillip Neal, M.D., Houston, TX, Lic. #G9851

An Agreed Order was entered on 5-17-02 restricting physician's license under certain terms and conditions and assessing an administrative penalty in the amount of \$5,000. Action due to unprofessional conduct that is likely to deceive or defraud the public or injure the public.

Fulton, Carl L., M.D., Dallas, TX, Lic. #G6170

An Agreed Order was entered on 12-7-01 suspending the physician's license. Action due to unprofessional or dishonorable conduct and commission of an act that violates a law of this state connected with the practice of medicine. An Order was entered on 3-18-02 revoking the physician's license. Action due to violation of previous order. An Agreed Order was entered 4-5-02 revoking the physician's license. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Gallagher, John Charles, M.D., Houston, TX, Lic. #D0383

An Agreed Order was entered on 5-17-02 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$3,000. Action due to violation of a Board rule.

Garza, Rebecca U., M.D., Laredo, TX, Lic. #G2750

An Agreed Order was entered on 4-5-02 restricting the physician's license under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Gibbons, William E., M.D., Dallas, TX, Lic. #C0719

An Agreed Order was entered on 2-8-02 in which the physician voluntarily surrendered his Texas medical license due to health concerns.

Granek, Harold, M.D., Fort Worth, TX, Lic. #F8495

On 4-5-02, the Board voted to revoke the physician's license. Action due to the following: unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public; failing to practice medicine in an acceptable professional manner consistent with public health and welfare; and having discipline imposed by a licensed hospital. Dr. Granek has filed a Motion for Rehearing. If the Board denies the motion, the Order is final. If the Board grants the motion, the Order is not final and a hearing will be scheduled.

Gross, Robert Hadley, M.D., Kent, United Kingdom, Lic. #G5125

An Agreed Order was entered on 5-17-02 limiting the physician's license so that he may not practice in the State of Texas until all legal matters with the United States government are concluded and he appears before the Board for final conclusion and resolution of this investigation.

Hamm, Robert Michael, M.D., Brownsville, TX, Lic. #D7072

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license in lieu of further disciplinary action due to the physician's inability to practice due to illness.

Haufrect, Dale Blair, M.D., Houston, TX, Lic. #E1609

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license. Action due to physician's inability to practice medicine with reasonable skill and safety to patients because of illness.

Hicks, Norman Paul, M.D., Quitman, TX, Lic. #G3462

An Agreed Order was entered on 5-17-02 assessing an administrative penalty in the amount of \$500. Action due to the physician's failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Jaikaran, Jacques S., M.D., Cleveland, TX, Lic. #F2731

An Order was entered on 1-8-02 suspending the physician's license. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public by his failure to adhere to the terms and conditions placed on his license by Order of the Board.

Jatoi, Alimadad M., M.D., Colleyville, TX, Lic. #D9831

On 4-5-02, the Board voted to suspend the physician's license for three years, with all but the first 30 days of the suspension probated and the physician placed on probation under terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare. Dr. Jatoi may file a Motion for Rehearing by 5-28-02. If a Motion 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.

Johnson, Charles F. III, M.D., Temple, TX, Lic. #D3284

An Agreed Order was entered on 12-7-01 suspending the physician's license. Action due to the following: inability to practice medicine with reasonable skill and safety to patients; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; unprofessional or dishonorable conduct and writing false or fictitious prescriptions.

Kelley, Danny L., M.D., Pleasanton, TX, Lic. #E1214

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$1,000. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Key, Webb B., D.O., Wichita Falls, TX, Lic. #G9934

A Temporary Suspension Order was entered on 5-15-02 temporarily suspending the physician's license due to evidence and information that the physician's continuance in the practice of medicine would constitute a continuing threat to public welfare. The temporary suspension of the physician's license is based on the following: disciplinary action by a licensed hospital or medical staff of a hospital; unprofessional or dishonorable conduct that is likely to deceive or defraud the public; committing an act that violates the laws of the state of Texas if the act is connected with the physician's practice of medicine, i.e. sexual assault; and prescribing or administering or dispensing dangerous drugs or controlled substances in a manner inconsistent with public health and welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon

as can be accomplished under the Administrative Procedure Act and Medical Practice Act. The temporary suspension shall remain in effect until such time as it is superseded by a subsequent order of the board.

King, John Q. T., M.D., Katy, TX, Lic. #E2656

An Agreed Order was entered on 12-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for seven years under certain terms and conditions. Action due to nontherapeutic prescribing.

Krueger, David W., M.D., Houston, TX, Lic. #E5556

An Interim Agreed Order was entered on 4-5-02 in which the physician has agreed to quit practicing medicine 30 days from the date of the entry of this Order. The Interim Agreed Order shall remain in effect until superseded by a subsequent order of the Board. An Agreed Order was entered on 5-17-02 revoking the physician's license. Action due to the following: failure to practice medicine in an acceptable and professional manner consistent with public health and welfare; disciplinary action taken by peers; and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Kula, Gary Paul, M.D., Norman, OK, Lic. #F4183

An Agreed Order was entered on 5-17-02 suspending the physician's medical license. Action due to disciplinary action by another state.

Kuypers, Marcus E., M.D., Camano Island, WA, Lic. #F0240

An Agreed Order was entered on 4-5-02 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$5,000. Action due to prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed; and disciplinary action by another state.

LaFon, Sandra Gardner, M.D., Kerrville, TX, Lic. #J8027

An Agreed Order was entered on 5-17-02 assessing an administrative penalty in the amount of \$1,000. Action due to prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

Landefeld, Ronald A., M.D., Hemphill, TX, Lic. #E3988

An Agreed Order was entered on 12-7-01 suspending the physician's license. Action due to disciplinary action by another state.

Liegel, Joyce M., M.D., Houston, TX, Lic. #J9592

An Agreed Order was entered on 12-7-01 in which the physician was assessed an administrative penalty in the amount of \$500. Action due to violation of Board rules.

Lowe, Thomas Fulton, M.D., San Angelo, TX, Lic. #E5654

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Marquis, Alejandro F., M.D., Austin, TX, Lic. #K1248

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$500. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Martin, Linda R., D.O., Willis, TX, Lic. #F5296

An Agreed Order was entered on 12-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for four years under certain terms and conditions. Action due to the following: unprofessional or dishonorable conduct; failure to adequately supervise the activities of those acting under her supervision; and by delegating professional medical responsibility or acts to a person who the physician knew or had reason to know was not qualified by training, experience, or licensure to perform the responsibility or acts.

Maynard, Billy Joe, M.D., Crane, TX, Lic. #C0751

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

McCorkle, Brandt H., D.O., Abilene, TX, Lic. #F4260

An Agreed Order was entered on 12-7-01 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$1,000. Action due to unprofessional or dishonorable conduct.

McMeans, Pat M., M.D., Euless, TX, Lic. #G8916

An Agreed Order was entered on 12-7-01 restricting the physician's license under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

McNeill, Scott Shaw, M.D., San Antonio, TX, Lic. #K7058

A Temporary Suspension Order was entered on 5-1-02 temporarily suspending the physician's license due to evidence and information that the physician's continuance in the practice of medicine would constitute a continuing threat to public welfare. The temporary suspension of the physician's license is based on the following: habitual use of alcohol; unprofessional conduct; and violation of a prior order of the Board. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and the Medical Practice Act. The Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Medina, Amante D., M.D., Keene, TX, Lic. #E4521

An Agreed Order was entered on 12-7-01 in which the physician voluntarily surrendered his Texas medical license.

Meshel, William N., M.D., El Paso, TX, Lic. #E9306

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$1,000. Action due to aiding and abetting the unlicensed practice of medicine.

Mubarak, Jamal, M.D., Denton, TX, Lic. #K6658

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$2,500. Action due to violation of Board rules.

Norris, David F., D.O., Rusk, TX, Lic. #D2817

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$500. Action due to violation of Board rules.

Offenbach, Howard A., M.D., Dallas, TX, Lic. #F4335

An Agreed Order was entered on 12-7-01 suspending the physician's license. Action due to unprofessional or dishonorable conduct.

Ore, Victor R., M.D., Houston, TX, Lic. #E2309

An Agreed Order was entered on 12-7-01 restricting the physician's license under certain terms and conditions. Action due to nontherapeutic prescribing.

Pang, Shing Y., M.D., Dallas, TX, Lic. #J1124

An Agreed Order was entered on 12-7-01 suspending the physician's license. Action due to intemperate use of alcohol or drugs and unprofessional or dishonorable conduct.

Parsons, James T., M.D., Houston, TX, Lic. #C6816

A Temporary Suspension Order was entered on 3-6-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to the public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Payne, John B., D.O., Euless, TX, Lic. #H5943

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$1,000. Action due to disciplinary action by peers.

Pensom, Keith P., D.O., Farmers Branch, TX, Lic. #K9387

An Agreed Order was entered on 12-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for five years under certain terms and conditions. Action due to the following: conviction of a felony or crime of a lesser degree that involves moral turpitude; unprofessional or dishonorable conduct; and failure to practice medicine in an acceptable manner consistent with public health and welfare.

Psyk, Andrew M., M.D., Irving, TX, Lic. #L1171

An Agreed Order was entered on 4-5-02 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for 10 years under terms and conditions. Action due to the following: inability to practice medicine with reasonable skill and safety to patients because of illness, drunkenness; excessive use of drugs, narcotics, chemicals, or another substance, or as a result of any mental or physical condition; and disciplinary action by peers.

Rabinowitz, Andrew L., M.D., Phoenix, AZ, Lic. #K6253

An Agreed Order was entered on 12-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation under certain terms and conditions. Action due to writing false or fictitious prescriptions for dangerous drugs and disciplinary action taken in another state.

Rahman, Bahjat A., M.D., Houston, TX, Lic. #F6084

An Agreed Order was entered on 5-17-02 in which the physician voluntarily and permanently surrendered his license. Action due to the physician's inability to practice medicine with reasonable skill and safety to patients as a result of his physical condition and poor health.

Roberts, Gary, M.D., Mesquite, TX, Lic. #J1371

An Agreed Order was entered on 4-5-02 assessing an administrative penalty in the amount of \$500. Action due to disciplinary action taken in another state.

Salvador, Patricio G., M.D., Houston, TX, Lic. #F8657

On 2-8-02, the Board voted to revoke the physician's medical license. Action based on commission of prohibited acts, unprofessional and dishonorable conduct, failure to supervise a delegate, delegation to unqualified person, and aiding and abetting the unlicensed practice of medicine. Effective 4-9-02, a temporary restraining order was issued staying the enforcement of the Board's final order. Effective 4-18-02, the Travis County District Court issued an injunction staying the enforcement of the Board's final order.

Schoch, Eugene P, Jr., M.D., Austin, TX, Lic. #B9181

An Agreed Order was entered on 4-5-02 in which the physician voluntarily and permanently surrendered his Texas medical license in lieu of a hearing.

Salinas, Jose, M.D., San Antonio, TX, Lic. #H5148

An Agreed Order was entered on 4-5-02 subjecting the physician to certain terms and conditions for three years. Action due to the following: failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and unprofessional or dishonorable conduct that is likely to deceive or defraud the public, or injure the public, to wit: failing to provide information requested by the Board's investigator.

Sartor, Charles D., M.D., Leander, TX, Lic. #G2473

An Agreed Order was entered on 2-8-02 assessing an administrative penalty in the amount of \$5,000. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public by failing to fully and timely comply with the terms and conditions of his prior Order of the Board.

Seid, Norman, M.D., White Oak, TX, Lic. #F8664

An Agreed Order was entered on 2-8-02 publicly reprimanding the physician. Action due to disciplinary action by peers.

Smith, George R. Jr., M.D., Mount Pleasant, TX, Lic. #H8411

An Agreed Order was entered on 5-17-02 revoking the physician's license; however, the revocation was stayed and the physician was placed on probation for 10 years under certain terms and conditions. Action due to the following: inability to practice medicine with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals, or another substance; failure to practice medicine in an acceptable professional manner consistent with public health and welfare; disciplinary action by peers; intemperate use of alcohol or drugs; unprofessional or dishonorable conduct

that is likely to deceive or defraud the public or injure the public; writing false or fictitious prescriptions for dangerous drugs; prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed; and prescribing, administering, or dispensing dangerous drugs in a manner inconsistent with public health and welfare.

Stevens, James B., M.D., Dallas, TX, Lic. #J3910

An Agreed Order was entered on 12-7-01 in which the physician voluntarily and permanently surrendered his Texas medical license. Action due to inability to practice medicine with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals, or another substance.

Swanson, Karl E., M.D., Fort Walton Beach, FL, Lic. #J5030

An Agreed Order was entered 2-8-02 suspending the physician's license. Action due to conviction of a felony, disciplinary action by another state, and intemperate use of alcohol or drugs.

Swe, Ni Ni, M.D., Bedford, TX, Lic. #H2970

An Agreed Order was entered on 12-7-01 subjecting the physician to certain terms and conditions for five years. Action due to the following: failure to practice medicine in an acceptable professional manner consistent with public health and welfare; disciplinary action by peers; nontherapeutic prescribing or treatment and administering dangerous or controlled drugs in an improper manner.

Taboada, Luis Enrique, M.D., San Antonio, TX, Lic. #F2961

An Agreed Order was entered on 5-17-02 suspending the physician's license; however the suspension was stayed and the physician was placed on probation for 10 years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients because of a mental or physical condition.

Thomas, Stephen C., M.D., Lubbock, TX, Lic. #J5036

On 4-5-02, the Board voted to order the revocation of the physician's Texas medical license. Action based on physician's use of controlled substances. On 5-22-02 the physician's license was revoked according to the final order of the Board.

Tolia, Nalin H., M.D., Odessa, TX, Lic. #E2374

An Agreed Order was entered on 12-7-01 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$10,000. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Tseng, Alex Yung-Nam, D.O., Hurst, TX, Lic. #J9403

An Agreed Order was entered on 4-5-02 restricting the physician's license for two years under terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Turpin, William R., M.D., Austin, TX, Lic. #C3344

An Agreed Order was entered on 2-8-02 assessing an administrative penalty in the amount of \$2,500. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Vagshenian, Gregory, M.D., Austin, TX, Lic. #J8155

A Temporary Suspension Order was entered on 2-15-02 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to the public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Venegas, Carlos, M.D., Dallas, TX, Lic. #K0566

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$5,000. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

West, George R., M.D., Nocona, TX, Lic. #H0925

An Agreed Order was entered on 12-7-01 publicly reprimanding the physician, assessing an administrative penalty in the amount of \$2,500 and restricting the physician's license under certain terms and conditions. Action due to unprofessional or dishonorable conduct and nontherapeutic prescribing or treatment.

Williams, Michael Lee, M.D., Palestine, TX, Lic. #H5995

An Agreed Order was entered on 12-7-01 assessing an administrative penalty in the amount of \$500. Action due to violation of Board rules.

Womack, James C., M.D., Canyon Lake, TX, Lic. #G8516

An Agreed Order was entered on 2-8-02 assessing an administrative penalty in the amount of \$500. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public by failing to fully and timely comply with the terms and conditions of his prior Order of the Board.

Wurtsbaugh, Ronald B., M.D., Austin, TX, Lic. #G1587

On 12-7-01, the Board voted to order the revocation of Dr. Wurtsbaugh's license. Action based on failure to practice medicine in an acceptable manner, and unprofessional conduct. No motion for rehearing was filed; therefore, the order was final effective 1-2-02.

Yeary, Robert A., M.D., Tyler, TX, Lic. #C2662

An Agreed Order was entered on 2-8-02 subjecting physician's license to certain terms and conditions for three years and an administrative penalty in the amount of \$500. Action due to violation of Board Rules.

Yen, Albert A., M.D., Pearland, TX, Lic. #J8847

An Agreed Order was entered on 4-5-02 revoking the physician's license. Action due to conviction of a crime that involves moral turpitude, and unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Zbylot, Philip L., M.D., Austin, TX, Lic. #E2962

An Agreed Order was entered on 4-5-02 assessing an administrative penalty in the amount of \$2,500. Action due to the physician's failure to timely submit his annual registration and registration fee to the Board.

Physician Assistants

Broadwater, Gary Russell, P.A., Temple, TX, Lic. #PA00534

An Agreed Order was entered on 04-26-02 restricting the physician assistant's license until he appears before the board to consider a request to have the suspension stayed or lifted. Action due to the following: fraudulently or deceptively using a license; habitual use of drugs or intoxicating liquors; writing false or fictitious prescriptions; conviction of a felony or being placed on deferred adjudication.

Collier, Richard R., P.A., Plano, TX, Lic. #PA00669

An Agreed Order was entered on 4-26-02 restricting the physician assistant's license for five years under certain terms and conditions. Action due to the following: failure to complete accurate records of the purchase and disposal of drugs; and failure to practice as a physician assistant in an acceptable manner consistent with public health and welfare.

Hale, James, P.A., Elk City, OK, Lic. #PA02124

An Agreed Order was entered on 4-26-02 suspending the physician assistant's license; however, the suspension was stayed and the physician

assistant was placed on probation for five years under certain terms and conditions. Action due to the following: habitual use of drugs or intoxicating liquors to the extent that, in the Board's opinion, the person cannot safely perform as a physician assistant; mental or physical condition that renders the person unable to safely perform as a physician assistant; and unprofessional conduct or dishonorable manner that is likely to deceive, defraud, or injure the public.

Herd, Anthony J., P.A., South Padre Island, TX, Lic. #PA01865

An Agreed Order was entered on 11-30-01 publicly reprimanding the physician assistant. Action due to failure to practice as a physician assistant in an acceptable professional manner consistent with public health and welfare.

Ricci, John S., P.A., Goldthwaite, TX, Lic. #PA01313

An Agreed Order was entered on 4-26-02 in which the physician assistant voluntarily and permanently surrendered his physician assistant license. Action due to committing an act of moral turpitude.

Webb, Randall G., P.A., Lubbock, TX, Lic. #PA03070

A Temporary Suspension Order was entered on 11-21-01 temporarily suspending the physician assistant's license due to evidence and information that the physician assistant's continuation in the practice of medicine would constitute a continuing threat to public welfare by intemperate use of alcohol and drugs, unprofessional conduct and violation of Agreed Order. An Agreed Order was entered on 04-26-02 suspending the physician assistant's license. Action due to unprofessional or dishonorable conduct and habitual use of drugs or intoxicating liquors to the extent that, in the Board's opinion, the person cannot safely perform as a physician assistant.

Acupuncturists

Kareem, Asya, L.Ac., North Richland Hills, TX, Lic. #AC00364

An Agreed Order was entered on 5-17-02 suspending the acupuncturist's license; however, the suspension was stayed and the acupuncturist was placed on probation for three years under certain terms and conditions. Action due to the following: submission of an inaccurate affidavit or submission of inaccurate information to obtain a license; and by failure to keep and maintain adequate patient records.

For a printed copy of the newsletter or to be put on the mailing list, write to the board at MC 251, P.O. Box 2018, Austin TX 78768; call (512) 305-7018; or e-mail jill.wiggins@tmb.state.tx.us