

**Texas Medical Board
Press Release**

**FOR IMMEDIATE RELEASE
April 20, 2011**

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Medical Board Approves 75 Disciplinary Actions at April Meeting

At its April 6-8, 2011 meeting, the Texas Medical Board disciplined 74 physicians and suspended one pain clinic operational certificate. This news release also contains summaries of actions taken against nine licensees earlier this year. Ninety-four physician licenses were issued at the April board meeting; 1,981 total have been issued since September 1, 2010, the beginning of FY '11. The average number of days to complete a licensure application following submission of expected documents is 42. Thirty four percent of the applications were completed within 10 days of submission of expected documents.

RULE CHANGE ADOPTED

The following Rule Change was adopted on an emergency basis at the April 8, 2011 Board Meeting:

Chapter 187: Procedural Rules, the Emergency Rule Amendment to **§187.83**, relating to Proceedings for Cease and Desist Orders, sets out requirements for conducting a cease and desist hearing related to the unlicensed practice of medicine. The rule was adopted on an emergency basis in accordance with Sec. 2001.034(a) that permits an agency to adopt an emergency rule without prior notice of hearing if the agency determines that there is an imminent peril to the public health, safety or welfare. The Board has determined that based on a recent court ruling, it must provide individuals with hearings that are recorded and allow for cross examination before cease and desist orders may be issued. Since cease and desist orders require immediate effect to allow the Board to prohibit a person from practicing medicine without a license which could cause immediate and continuing harm to the public, this rule was adopted on an emergency basis.

PROPOSED RULE CHANGES

The following proposed rule changes will be published in the *Texas Register* for public comment at the Board's June 2-3, 2011, meeting, with the exception of Rule §175.1. Although it was approved for publication, the Texas Medical Board will hold public comment for Rule §175.1 at its August Board meeting.

Chapter 172: Temporary and Limited Licenses, amendment to **§172.16**, relating to Provisional Licenses for Medically Underserved Areas, provides that a temporary license shall be granted to a provisional license holder upon expiration of the provisional license, if the licensure applicant (1) meets all requirements for full licensure, or (2) has been referred to the

Licensure committee for review, but due to a force majeure, the Licensure Committee must defer action until the Committee's next scheduled meeting, yet the provisional license is set to expire before that next committee meeting will occur.

Chapter 173: Physician Profiles, amendment to §173.1, relating to Profile Contents, provides that a physician must include on his or her profile whether the physician provides utilization review services for an insurance company and the name of the insurance company.

Chapter 175: Fees, Penalties, and Forms, amendment to §175.1, relating to Application Fees, raises the fees for initial registration for noncertified radiologic technicians (NCTs) to \$115.50 to be consistent with the fees for renewals of NCT certificates.

Chapter 190: Disciplinary Guidelines, amendment to §190.8, relating to Violation Guidelines, provides that if a licensee submits an appropriate fee but an incomplete renewal application that is not completed within one year from the expiration date of the licensee's registration certificate, the licensee shall be found to have committed unprofessional conduct as defined under the Medical Practice Act.

Chapter 195: Pain Management Clinics, amendments to §195.2, relating to Certification of Pain Management Clinics, establish the procedures for withdrawal and cancellation requests and ineligibility determinations for pain management clinic certificates. The amendment to §195.4, relating to Operation of Pain Management Clinics, remedies incorrect citations.

Chapter 199: Public Information, amendment to §199.4, relating to Charges for Copies of Public Records, provides updates to agency department names and updates descriptions of public information commonly requested by the public and the electronic format of the information.

DISCIPLINARY ACTIONS

PAIN MANAGEMENT CLINIC ACTIONS

North Houston Wellness and Weight Loss Center, Lic. No. PMC00259, Houston

On April 8, 2011, the Board and Natascha Tove Dumas, M.D., the certificate holder of the North Houston Wellness and Weight Loss Center, entered into an Agreed Voluntary Surrender Order in which Dr. Dumas voluntarily surrendered the clinic's pain management certificate in lieu of further disciplinary proceedings regarding the certificate.

QUALITY OF CARE

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

On April 8, 2011, the Board and Wade Neal Barker, M.D., entered into a Mediated Agreed Order requiring Dr. Barker to have a physician monitor his practice for eight monitoring cycles; and complete within one year eight hours of CME in medical record-keeping and eight hours in the topic of practice management with a focus on appropriate coding and billing. The action was based on Dr. Barker's failure to treat a patient according to the standard of care; failure to obtain informed consent; and failure to maintain adequate medical records.

Bianco, Joseph Anthony, D.O., Lic. No. D8661, Dallas

On April 8, 2011, the Board and Joseph Anthony Bianco, D.O., entered an Agreed Order requiring Dr. Bianco to pass within one year the Special Purpose Examination (SPEX), within three attempts; complete within one year eight hours of CME in medical record-keeping; and pay an administrative penalty of \$3,000 within 60 days. The action was based on Dr. Bianco's failure to maintain adequate medical records and failure to meet the standard of care in his treatment of a patient who was prematurely discharged from the hospital.

Childers, Manon Eli, III, M.D., Lic. No. G4911, Perryton

On April 8, 2011, the Board and Manon Eli Childers III, M.D., entered into a Mediated Agreed Order requiring Dr. Childers to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; complete within one year the physician-prescribing course offered by the PACE program; and pay an administrative penalty of \$1,000 within 90 days. The Board found Dr. Childers failed to practice medicine in an acceptable professional manner; kept inadequate medical records; and violated Board guidelines for treatment of pain.

Dailey, Warren Bertrand, M.D., Lic. No. F8454, Houston

On April 8, 2011, the Board and Warren Bertrand Dailey, M.D., entered into an Agreed Order requiring Dr. Dailey to have a physician monitor his practice for eight monitoring cycles; pass within one year, within three attempts, the Medical Jurisprudence Examination; complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; complete 10 hours of CME in diagnosing and treating chronic pain; and pay an administrative penalty of \$2,000 within 60 days. The action was based on Dr. Dailey's inadequate medical records; failure to practice medicine in an acceptable professional manner; failure to meet the standard of care; and prescribing in a manner inconsistent with public health and welfare.

Edwards, Betty Jo, M.D., Lic. No. E6072, Houston

On April 8, 2011, the Board and Betty Jo Edwards, M.D., entered into an Agreed Order requiring Dr. Edwards to complete within one year 20 hours of CME including 10 hours in obstetrical emergencies and 10 hours in medical record-keeping; and pay an administrative penalty of \$1,000 within 60 days. The basis for action was Dr. Edwards' failure to meet the standard of care in her treatment of a patient in labor.

Evans, Donnie, M.D., Lic. No. H5705, Houston

On April 8, 2011, the Board and Donnie Evans, M.D., entered into an Agreed Order requiring Dr. Evans to have his practice monitored by another physician for three years; and complete within one year 24 hours of CME including eight hours in medical record-keeping, eight hours in diagnosis and treatment of chronic pain, and eight hours in risk management. The action was based on Dr. Evans' failure to comply with pain treatment guidelines; failure to meet the standard of care; and nontherapeutic prescribing.

Fazel, Mohammad Reza, M.D., Lic. No. G1003, Olney

On April 8, 2011, the Board and Mohammad Reza Fazel, M.D., entered into a Mediated Agreed

Order requiring Dr. Fazel to have a physician monitor his practice for eight monitoring cycles; complete within one year 30 hours of CME including 10 hours in medical record-keeping, 10 hours in risk management, and 10 hours in pain management; and pay an administrative penalty of \$2,500 within 120 days. The basis for action was Dr. Fazel's failure to treat a patient according to the generally accepted standard of care.

Ferrell, John Carl, M.D., Lic. No. G8835, Frisco

On April 8, 2011, the Board and John Carl Ferrell, M.D., entered into an Agreed Order requiring Dr. Ferrell to have another physician monitor his practice for six consecutive monitoring cycles; and complete within one year 20 hours of live or online CME including 12 hours in medical record-keeping and eight hours in risk management. The action was based on Dr. Ferrell's inadequate medical records and failure to meet the standard of care in his treatment of one patient.

Garnepudi, Mary J., M.D., Lic. No. H8650, Cleveland

On April 8, 2011, the Board and Mary J. Garnepudi, M.D., entered into an Agreed Order requiring Dr. Garnepudi to complete within one year 16 hours of CME in the topic of post-operative gynecological emergencies and pay an administrative penalty of \$2,000 within 90 days. The action was based on Dr. Garnepudi's failure to meet the standard of care and safeguard against potential complications in her treatment of one patient.

Hisey, Commie L., D.O., Lic. No. H9521, Gonzales

On April 8, 2011, the Board and Commie L. Hisey, D.O., entered into an Agreed order requiring Dr. Hisey to pass within one year, within three attempts, the Medical Jurisprudence Examination; and pay an administrative penalty of \$2,500 within 60 days. The basis for action was Dr. Hisey's failure to comply with pain treatment guidelines; failure to meet the standard of care; and nontherapeutic prescribing.

Jones, Richard Robert, M.D., Lic. No. H3083, Plano

On April 4, 2011, the Board and Richard Robert Jones, M.D., entered into an Agreed Order requiring Dr. Jones to complete within one year 16 hours of CME including eight hours in recognizing and treating acute renal failure, and eight hours in risk management. The Board found Dr. Jones failed to practice medicine in an acceptable manner consistent with public health and welfare and failed to use diligence in his care of one patient.

Molina, Orestes, M.D., Lic. No. M4370, McAllen

On April 8, 2011, the Board and Orestes Molina, M.D., entered into a Mediated Agreed Order requiring Dr. Molina to complete within one year 10 hours of CME including five hours in medical record-keeping and five hours in risk management; and pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Molina's failure to practice medicine in an acceptable professional manner; failure to safeguard against potential complications; and a written standard-of-care violation finding against him by hospital medical staff.

Muniz, Margarita A., M.D., Lic. No. G7695, Corpus Christi

On April 8, 2011, the Board and Margarita A. Muniz, M.D., entered into an Agreed Order requiring Dr. Muniz to complete within one year the professional boundaries course offered by

the University of California San Diego Physician Assessment and Clinical Education program (PACE); complete within one year 12 hours of CME including four hours in ethics, eight hours in medical record-keeping; pass within one year the Medical Jurisprudence Examination within three attempts; refrain from treating her immediate family; and pay an administrative penalty of \$5,000 within 60 days. The action was based on Dr. Muniz's failure to meet the standard of care; inappropriate prescription of dangerous drugs to oneself, family members or others in which there is a close personal relationship; failure to follow guidelines for the prescription of pain medications; becoming financially or personally involved with a patient in an inappropriate manner; and nontherapeutic prescribing.

Paskow, James Andrew, M.D., Lic. No. H8790, Houston

On March 3, 2011, the Board and James Andrew Paskow, M.D., entered into a three-year Mediated Agreed Order publicly reprimanding Dr. Paskow and requiring Dr. Paskow to modify his DEA and DPS controlled substance certificates to eliminate Schedules II, III, IV and V; cease any chronic pain treatment of patients until he completes 30 hours of CME in chronic pain management; have a chaperone present any time he examines a female patient; have a physician monitor his practice; within one year pass the Medical Jurisprudence Examination within three attempts; and pay an administrative penalty of \$5,000 within 180 days. In addition, Dr. Paskow is not permitted to supervise or delegate prescriptive authority to any physician extenders. The Board's action was based on the finding that Dr. Paskow failed to meet the standard of care for 21 patients; engaged in unprofessional or dishonorable conduct; violated Board rules on the practice of pain management; and administered a drug or treatment that was nontherapeutic in nature.

Phillips, Gregory K., M.D., Lic. No. H6511, Roanoke

On April 8, 2011, the Board and Gregory K. Phillips, M.D., entered into a Mediated Agreed Order requiring Dr. Phillips to have his practice monitored by another physician for eight monitoring cycles; complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; complete within one year 14 hours of CME including 10 hours in diagnosing and treating chronic pain, and four hours in risk management; and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Phillips failed to comply with guidelines for the use of pain medicines; failed to meet the standard of care; and prescribed in a nontherapeutic manner.

Ratinov, Gerald, M.D., Lic. No. D2823, Houston

On April 8, 2011, the Board and Gerald Ratinov, M.D., entered into an Agreed Order of Suspension, suspending Dr. Ratinov's Texas medical license. The action was based on Dr. Ratinov's unprofessional or dishonorable conduct likely to deceive or defraud the public or injure the public; Dr. Ratinov has been criminally indicted on charges related to alleged improper prescribing practices.

Roos, Linda J., M.D., Lic. No. H2003, Houston

On April 8, 2011, the Board and Linda J. Roos, M.D., entered into an Agreed Order requiring Dr. Roos to contact the Texas A&M Health Science Center Rural and Community Health Institute's KSTAR program within 90 days for the purpose of scheduling an assessment of Dr.

Roos' practice of medicine. The action was based on Dr. Roos' violation of rules regarding treatment of chronic pain; unprofessional conduct; failure to use diligence in her professional practice; nontherapeutic prescribing; and writing prescriptions for a person who is a known abuser of narcotic drugs.

Sanchez, Elisa Garza, M.D., Lic. No. H0378, Pharr

On April 8, 2011, the Board and Elisa Garza Sanchez, M.D., entered into an Agreed Order requiring Dr. Sanchez to complete eight hours of CME in medical record-keeping and 16 hours of CME in child and adolescent psychiatry; and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Sanchez kept inadequate medical records and failed to treat a 10-year-old patient according to the standard of care.

Srivathanakul, Suraphandhu, M.D., Lic. No. E7288, Dallas

On April 8, 2011, the Board and Suraphandhu Srivathanakul, M.D., entered into a Mediated Agreed Order requiring Dr. Srivathanakul to surrender his DEA and DPS controlled substance certificates for Schedules II, III and IV; cease possessing, administering or prescribing any controlled substances from Schedules II, III or IV (with the exception of testosterone); pass within 90 days the Special Purpose Examination (SPEX); within 90 days contact the Texas A&M Health Science Center Rural and Community Health Institute's KSTAR program for the purpose of scheduling an assessment; and complete within one year 10 hours of CME in addiction medicine. The action was based on Dr. Srivathanakul's failure to comply with guidelines for pain medicine; failure to meet the standard of care; and prescribing dangerous drugs in a manner inconsistent with public health and welfare.

Ukoli, Preston O.M., M.D., Lic. No. J7705, Brownsville

On April 8, 2011, the Board and Preston O.M. Ukoli, M.D., entered into an Agreed Order requiring Dr. Ukoli to complete within one year 16 hours of CME, in person, in the subject of medical record-keeping. The Board found Dr. Ukoli failed to exercise diligence in his professional practice and failed to maintain adequate medical records.

Vaughns, Sylvester Grant, M.D., Lic. No. F8354, Richmond

On April 8, 2011, the Board and Sylvester Grant Vaughns, M.D., entered into an Agreed Order requiring Dr. Vaughns to surrender his DEA and DPS controlled substance registration certificates; undergo a complete physical and neurological examination by a Board-approved physician and comply with recommended treatment for any condition that could adversely affect Dr. Vaughns' ability to safely practice medicine; and within six months complete all delinquent CME. The order was based on Dr. Vaughns' nontherapeutic prescribing for five patients and failure to treat patients according to the generally accepted standard of care.

Ward, Julia Renee, M.D., Lic. No. M5571, Houston

On April 8, 2011, the Board and Julia Renee Ward, M.D., entered into an Agreed Order revoking Dr. Ward's license, staying the revocation, and placing her on probation under the following terms and conditions: the Agreed Order constitutes a public reprimand of Dr. Ward and requires her to surrender her controlled substance certificates; have a physician monitor her practice, limit her practice to a group or institutional setting approved in advance; complete within two years the prescribing course offered by the University of California San Diego Physician Assessment

and Clinical Education program; within one year pass the Medical Jurisprudence Examination within three attempts; complete within one year eight hours of CME in medical record-keeping and eight hours in risk management; and pay an administrative penalty of \$5,000 within one year. The action was based on Dr. Ward's failure to meet the standard of care; failure to safeguard against potential complications; nontherapeutic prescribing; and dishonorable conduct likely to deceive or defraud the public.

Wong, Ronald Din, M.D., Lic. No. J5950, San Antonio

On April 8, 2011, the Board and Ronald Din Wong, M.D., entered into an Agreed Order requiring Dr. Wong to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and pay an administrative penalty of \$1,000 within 60 days. The action was based on Dr. Wong's inadequate medical records and failure to practice medicine in an acceptable professional manner.

PEER REVIEW ACTION

Jain, Avanindra, M.D., Lic. No. J0539, Palestine

On April 8, 2011, the Board and Avanindra Jain, M.D., entered into an Agreed Order requiring Dr. Jain to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; complete within one year 24 hours of CME including eight hours in person in the topic of physician-patient communication, eight hours in ethics and eight hours in obtaining informed consent; within one year complete a 30-hour board review course in cardiology; and pay an administrative penalty of \$5,000 within 60 days. The action was based on Dr. Jain's failure to meet the standard of care; failure to safeguard against potential complications; failure to timely respond in person when on call or when requested by emergency room or hospital staff; dishonorable conduct; behaving in an abusive or assaultive manner towards a patient or the patient's family or representatives; and behaving in a disruptive manner. In addition, Dr. Jain was the subject of a peer review action that resulted in revocation of his hospital privileges.

UNPROFESSIONAL CONDUCT

Adugba, Ikenna, M.D., Lic. No. K6978, Denton

On April 8, 2011, the Board and Ikenna Adugba, M.D., entered into an Agreed Order requiring Dr. Adugba to pay within 60 days an administrative penalty of \$2,000. The basis for action was Dr. Adugba's failure to comply with requests for information from the Board.

Ahmed, Faiz, M.D., Lic. No. J4683, Sugar Land

On April 8, 2011, the Board and Faiz Ahmed, M.D., entered into a four-year Mediated Agreed Order requiring Dr. Ahmed to have a female chaperone when he examines a female patient; and complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The basis for action was Dr. Ahmed's engaging in inappropriate behavior or comments directed towards a patient.

Baird, Kenneth Ewell, M.D., Lic. No. H5658, Carrollton

On April 8, 2011, the Board and Kenneth Ewell Baird, M.D., entered into a 10-year Agreed Order requiring Dr. Baird to use a female chaperone any time he performs a physical examination on a female patient; within 30 days submit to the Board names of up to three physicians who agree to serve as Dr. Baird's treating psychiatrist; and comply with any recommended psychiatric care and treatment. The Board found Dr. Baird became financially or personally involved with a patient in an inappropriate manner; inappropriately prescribed to an individual with whom he had a close personal relationship; and kept inadequate medical records.

Cruz, Ramon Apostol, M.D., Lic. No. K3703, Denton

On April 8, 2011, the Board and Ramon Apostol Cruz, M.D., entered into an Interim Agreed Order, lifting his March 14, 2011 temporary suspension and restricting his practice to treating, seeing and diagnosing male patients only. The order also requires Dr. Cruz to undergo a psychiatric examination at Baylor College of Medicine in Houston and follow all recommendations for continued care and treatment, and complete the professional boundaries course offered at Vanderbilt University Medical Center. The action was based on Dr. Cruz's unprofessional conduct when he engaged in unwanted, sexually inappropriate behavior and comments directed toward several female patients.

Desai, Rajen Bhulabhai, M.D., Lic. No. J1649, Beaumont

On April 8, 2011, the Board and Rajen Bhulabhai Desai, M.D., entered into an Agreed Order publicly reprimanding Dr. Desai and requiring Dr. Desai to undergo an independent medical evaluation by a psychiatrist; comply with any recommended treatment; complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete 24 hours of CME including 18 hours in risk management, and six in ethics; and pay an administrative penalty of \$5,000 within 90 days. The action was based on Dr. Desai's unsolicited, unwanted and sexually inappropriate behavior and comments directed at patients or patient family members.

Miller, Jerry Winkler, M.D., Lic. No. H1626, El Paso

On April 8, 2011, the Board and Jerry Winkler Miller, M.D., entered into an Agreed Order requiring Dr. Miller to pay an administrative penalty of \$1,000 within 90 days. The basis for action was Dr. Miller's unprofessional conduct when he provided false or misleading information to the Board.

Mulroy, Amy Edmondson, M.D., Lic. No. J6417, San Antonio

On April 8, 2011, the Board and Amy Edmondson Mulroy, M.D., entered into a 15-year Agreed Order requiring Dr. Mulroy to abstain from consumption of prohibited substances; participate in Alcoholics Anonymous at least three times a week; participate in Caduceus at least once a week; comply with recommended care and treatment by a psychiatrist; refrain from treating her immediate family and prescribing dangerous drugs to herself or immediate family; complete within one year 10 hours of CME in ethics; and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Mulroy used alcohol or drugs in an intemperate manner; and engaged in sexually inappropriate behavior with a patient.

IMPAIRMENT DUE TO ALCOHOL, DRUGS OR MEDICAL CONDITION

Clark, Robert Ernest, III, M.D., Lic. No. F6532, Memphis TX

On February 28, 2011, the Board and Robert Ernest Clark III, M.D., entered into an Agreed Order publicly reprimanding Dr. Clark and subjecting him to the following terms and conditions for 10 years: Dr. Clark must surrender his controlled substance certificates from the DPS and DEA and may not reregister without written authorization from the Board; Dr. Clark must abstain from consumption of prohibited substances such as alcohol in any form, dangerous drugs and controlled substances; participate in the Board's drug testing program; submit to an evaluation from a psychiatrist and comply with any treatment recommendations; attend Alcoholics Anonymous meetings at least five times a week; pass the Medical Jurisprudence Exam within two years and within three attempts; complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in ethics. In addition, Dr. Clark may not treat his immediate family or prescribe drugs with potential for abuse to himself or his immediate family. The action was based on Dr. Clark's failure to maintain adequate medical records; his inability to practice medicine because of excessive use of drugs; his failure to practice in an acceptable, professional manner; dishonorable conduct; and his inappropriate prescription of dangerous drugs or controlled substances to himself and his wife.

McFarland, Bruce Robin, M.D., Lic. No. H3353, Corpus Christi

On April 8, 2011, the Board and Bruce Robin McFarland, M.D., entered into an Agreed Order suspending Dr. McFarland's license, staying the suspension, and placing him on probation for 15 years under the following terms and conditions: Dr. McFarland shall abstain from alcohol, dangerous drugs, controlled substance and any substance that may cause a positive alcohol or drug test; shall be evaluated by a psychiatrist and see a treating psychiatrist at least once a month; shall participate in AA five times per week; shall work under the supervision of another physician; shall not supervise any physician assistant or advanced nurse practitioner; shall not obtain a controlled substance certificate; and shall limit his duties to worker compensation patients, private insurance cases, and making recommendations for treatment and therapy. The action was based on the Board's finding that Dr. McFarland has a long history of impairment, with relapses and violations of previous board orders, and that Dr. McFarland has demonstrated sobriety since January 2009.

Ramirez, Araceli, M.D., Lic. No. L3083, Brownsville

On April 8, 2011, the Board and Araceli Ramirez, M.D., entered into an Agreed Order suspending Dr. Araceli's license for a minimum of 12 months and requiring her to surrender her controlled substance certificates. The Board's action was based on Dr. Ramirez' use of alcohol or drugs in an intemperate manner that could endanger a patient's life and mental impairment related to excessive use of drugs, narcotics or other substances.

Ricaldi, Carlos A., M.D., Lic. No. L1981, Big Spring

On April 8, 2011, the Board and Carlos A. Ricaldi, M.D., entered into an Agreed Order referring Dr. Ricaldi to the Texas Physician Health Program and requiring him to pay an administrative penalty of \$2,000 within 60 days. The action was based on Dr. Ricaldi's submitting to the Board misleading information in an application for a license.

Wolinski, Clarence Joseph, III, M.D., Lic. No. N4848, Godley

On April 8, 2011, the Board and Clarence Joseph Wolinski III, M.D., entered into an Agreed Order terminating his suspension and requiring Dr. Wolinski to continue seeing his counseling psychologist on a weekly basis for six months; and after that six month period, continue seeing his treating psychiatrist once a month. The action was based on Dr. Wolinski's inability to practice medicine with reasonable skill and safety as a result of a mental or physical condition.

VOLUNTARY SURRENDER

Hansen, James Edward, M.D., Lic. No. H2134, Austin

On April 8, 2011, the Board and James Edward Hansen, M.D., entered into an Agreed Order of Voluntary Surrender, in which he agreed to surrender his medical license in lieu of further disciplinary proceedings. The action was based on Dr. Hansen's inability to practice medicine due to a physical condition; Dr. Hansen has closed his medical practice.

Hernandez, Mario Viderique, M.D., Lic. No. D7760, San Antonio

On April 8, 2011, the Board and Mario Viderique Hernandez, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Hernandez voluntarily and permanently surrendered his medical license due to his retirement and in lieu of further disciplinary proceedings.

Lee, Karla Jan, M.D., Lic. No. J3339, Grapvine

On April 8, 2011, the Board and Karla Jan Lee, M.D., entered an Agreed Voluntary Surrender Order requiring Dr. Lee to immediately cease practice in Texas. The Board found Dr. Lee failed to provide proper notification of discontinuance of practice to her patients and the Board.

Salvador, Eugene Quion, M.D., Lic. No. K4226, Kingsville

On April 8, 2011, the Board and Eugene Quion Salvador, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Salvador voluntarily and permanently surrendered his Texas medical license in lieu of further disciplinary proceedings. The action was based on Dr. Salvador's non-compliance with a California court order.

Sherman, Stephen Harris, M.D., Lic. No. G2022, Arcadia CA

On April 8, 2011, the Board and Stephen Harris Sherman, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Sherman voluntarily and permanently surrendered his Texas license in lieu of other state disciplinary proceedings.

Spetman, Karen Lynn, M.D., Lic. No. H3527, Aledo

On April 8, 2011, the Board and Karen Lynn Spetman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Spetman gave up her license due to her inability to practice because of a physical condition.

Walker, Annie Christine Z, M.D., Lic. No. C2823, Forney

On April 8, 2011, the Board and Annie Christine Z. Walker, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Walker voluntarily and permanently surrendered her license due to a health condition.

RULES VIOLATION

Alvear, Joel, M.D., Lic. No. L1514, Katy

On April 8, 2011, the Board and Joel Alvear, M.D., entered into an Agreed Order requiring Dr. Alvear to pay an administrative penalty of \$5,000 within 180 days. The action was based on Dr. Alvear's lack of diligence in his practice.

Arnold, Lloyd Elvin, Jr., M.D., Lic. No. D0031, Austin

On April 8, 2011, the Board and Lloyd Elvin Arnold Jr., M.D., entered into an Agreed Order requiring Dr. Arnold to pay an administrative penalty of \$500 within 60 days. The action was based on Dr. Arnold's failure to provide proper notice to patients of the closing of his practice and an opportunity to obtain their records or have their records transferred.

Bailey, Charles Ferguson, Jr., M.D., Lic. No. C6859, Snyder

On April 8, 2011, the Board and Charles Ferguson Bailey Jr., M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Bailey voluntarily and permanently surrendered his license in lieu of disciplinary proceedings related to his unreported change of address and incomplete CME requirements.

Dharma, Kalamani Rachel, M.D., Lic. No. G3289, Dallas

On April 8, 2011, the Board and Kalamani Rachel Dharma, M.D., entered into a Mediated Agreed Order requiring Dr. Dharma to have a physician monitor her practice for eight monitoring cycles; complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in risk management; and pay an administrative penalty of \$5,000 within 90 days. The basis for action was Dr. Dharma's inadequate medical records and violation of state laws regarding informed consent for abortions.

Hutchens, Jerome E., M.D., Lic. No. C5733, Houston

On April 8, 2011, the Board and Jerome E. Hutchens, M.D., entered into an Agreed Order requiring Dr. Hutchens to complete within six months the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program's Clinical Competency Assessment offered by the Texas A&M Health Science Center Rural and Community Health Institute; and within six months undergo a complete medical examination by a Board-approved physician and comply with any recommended continuing care. The order also prohibits Dr. Hutchens from reapplying for a DEA controlled substance certificate. The order was based on Dr. Hutchens' failure to report his criminal history to the Board and the surrender of his controlled substance certificate to the DEA in lieu of further prosecution.

Koppersmith, Daniel L., M.D., Lic. No. H3691, Pasadena

On April 8, 2011, the Board and Daniel L. Koppersmith, M.D., entered into a Mediated Agreed Order requiring Dr. Koppersmith to complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and pay an administrative penalty of \$1,000 within 60 days. The basis for action was Dr. Koppersmith's failure to maintain adequate medical records and failure to release medical records within 15 business days following the receipt of a request.

Templin, David Brian, M.D., Lic. No. M4964, New Braunfels

On April 8, 2011, the Board and David Brian Templin, M.D., entered into an Agreed Order requiring Dr. Templin to pay an administrative penalty of \$2,000 within 60 days. The action was based on Dr. Templin's failure to respond to Board requests for information.

VIOLATION OF PRIOR ORDER

Esparza, Gina Marie, M.D., Lic. No. L2237, San Antonio

On April 8, 2011, the Board and Gina Marie Esparza, M.D., entered into an Agreed Order requiring Dr. Esparza to pass within one year, within three attempts, the Medical Jurisprudence Examination and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Esparza violated a 2009 Board Order.

INADEQUATE MEDICAL RECORDS

Dingler, Chance Wayne, M.D., Lic. No. K0286, Nocona

On April 8, 2011, the Board and Chance Wayne Dingler, M.D., entered into an Agreed Order requiring Dr. Dingler to complete within one year 12 hours of CME including four hours in risk management, four hours in medical record-keeping and four hours in end-of-life care in a hospital setting. The action was based on Dr. Dingler's failure to maintain adequate medical records for one patient.

Randolph, Harvey Henry, Jr., D.O., Lic. No. D5820, Nederland

On April 8, 2011, the Board and Harvey Henry Randolph Jr., D.O., entered into an Agreed Order requiring Dr. Randolph to complete within one year eight hours of CME in medical record-keeping and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Randolph failed to maintain adequate medical records for a patient.

Whisenant, Stanley Wayne, M.D., Lic. No. J7725, Rowlett

On April 8, 2011, the Board and Stanley Wayne Whisenant, M.D., entered into an Agreed Order requiring Dr. Whisenant to complete within one year 10 hours of CME in medical record-keeping and pay an administrative penalty of \$2,000 within 40 days. The Board found that Dr. Whisenant failed to maintain adequate medical records.

AUTOMATIC SUSPENSION

Johnson, Kerste Jane, M.D., Lic. No. G7072

On February 15, 2011, the Board entered an Automatic Suspension Order, suspending the license of Kerste Jane Johnson, M.D., requiring her to immediately cease practicing as a physician in Texas. The action was based on Dr. Johnson's failure to submit to drug and alcohol screening, failure to timely provide documentation of attendance at AA meetings, and otherwise comply with her 2009 Order.

FAST TRACK ORDERS

The board issued eight orders for minor statutory violations.

CORRECTIVE ORDERS

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

Anderson, Orson Antonio, M.D., Lic. No. J2480, Odessa
Barson, Dennis B., Jr., D.O., Lic. No. N0634, Austin
Binzer, Thomas C., M.D., Lic. No. J1070, Weatherford
Blackwell, Michael Lee, M.D., Lic. No. J3695, Tomball
Cumberbatch, Karyn-Anne, M.D., Lic. No. J1642, Wharton
Dandade, Pritam Bajirao, M.D., Lic. No. E0437, El Paso
Harold, James Gregory, M.D., Lic. No. H8111, Longview
Jeang, Ming Kuan, M.D., Lic. No. F6786, Pasadena
Le, Than Tien, M.D., Lic. No. K8281, Pinellas Park FL
Malhotra, Rajesh, M.D., Lic. No. L5448, Raymore MO
Maul, R. Greg, D.O., Lic. No. E9798, Rowlett
Nguyen, Phong Hoai Thu, M.D., Lic. No. K5362, Houston
Pathikonda, Maya S., M.D., Lic. No. J8082, Victoria
Rangel, Lionel Christopher, M.D., L1712, El Paso
Sun, John, M.D., Lic. No. K9912, Tomball

PHYSICIAN ASSISTANT ORDERS

Goodwill, Derrick, P.A., Lic. No. PA04820, Houston

On February 18, 2011, the Texas Physician Assistant Board and Derrick Goodwill, P.A., entered an Agreed Order requiring Mr. Goodwill to complete within one year eight hours of medical record-keeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Mr. Goodwill failed to maintain adequate medical records.

Haynes, T. Franklin, P.A.-C., Lic. No. PA01670, Houston

On February 18, 2011, the Texas Physician Assistant Board and T. Franklin Haynes, P.A.-C., entered an Agreed Order requiring Mr. Haynes to cease treating or otherwise serving as a physician assistant for his immediate family and refrain from prescribing controlled substances to himself or his immediate family. In addition, the Order requires Mr. Haynes to pass the Physician Assistant Jurisprudence Exam within one year and within three attempts; and complete within one year eight hours of CME in ethics. The Board found Mr. Haynes failed to treat a patient according to the standard of care and prescribed in a non-therapeutic manner.

Puig, Manuel Antonio, PA-C, Lic. No. PA01816, Alamo

On February 18, 2011, the Texas Physician Assistant Board and Manuel Antonio Puig, PA-C, entered into an Agreed Order of Revocation, revoking Mr. Puig's license and requiring him to immediately cease practice in Texas. The action was based on Mr. Puig's violation of state law connected with his practice as a physician assistant; his conviction of a felony; dishonorable conduct; and commission of an act of moral turpitude. The Board found that Mr. Puig was indicted by a federal grand jury on March 9, 2010, for health care fraud, mail fraud, and conspiracy to defraud the Texas Medicaid program. Mr. Puig admitted he conspired with others

to submit Medicaid claims by using the Medicaid provider number of a physician who was physically and mentally unable to practice medicine. Mr. Puig pled guilty to the conspiracy charge and faces up to 10 years in prison.

Wheeler, Rachel E., P.A., Lic. No. PA03859, Fort Worth

On February 18, 2011, the Texas Physician Assistant Board and Rachel E. Wheeler, P.A., entered an Agreed Order requiring Ms. Wheeler to pass within one year and within three attempts the Physician Assistant Jurisprudence Examination; complete 16 hours of CME including eight hours in ethics, and eight hours in pharmacology; pay an administrative penalty of \$3,500 within 60 days; cease treating her immediate family and refrain from prescribing controlled substances for herself or her immediate family. Ms. Wheeler may self-administer or administer to her family only such drugs as prescribed by a physician for legitimate medical purposes. The Board found Ms. Wheeler engaged in unprofessional or dishonorable conduct and failed to practice in an acceptable manner when she prescribed to herself and to her mother without conducting adequate exams or evaluations and used her supervising physician's DEA registration number without the physician's authorization.

SURGICAL ASSISTANT ORDERS

Garcia, Eliazar Castillo, Surgical Assistant, Lic. No. SA00207

On March 15, 2011, the Texas Medical Board entered an Automatic Order of Suspension against the Texas Surgical Assistant license of Eliazar Castillo Garcia as a result of Mr. Garcia's conviction of a felony, commission of an act of moral turpitude and dishonorable conduct. Mr. Garcia is serving 51 months in prison after being found guilty on February 12, 2010, on one count of conspiracy to commit healthcare fraud and five counts of aiding, abetting and assisting healthcare fraud.