

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

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TMB disciplines 26 physicians at December meeting, adopts rule changes

At its December 4, 2020 meeting, the Texas Medical Board disciplined 26 licensed physicians.

The disciplinary actions included: four orders related to quality of care violations, two orders related to unprofessional conduct, one voluntary surrender/revocation, three suspensions, one restriction, one order related to criminal activity, one order related to nontherapeutic prescribing, two orders related to peer review action, two orders related to violation of Board rules, one order related to violation of prior order, four orders related to other states' actions, two orders related to Texas Physician Health Program violation, one order related to impairment and one order related to inadequate medical records. The Board also ratified two cease and desist orders.

The Board issued 154 physician licenses at the December meeting, bringing the total number of physician licenses issued in FY21 to 994.

RULE CHANGES ADOPTED

CHAPTER 161. GENERAL PROVISIONS

New Rule, **§161.11**, entitled Memorandum of Understanding between Texas Medical Board (TMB) and Texas Physician Health Program (TXPHP), adopts the Memorandum of Understanding entered into by the TMB and the TXPHP, pursuant to H.B. 1504 (86th Legislature TMB Sunset Bill (2019)). H.B. 1504 added a provision to Texas Occupations Code §167.012 directing the TMB and TXPHP to enter into a memorandum of understanding to establish performance measures for the TXPHP, include a list of services provided by TMB to TXPHP, and require an internal audit of TXPHP to be completed once every three years.

CHAPTER 170. PRESCRIPTIONS OF CONTROLLED SUBSTANCES

New **Subchapter D**, and new **§170.10**, entitled Electronic Prescribing of Controlled Substances, sets forth requirements and exceptions related to controlled substance e-prescribing. Further, the rule sets forth the process and circumstances in which a physician may obtain a waiver from controlled substance e-prescribing requirements, in accordance with Texas Health and Safety Code §481.0756, as set forth by H.B. 2174 (86th Leg. (2019)).

CHAPTER 180. TEXAS PHYSICIAN HEALTH PROGRAM

The amendments to **§180.4**, concerning Operation of Program, corrects an error in the rule and is necessary to ensure that the rules are consistent with Texas Occupations Code Section 153.051(d)(10).

CHAPTER 183. ACUPUNCTURE

The amendments to **§183.20**, concerning Continuing Acupuncture Education, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that acupuncturists complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course. Other changes to §183.20 reorganize and format the rule.

CHAPTER 184. SURGICAL ASSISTANTS

The amendments to **§184.4**, concerning Qualifications for Licensure, repeals language requiring an applicant for a surgical assistant license to attest to good moral character in order to obtain a license, pursuant to H.B. 1504 (86th Legislature (2019)).

The amendments to **§184.25**, concerning Continuing Education, implement new continuing education requirements set forth by H.B. 2059 (86th Leg.). The new language requires that licensed surgical assistants complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course requirement. Other changes proposed to 184.25 remove references to annual requirements, as the hours are required on a biennial basis. Other changes to §184.25 reorganize and format the rule.

CHAPTER 185. PHYSICIAN ASSISTANTS

The amendments to **§185.6**, concerning Biennial Renewal of License, implement new continuing education requirements set forth by H.B. 2059 passed by the 86th Legislature, Regular Session (2019). The new language requires that physician assistants complete a course in the topic of human trafficking prevention. The new courses are to be completed as part of the formal course hours required each biennial registration period. Carry forwards will not be allowed toward the new requirements. Other changes to §185.6 reorganize and format the rule.

CHAPTER 186. RESPIRATORY CARE PRACTITIONERS

The amendments to **§186.10**, concerning Continuing Education Requirements, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that respiratory care practitioners complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Other changes to 186.10 reorganize and format the rule.

CHAPTER 187. PROCEDURAL RULES

The amendments to **§187.9**, concerning Board Actions; **§187.35**, concerning Presentation of Proposal for Decision; **§187.37**, concerning Final Decisions and Orders; and repeal of **§187.38**, concerning Motions for Rehearing, repeals language limiting the board's authority to issue more than one remedial plan to resolve complaints of violations of laws by licensees, pursuant to H.B. 1504 (86th Legislature TMB Sunset Bill (2019)). H.B. 1504 changed Texas Occupations Code §164.0015 so that the board is permitted to issue remedial plans to address minor law violations if the licensee has not received a remedial plan in the preceding five years. Remaining amendments delete language related to non-disciplinary orders, a type of order that the board has had no authority to issue since approximately 2009. Finally, the amendments delete an unnecessary reference to Chapter 175 of the board rules.

CHAPTER 188. PERFUSIONISTS

The amendments to **§188.24**, concerning Continuing Education, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that perfusionists complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Other changes to §188.24 reorganize and format the rule.

CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY

The amendments to §194.7, concerning Biennial Renewal of Certificate or Placement on the Board's Non-Certified Technician Registry, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that radiologist assistants, medical radiologic technologists, and non-certified technicians complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course requirement. For radiologist assistants, the course will be required in addition to the formal course hours. Other changes to 194.7 reorganize and format the rule.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Ayoub, Mohammed, M.D., Lic. No. K9219, Houston

On December 4, 2020, the Board and Mohammed Ayoub, M.D., entered into an Agreed Order requiring him to within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 24 hours of CME, divided as follows: eight hours in drug-seeking behavior, eight hours in risk management and eight hours in controlled substances. The Board found Dr. Ayoub failed to administer urine testing and recognize that a patient was abusing substances and continued to prescribe controlled substances to the patient despite those signs. Dr. Ayoub also failed to keep adequate medical records showing his justification for continuing his prescribing to the patient.

Bahra, Pauldeep, M.D., Lic. No. P6581, Dallas

On December 4, 2020, the Board and Pauldeep Bahra, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in risk management, four hours in indications for interventional procedures, four hours in indications for vascular surgery and four hours in informed consent. The Board found Dr. Bahra inappropriately performed an endovascular stenting procedure without adequately considering the patient's history and comorbidities. Dr. Bahra proceeded with the stent procedure without providing adequate informed consent to the patient on the risks and benefits of the procedure.

Boland, Howard Leland, M.D., Lic. No. G3166, Dickinson

On December 4, 2020, the Board and Howard Leland Boland, M.D., entered into an Agreed Order requiring Dr. Boland, for a period of at least three years, to limit his medical practice to patients bearing the primary diagnosis of mental health or substance abuse/addiction and being related within the specialty practice of psychiatry. Dr. Boland shall not engage in the general practice of medicine and shall not treat patients for ailments requiring specialty care and must refer those patients; have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 20 hours of CME, divided as follows: eight hours in risk management, four hours in ethics and eight hours in general or emergency medicine. The Board found Dr. Boland failed to perform an adequate physical evaluation for a patient who had significant respiratory symptoms, dyspnea and chest pain.

Meyer, James Richard, M.D., Lic. No. E4527, Uvalde

On December 4, 2020, the Board and James Richard Meyer, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in appropriate treatment of gynecological malignancy. The Board found Dr. Meyer failed to meet the standard of care related to the treatment of a patient he failed to evaluate for possible endometrial cancer.

UNPROFESSIONAL CONDUCT

Ciacchella, Sebastian, M.D., Lic. No. N9831, Fort Worth

On December 4, 2020, the Board and Sebastian Ciacchella, M.D., entered into an Agreed Order prohibiting Dr. Ciacchella from performing medical examinations of rectum/anus, genitourinary organs, and female breast; and within one year complete at least 12 hours of CME, divided as follows: eight hours in boundaries and four hours in risk management. The Board found Dr. Ciacchella's clinical privileges were revoked and he was terminated from employment with the Veteran's Administration after performing at least 12 medical examinations beyond the scope of his restricted privileges.

Crumbliss, Joseph Howe, M.D., Lic. No. F4797, Abilene

On December 4, 2020, the Board and Joseph Howe Crumbliss, M.D., entered into an Agreed Order publicly reprimanding Dr. Crumbliss and requiring him to have a chaperone present anytime he performs a physical examination on any patient; within 30 days obtain an independent medical evaluation from a preapproved board certified psychiatrist and follow recommendations made for care and treatment; within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Crumbliss engaged in inappropriate boundaries violations with six patients from approximately 2008 to 2018.

VOLUNTARY SURRENDER/REVOCAION

Lu, Kang, M.D., Lic. No. P3760, Crestview, FL

On December 4, 2020 the Board and Kang Lu, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lu agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Lu was under investigation following his surrender of his Georgia medical license due to fraudulent renewal of medical license and arrest and conviction for criminal activity.

SUSPENSION

Aduba, Uchenna Okechukwu, M.D., Lic. No. R1333, Frisco

On December 4, 2020, the Board and Uchenna Okechukwu Aduba, M.D., entered into an Agreed Order on Formal Filing suspending Dr. Aduba's Texas medical license until he requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that indicates that he is physically, mentally, and otherwise competent to safely practice medicine; within 30 days obtain an independent medical evaluation from a preapproved board certified forensic neuropsychiatrist and follow all recommendations for care and treatment; and shall not be permitted to supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Aduba was previously temporarily suspended due to impairment issues and has a pending criminal matter involving allegations of stalking a minor. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Cordes, Brett McCormack, M.D., Lic. No. N1594, Manvell

On December 4, 2020, the Board and Brett McCormack Cordes, M.D., entered into an Agreed Order of Voluntary Suspension, suspending Dr. Cordes' Texas medical license until he requests in writing to have the suspension stayed or lifted and provides evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Such evidence shall include, at a minimum, objective evidence of at least one year of sustained sobriety. Dr. Cordes shall not diagnose, treat, or examine any patient in Texas, nor use his license to practice medicine, including telemedicine. Dr. Cordes is also not permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Cordes' prescribing practices to be below the standard of care and his diversion of controlled substances to be more extensive, involving his medical assistant, who participated in the diversion effort at Dr. Cordes' direction.

Lampley, Joseph Carver, D.O., Lic. No. J9149, Anson

On December 4, 2020, the Board and Joseph Carver Lampley, D.O., entered into an Agreed Order suspending Dr. Lampley's Texas medical license until he requests in writing to have it stayed or lifted and personally appears before the Board to provide evidence that indicates he is physically, mentally, and otherwise competent to safely practice medicine, including evidence that he is in full compliance with his 2019 Order. Dr. Lampley shall not diagnose, treat or examine any patient in Texas, nor shall he use his license to practice medicine, including telemedicine. Additionally, he shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Lampley is in violation of his 2019 Order by failing to provide a list of treating providers, receive ongoing care and treatment, complete required CME, and cooperate with Board staff.

RESTRICTION

Deshmukh, Avi Trimbak, M.D., Lic. No. H1067, Granbury

On December 4, 2020, the Board and Avi Trimbak Deshmukh, M.D., entered into an Agreed Order restricting Dr. Deshmukh's practice to administrative medicine under the following terms: shall not practice clinical medicine as defined in the Order; shall not possess authority to order, deliver, possess or prescribe controlled substances in Texas; shall not supervise or delegate medical acts or prescriptive authority; and shall not engage in the practice of telemedicine. The Board found Dr. Deshmukh was under investigation due to his possible impairment. Dr. Deshmukh has voluntarily retired from clinical practice to focus on administrative medicine.

CRIMINAL ACTIVITY

Aziz, Syed Munir, M.D., Lic. No. L9612, McKinney

On December 4, 2020, the Board and Syed Munir Aziz, M.D., entered into an Agreed Order requiring him to comply with all terms of his probation entered on or around December 5, 2019; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Aziz pleaded guilty to a federal misdemeanor offense related to his practice of medicine, was sentenced to probation and required to pay a fine.

NONTHERAPEUTIC PRESCRIBING

Hadzic, Daniel Boris, M.D., Lic. No. M5204, Levelland

On December 4, 2020, the Board and Daniel Boris Hadzic, M.D., entered into an Agreed Order under the following terms: shall not treat patients for chronic pain as defined by Board rule; within 30 days refer any and all current chronic pain patients to appropriate specialists; within seven days request modification of his DEA controlled substances registration certificate to eliminate Schedule II and not reregister without authorization from the Board; shall not possess, administer, or prescribe Schedule II controlled substances in Texas; within one year complete at least 12 hours of CME, divided as follows: four hours in documentation and eight hours in treatment of pain including prescribing; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Hadzic prescribed opioids and sedatives to a patient in increasing quantities without documenting his rationale in the medical record, failed to order urine drug screens for the patient, and failed to check the prescriber database.

PEER REVIEW ACTION

Babbel, Daniel McLain, M.D., Lic. No. N8369, Midland

On December 4, 2020, the Board and Daniel McLain Babbel, M.D., entered into an Agreed Order requiring him to within 30 days obtain an independent medical evaluation from a preapproved board certified psychiatrist and follow all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least six hours of CME in risk management, which includes the topic of boundaries. The Board found Dr. Babbel was subject to peer review action resulting from unprofessional interactions with staff. Dr. Babbel voluntarily relinquished his privileges while the investigation was ongoing.

Fox, Christina A., M.D., Lic. No. Q4751, San Antonio

On December 4, 2020, the Board and Christina A. Fox, M.D., entered into an Agreed Order under the following terms for a period of five years: within 30 days obtain an independent medical evaluation from a preapproved board certified psychiatrist and follow all recommendations for care and treatment; abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and within one year complete at least 16 hours of CME, divided as follows: four hours in ethics, four hours in professionalism, four hours in medical recordkeeping and four hours in anger management. The Board found Dr. Fox resigned while under investigation for disruptive behavior by two different employers, failed to maintain adequate medical records for two patients, and self-prescribed and diverted controlled substances and dangerous drugs for her own personal use.

VIOLATION OF BOARD RULES

Freeman, Georgeanne, D.O., Lic. No. N2508, Austin

On December 4, 2020, the Board and Georgeanne Freeman, D.O., entered into an Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in controlled substances. The Board found Dr. Freeman pre-signed blank triplicate forms and left them at her office for use by another physician and midlevels.

Rojas, Hugo Alonzo, M.D., Lic. No. J0650, San Antonio

On December 4, 2020, the Board and Hugo Alonzo Rojas, M.D., entered into an Agreed Order prohibiting Dr. Rojas from treating or otherwise serving as a physician for his immediate family and he shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with potential for abuse to himself or his immediate family. Additionally, Dr. Rojas is required to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in prescribing controlled substances; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Rojas prescribed controlled substances to six friends or family members in violation of Board rules and without appropriate documentation.

VIOLATION OF PRIOR ORDER

Hayes, Leo Michael, D.O., Lic. No. K2486, Houston

On December 4, 2020, the Board and Leo Michael Hayes, D.O., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates for Schedules II-V and not reregister without prior Board approval; shall not possess, administer, or prescribe Schedule II-V controlled substances in Texas; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Hayes violated terms of his 2016 Order by failing to appropriately supervise staff who may have used his DEA certificates to issue prescriptions without the patients being seen, failed to maintain adequate medical records, failed to register a pain management clinic, failed to implement chart monitoring recommendations and failed to cooperate with, and provide requested information to, Board staff.

OTHER STATES' ACTIONS

Lalezari, Sepehr, M.D., Lic. No. R5153, Los Angeles, CA

On December 4, 2020, the Board and Sepehr Lalezari, M.D., entered into an Agreed Order publicly reprimanding Dr. Lalezari and requiring him to within 60 days pay an administrative penalty of \$500. The Board found Dr. Lalezari was disciplined by the Maryland State Board of Physicians for his failure to submit to a criminal records check.

Salmeron, Daniel, M.D., Lic. No. S2493, Boston, MA

On December 4, 2020, the Board and Daniel Salmeron, M.D., entered into an Agreed Order publicly reprimanding Dr. Salmeron and requiring him to within 60 days pay an administrative penalty of \$500. The Board found Dr. Salmeron was disciplined by the Rhode Island Board of Medical Licensure which arose from his failure to complete medical records in a timely manner.

Senft, Susan Heidi, M.D., Lic. No. G0537, Kailua-Kona, HI

On December 4, 2020, the Board and Susan Heidi Senft, M.D., entered into an Agreed Order requiring her to within 60 days pay an administrative penalty of \$500. The Board found Dr. Senft was disciplined by the Hawaii Medical Board with a Settlement Agreement on February 4, 2020 due to a misrepresentation on her Hawaii application and was assessed a fine.

Virk, Zia Ullah, M.D., Lic. No. N6756, Pikeville, KY

On December 4, 2020, the Board and Zia Ullah Virk, M.D., entered into an Agreed Order requiring him to comply with all terms of the order entered by the Kentucky Board of Medical Licensure (KBML) on May 7, 2020; and requiring Dr. Virk to have a chaperone anytime he performs a physical examination on a female patient. The Board found Dr. Virk was disciplined by the KBML under certain terms which arose from unprofessional conduct.

TXPHP VIOLATION

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

On December 4, 2020, the Board and Anna Rogers Carlock, M.D., entered into an Agreed Order suspending Dr. Carlock's license for six months after which she may request to have the suspension stayed or lifted and makes an appearance before the Board to provide evidence that she is physically, mentally, and otherwise competent to safely practice medicine. Dr. Carlock is also not permitted to supervise or delegate prescriptive authority to a physician assistant or

advanced practice nurse or supervise a surgical assistant. The Board found Dr. Carlock had several instances of noncompliance with her Texas Physician Health Program Agreements.

Friday, Renee Yvette, M.D., Lic. No. L6384, Alamogordo, NM

On December 4, 2020, the Board and Renee Yvette Friday, M.D., entered into an Agreed Order requiring her to within 60 days pay her unpaid Texas Physician Health Program (TXPHP) participation fees in the amount of \$3,000; within 90 days obtain an independent medical evaluation from a preapproved board certified psychiatrist who specializes in addiction medicine and follow all recommendations for care and treatment; and within 30 days obtain a preapproved psychologist and receive continued care and treatment no less than one time each month. The Board found Dr. Friday was referred to the Board following her noncompliance with her TXPHP monitoring agreement.

IMPAIRMENT

Newton, Jerry, M.D., Lic. No. E1085, Palestine

On December 4, 2020, the Board and Jerry Newton, M.D., entered into an Agreed Order limiting Dr. Newton's practice to clinical medicine. Dr. Newton shall not perform any surgical procedures. The Board found Dr. Newton voluntarily limited his surgical privileges with a hospital after he suggested a potential safety concern due to his physical illness causing a hand tremor.

INADEQUATE MEDICAL RECORDS

Battle, Clinton Charles, M.D., Lic. No. F1368, Arlington

On December 4, 2020, the Board and Clinton Charles Battle, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA controlled substances registration certificates and not reregister without prior Board approval; and shall not possess, administer or prescribe controlled substances in Texas. The Board found Dr. Battle failed to maintain adequate medical records during his treatment of 14 patients. The records lacked consistent and adequate documentation of physical exams, indications, alternate treatments and potential side effects.

CEASE & DESISTS

Colston, Zalinda, APRN, Rusk

On December 4, 2020, the Board and Zalinda Colston, APRN, entered into an Agreed Cease and Desist Order prohibiting Ms. Colston from practicing medicine without a license issued by the Texas Medical Board. The Board found Ms. Colston administered stem cell injections without a proper supervising physician.

Huynh, Anh Mai Thi, No License, Houston

On December 4, 2020, the Board and Anh Mai Thi Huynh entered into an Agreed Cease and Desist Order prohibiting Ms. Huynh from practicing medicine without a license issued by the Texas Medical Board. The Board found Ms. Huynh provided skin treatment services without having a physician or other midlevel governing the activities of the business.

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To view disciplinary orders and Board action history, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a licensee's name. Click on the name shown in the search results to view the licensee's full profile.

Within that profile is a button that says "Current Board Action."

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