

2005 Press Releases

Wednesday, August 31, 2005

TSBME will be the Texas Medical Board on September 1. TSBPAE will be the Texas Physician Assistant Board.

79 Doctors Disciplined

Since its last Board meeting, the Texas State Board of Medical Examiners has taken disciplinary action against 79 licensed physicians, who received one or more of the following actions: one temporary suspension; 10 surrenders/revocations, with one stayed and probated; six suspensions, with three stayed and probated; 33 restrictions; seven public reprimands; and 43 administrative penalties totaling \$75,000. The board also took action against one acupuncturist. During its July 29 meeting, the Texas State Board of Physician Assistant Examiners took disciplinary action against two physician assistants.

New Licenses Issued

During its August 25-26 Board meeting, the Board approved the licensure applications of 816 physicians.

Disciplinary Actions

The following are summaries of the Board actions. The full text of the Board orders will be available on the Boards web site at www.tsbme.state.tx.us about 10 days after the Board meeting. The orders provide all information that is public regarding the facts of the case and violations of the law.

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

Disciplinary Actions

ARAUZ, JULIO CESAR, M.D., HOUSTON, TX, Lic. #J5247

On August 26, 2005, the Board and Dr. Arauz entered into a three-year mediated Agreed Order requiring Dr. Arauz to complete a course of at least two days in the area of prescribing or controlled substance management; prohibiting him from prescribing by telephone to a pharmacy controlled substances or dangerous drugs with addictive potential or potential for abuse; and requiring him to maintain a logbook for prescriptions for such medications. The action was based on allegations Dr. Arauz violated Board rules relating to requirements for standing delegation orders.

ASHLEY, IAN MARCUS, M.D., WACO, TX, Lic. #K6528

On August 26, 2005, the Board and Dr. Ashley entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Ashley violated the Boards rules relating to advertising and rewarding persons for soliciting patients during the course of his efforts to implement a telemedicine program for the Big Bend region of West Texas pursuant to a grant from the United States Food and Drug Administration.

AVILA, FERNANDO T., M.D., SAN ANTONIO, TX, Lic. #G2899

On August 26, 2005, the Board and Dr. Avila entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Avila violated state law by employing a physician whose medical license had been revoked as a non-practicing physician administrative assistant.

BARNETT, STEPHEN EMBREE, M.D., AUSTIN, TX, Lic. #D3147

On August 26, 2005, the Board and Dr. Barnett entered into an Agreed Order making public Dr. Barnetts March 30, 2001, Nonpublic Agreed Order and assessing an administrative penalty of \$5,000. The action was based on allegations that Dr. Barnett failed to call the assigned toll-free number to check whether he was to provide a urine sample for testing, as required by the Nonpublic Agreed Order.

BARRY, GENE N., M.D., BEAUMONT, TX, Lic. #H9780

On August 26, 2005, the Board and Dr. Barry entered into a three-year Agreed Order publicly reprimanding Dr. Barry, restricting him from performing laparoscopic surgery and requiring him to attend at least 30 hours of continuing medical education in the areas of managing difficult pregnancies and in medical record keeping. The action was based on allegations that Dr. Barry failed to meet the standard of care in treating several obstetrics patients and in failing to see, follow up or perform physical exams on multiple patients.

BLESSING, WILLIAM SCOTT, MD., DALLAS, TX, Lic. #E0820

On June 10, 2005, the Board and Dr. Blessing entered into an Agreed Order suspending Dr. Blessings license until such time as certain evaluation and monitoring requirements are established and reported to the Executive Director and then placing him on probation under terms and conditions for 10 years thereafter. The terms and conditions included abstinence from consumption of drugs and alcohol, psychiatric care and treatment and monitoring by the chief of staff and the chief of anesthesia services of each facility at which Dr. Blessing has privileges.

BOOTHE, WILLIAM ALBERT, MD., DALLAS, TX, Lic. #F9221

On August 26, 2005, the Board and Dr. Boothe entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Boothe failed to timely release the properly requested medical records of one patient within 15 business days of receipt of the written request.

CANTU, ROBERT EDWARD, MD., AUSTIN, TX, Lic. #H4211

On August 26, 2005, the Board and Dr. Cantu entered into an Agreed Order requiring Dr. Cantu to enroll in and successfully complete the course offered by the Vanderbilt Medical Center for Professional Health entitled A Continuing Education Course for Physicians Who Cross Sexual Boundaries; to complete at least 10 hours of continuing medical education in the area of record keeping; and assessing an administrative penalty of \$2,500. The action was based on allegations that Dr. Cantu prescribed Adderall to a patient with whom he had previously had a social relationship and did not maintain any medical records for this patient.

CECIL, ROSEMARY, MD., BEDFORD, TX, Lic. #F6520

On August 26, 2005, the Board and Dr. Cecil entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Cecil failed to timely provide properly requested medical records within 15 business days of receipt of the written request.

CHILDERS, CECIL ADISON JR., MD., CORPUS CHRISTI, TX, Lic. #C8922

On August 26, 2005, the Board and Dr. Childers entered into an Agreed Order requiring Dr. Childers to successfully complete within one year a continuing medical education course of at least 25 hours in psychopharmacology and dual diagnosis and a course in medical record keeping of at least 10 hours. The action was based on allegations that Dr. Childers failed to appropriately manage a difficult psychiatric patient, including nontherapeutic prescribing without attention to potential drug interaction and inadequate documentation to support the rationale for the prescribing and substituting of medicine.

DARBY, CASTILLA ADOLPHUS JR., MD., DALLAS, TX, Lic. #F8840

On August 26, 2005, the Board and Dr. Darby entered into an Agreed Order restricting Dr. Darbys license under terms and conditions, including that Dr. Darby may practice only in a group practice approved by the Executive Director and that one of the physicians in the group must supervise his practice. Dr. Darby shall follow all recommendations of his supervising physicians. Other terms and conditions include the following: for the first three years of the Order another physician is to additionally monitor Dr. Darbys practice by reviewing selected medical records; and that Dr. Darby complete a course in medical record keeping of a least 10 hours. Additionally, Dr. Darby is not permitted to supervise a physician assistant or advanced nurse practitioner. The action was based on allegations that Dr. Darby failed to practice medicine in an acceptable professional manner and failed to meet the required standard of care in his treatment of multiple patients.

DEAN, THURSTON E III, MD., TEXARKANA, TX, Lic. #G3281

On August 28, 2005, the Board and Dr. Dean entered into an Agreed Order publicly reprimanding Dr. Dean and restricting his license for five years under terms and conditions, including that he complete at least 35 hours per year of continuing medical education; that he limit his practice to a group or institutional setting approved by the Executive Director; and assessing an administrative penalty of \$5,000. The action was based on allegations Dr. Dean fell below the standard of care in his treatment of five patients by failing to obtain expert consultations.

DRAZNER, BRYAN SCOTT, MD., DALLAS, TX, Lic. #J0945

On August 26, 2005, the Board and Dr. Drazner entered into an Agreed Order requiring Dr. Drazner to complete at least 50 hours of continuing medical education in the areas of medical records, risk management, ethics and physician-patient confidentiality; and assessing an administrative penalty of \$3,000. The action was based on allegations that Dr. Drazner breached patient-physician confidentiality by dictating a note for the medical record of a patient while on an airplane flight, which was overheard by another passenger.

DUKE, DAVID LEVITICUS III, MD., NACOGDOCHES, TX, Lic. #G3311

On August 26, 2005, the Board and Dr. Duke entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Duke failed to timely release properly requested medical records within 15 business days of receipt of the written request.

ECHOLS, BEN HARRIS, MD., HOUSTON, TX, Lic. #F6227

On August 26, 2005, the Board and Dr. Echols entered into a two-year Agreed Order requiring that Dr. Echols

obtain 35 hours of continuing medical education in record keeping, chronic pain management and use of controlled substances; that his practice be monitored by another physician; and assessing an administrative penalty of \$2,000. The action was based on allegations that Dr. Echols failed to meet the standard of care in treating 11 patients with pain issues.

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

On August 26, 2005, the Board and Dr. Elder entered into an Agreed Order accepting the voluntary surrender of Dr. Elders medical license. The action was based on allegations that Dr. Elder wrote false or fictitious prescriptions, was disciplined by his peers, improperly terminated a physician-patient relationship and failed to timely release medical records. The action followed the temporary suspension of Dr. Elders license by the Board on December 3, 2004.

FERNANDEZ, CARLOS H, M.D., HOUSTON, TX, Lic. #D9438

On August 11, 2005, the Board, acting through a three member disciplinary panel, ordered the temporary suspension Dr. Fernandezs license after determining that his continuation in the practice of medicine presented a continuing threat to the public welfare. The Temporary Suspension Order is to remain in effect until such time as it is superseded by a subsequent order of the Board. The action was based on Dr. Fernandezs failure to comply with previous orders requiring him to complete an education plan recommended by the Center for Personalized Education for Physicians program and practicing as an emergency room physician in violation of a previous order restricting him to family practice. In addition, the panel found that Dr. Fernandez failed to meet the standard of care in the treatment of five patients in the Dickerson Memorial Hospital Emergency Department in November of 2004.

FINO, SAMEER ANDONI, M.D., LUFKIN, TX, Lic. #J2004

On August 26, 2005, the Board and Dr. Fino entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Fino paid a \$500 administrative penalty to the Kansas State Board of Healing Arts for failing to acknowledge on his application for licensure that he had been placed on temporary probation during his residency after a complaint of alleged sexual harassment.

FOX, JAMES WILSON, M.D., AUSTIN, TX, Lic. #D5001

On August 26, 2005, the Board and Dr. Fox entered into an Agreed Order requiring Dr. Fox to take and pass the Medical Jurisprudence Examination within one year and assessing an administrative penalty of \$2,500. The action was based on allegations that Dr. Fox failed to supervise delegates, delegated to unqualified personnel and failed to maintain adequate records during the time he acted as medical director for Allure Laser Spa.

GOLD, JUDITH, M.D., LAKE JACKSON, TX, Lic. #J9058

On August 26, 2005, the Board and Dr. Gold entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations of advertising that was false, misleading or deceptive. The advertising of the dialysis center where Dr. Gold practices listed Dr. Gold as a board certified nephrologist. Dr. Gold acknowledged that she is not board certified in that specialty.

GUERRA, ANTONIO FRED, M.D., SAN ANTONIO, TX, Lic. #F9511

On August 26, 2005, the Board and Dr. Guerra entered into an Agreed Order requiring him to submit confirmation of completion of 15 hours of continuing medical education and assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Guerra had failed to timely obtain continuing medical education as required by a previous Board order.

GUPTA, SUNIL KUMAR, M.D., ALICE, TX, Lic. #L9719

On August 26, 2005, the Board and Dr. Gupta entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Gupta failed to timely sign a medical certification on a patients death certificate.

GUTTUSO, PAUL A., M.D., MISSOURI CITY, TX, Lic. #K5546

On August 26, 2005, the Board and Dr. Guttuso entered into an Agreed Order asses sing an administrative penalty of \$1,000. The action was based on allegations that Dr. Guttuso was subject to disciplinary action by another state that imposed an administrative fine of \$1,255.47 for a self-reported incident in which he failed to adequately check the level of insulin being injected by his medical assistant.

HAQ, ANWARUL, M.D., RICHARDSON, TX, Lic. #K4452

On August 26, 2005, the Board and Dr. Haq entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Haq did not properly report his practice address to the Board as required by Board rule.

HOWARD, ANNETTE M, M.D., HOUSTON, TX, Lic. #J5161

On August 26, 2005, the Board and Dr. Howard entered into a Negotiated Agreed Order requiring Dr. Howard to perform 200 hours of community service; to attend an additional 10 hours of courses in ethics; and to submit to and obtain a complete forensic evaluation from a board-approved psychiatrist and follow all recommendations of the psychiatrist regarding continued care and treatment. The action was based on a history of noncompliance with Board

requests.

HURLEY, DOUGLAS LEE, M.D., TEMPLE, TX, Lic. #E4861

On August 26, 2005, the Board and Dr. Hurley entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Hurley failed to timely arrange for a forensic psychiatric evaluation as required by a December 10, 2004, Board Order.

JATOI, ALIMADAD M, M.D., COLLEYVILLE, TX, Lic. #D9831

On 8-26-05 the Board suspended Dr. Jatois license for a period of three years. Dr. Jatoi shall have the right to petition the Board in writing for termination of the suspension only after the full and complete three-year time period of suspension has elapsed. The action was based upon Dr. Jatois non-compliance with a previous order requiring 50 hours of continuing medical education during each year of his probation, and a \$5,000 administrative penalty. Dr. Jatoi may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

JENNINGS, LYNN KARIN, M.D., WICHITA FALLS, TX, Lic. #J7528

On August 26, 2005, the Board and Dr. Jennings entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Jennings failed to timely release properly requested medical records for two patients within 15 business days of receipt of the written request.

KALCHOFF, WILLIAM P., M.D., HOUSTON, TX, Lic. #F2742

On August 26, 2005, the Board and Dr. Kalchoff entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations of advertising in that is false, misleading or deceptive. The advertising for Dr. Kalchoffs clinic indicated that he was a board certified in cardiovascular surgery. Dr. Kalchoff has indicated that he was not board certified at this time.

KELLEY, JARED LEE, M.D., IRVING, TX, Lic. #F1701

On 8-26-05 the Board revoked Dr. Kelleys license. The action was based upon allegations that Dr. Kelley was abusing prescription drugs and prescribing drugs with a suspended license. Dr. Kelley may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

KING, CLARENCE GORDON JR., M.D., SAN ANTONIO, TX, Lic. #E1883

On August 26, 2005, the Board and Dr. King entered into an Agreed Order extending by two years the length of his probation under a June 6, 2003, Agreed Order. The action was based on one positive screen for ethylglucuronide, a metabolite of alcohol.

KNOPP, KATHLEEN M, M.D., LONGVIEW, TX, Lic. #K6566

On August 26, 2005, the Board and Dr. Knopp entered into an Agreed Order publicly reprimanding Dr. Knopp and requiring her to attend 25 hours of continuing medical education in the areas of fetal heart rate monitoring and risk management. The action was based on allegations that Dr. Knopp failed to recognize fetal distress and timely perform a cesarean section.

KODALI, VIJAY SAGAR, M.D., SAN ANTONIO, TX, Lic. #J5102

On August 26, 2005, the Board and Dr. Kodali entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Kodali failed to provide proper notice to his patients following the termination of his office practice.

LOGAN, DANIEL PHILIP, M.D., OVERLAND PARK, KS, Lic. #F1757

On August 26, 2005, the Board and Dr. Logan entered into an Agreed Order requiring Dr. Logan to comply with the requirements of an August 16, 2004, Consent Order with the State of Kansas Board of Healing Arts and with his February 10, 2004, contract with the Kansas Medical Advocacy Program, and to appear before the Board to demonstrate that he is competent to safely practice medicine before returning to practice in Texas. The action was based on action taken by the Kansas Board that was based on Dr. Logans reported use of self-prescribed Stadol.

LONG, JAMES MICHAEL, M.D., WACO, TX, Lic. #K1753

On 8-26-05 the Board revoked Dr. Longs license. The action was based upon allegations that Dr. Long non-therapeutically prescribed to patients without adequate medical records or documentation of medical need. Dr. Long may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

LORENZO, PABLO, M.D., HOUSTON, TX, Lic. #E3725

On August 26, 2005, the Board and Dr. Lorenzo entered into an Agreed Order requiring Dr. Lorenzo to complete within six months 14 hours of continuing medical education in the areas of emergency room medicine and medical

record keeping. The action was based on allegations that Dr. Lorenzo failed to meet the standard of care in the treatment of a patient who came to the emergency room after a fall.

MACHO, JUAN J, M.D., MESQUITE, TX, Lic. #D7164

On August 26, 2005, the Board and Dr. Macho entered into a three-year Agreed Order requiring that Dr. Machos practice be monitored by another physician; that he complete a 10 hour course in the area of record keeping and assessing an administrative penalty of \$2,500. The action was based on allegations that Dr. Macho prescribed two potentially addictive medications, Fioricet and Esgic, to two patients without appropriate documentation and without documented justification for refilling the medications.

MADISETTI, NARAYAN S., M.D., HOUSTON, TX, Lic. #F2335

On August 26, 2005, the Board and Dr. Madisetti entered into an Agreed Order accepting Dr. Madisettis voluntary surrender of his medical license and his retirement from the practice of medicine. The action was based on Dr. Madisettis being physically unable to continue to practice medicine and his desire to voluntarily surrender his license and retire.

MAILMAN, DOUGLAS RAYMOND, M.D., KERRVILLE, TX, Lic. #J7350

On August 26, 2005, the Board and Dr. Mailman entered into an Agreed Order in which the Board accepts Dr. Mailmans voluntary and permanent surrender of his medical license. The action was based on Dr. Mailmans admission of a relapse of substance abuse and his failure to provide specimens for drug screening as required by a prior Board Order. Dr. Mailmans license had been temporarily suspended on October 6, 2004, for his failure to provide specimens for drug screening.

MARTINEZ, AZALIA VERONICA, M.D., EL PASO, TX, Lic. #F1781

On August 26, 2005, the Board and Dr. Martinez entered into an Agreed Order requiring Dr. Martinez to complete within one year 10 course hours in ethics and 10 course hours in the area of alternative medicine. The action was based on allegations that Dr. Martinez failed to adequately supervise the activities of medical personnel providing colonic irrigation treatment to patients.

MAYS, JEFFRY PATRICK, M.D., BRADY, TX, Lic. #J7815

On August 26, 2005, the Board and Dr. Mays entered into an Agreed Order requiring Dr. Mays to complete within one year 20 hours of continuing medical education in pain management and to take and pass the Medical Jurisprudence Examination. The action was based on allegations that Dr. Mays failed to meet the standard of care in the documentation and treatment of one patient for back and leg pain and failed to recognize the signs of drug seeking behavior by the patient.

McCORKLE, ALLAN JAMES, M.D., AMARILLO, TX, Lic. #J0110

On August 26, 2005, the Board and Dr. McCorkle entered into a 10-year Agreed Order requiring Dr. McCorkle to undergo continuing screening for drugs and alcohol, to continue receiving psychiatric care and treatment and to continue to participate in the activities of Alcoholics Anonymous and his county or state medical society committee on physician health and rehabilitation. The action was based on allegations of Dr. McCorkles intemperate use of alcohol.

McKOWEN, ROBERT LEE, M.D., HOUSTON, TX, Lic. #H1515

On August 26, 2005, the Board and Dr. McKowen entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. McKowen failed to timely provide properly requested medical records within 15 business days of receipt of the written request.

McNEILL, SCOTT SHAW, M.D., SAN ANTONIO, TX, Lic. #K7058

On August 26, 2005, the Board and Dr. McNeill entered into an Agreed Order publicly reprimanding Dr. McNeill. The action was based on allegations that Dr. McNeill did not properly report a prescribed medication as required by his existing Agreed Order.

MERRITT, DOROTHY FRANCOEUR, M.D., TEXAS CITY, TX, Lic. #G9878

On August 26, 2005, the Board and Dr. Merritt entered into an Agreed Order requiring Dr. Merritt to print a retraction of advertisements that were false, misleading or deceptive that she previously disseminated on chelation therapy and the BioMeridian device; to complete a 10-hour course in ethics or advertising and assessing an administrative penalty of \$3,000. The action was based on allegations that Dr. Merritt disseminated an advertisement that was misleading as to the advantages of chelation therapy, her credentials and the BioMeridian testing device.

MITCHELL, ROBY DEAN, M.D., AMARILLO, TX, Lic. #H4560

On 8-26-05 the Board revoked Dr. Mitchells license. The action was based upon allegations that Dr. Mitchell failed to comply with a previous order requiring him to obtain a practice monitor. Dr. Mitchell admitted his non-compliance and specifically refused to comply in the future. Dr. Mitchell may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion

for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

NORVILLE, SCOTT VANCE, MD., FORT WORTH, TX, Lic. #J6635

On August 26, 2005, the Board and Dr. Norville entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Norville failed to strictly comply with the supervisory requirements for a nurse practitioner in that he failed to visit the clinic at least once every 10 business days as required for sites serving medically underserved populations.

OKTAY, KUTLUKHAN, MD., RYE, NY, Lic. #J3865

On August 26, 2005, the Board and Dr. Oktay entered into an Agreed Order to run concurrently with and requiring him to comply with all terms and conditions of his 36-month Order from the State of New York Department of Health and State Board for Professional Medical Conduct. The action was based on the action taken by the New York board to discipline Dr. Oktay for engaging in an inappropriate social relationship with a patient.

PACKARD, STANTON CLARK, MD., VIDOR, TX, Lic. #J6641

On August 26, 2005, the Board and Dr. Packard entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Packard failed to obtain the required hours of continuing medical education. The action was a result of an investigation opened after Dr. Packard was selected for random audit of his continuing medical education compliance.

PALACIOS, MARIANO, MD., EL PASO, TX, Lic. #H9132

On August 26, 2005, the Board and Dr. Palacios entered into an Agreed Order suspending Dr. Palacios license, staying the suspension and placing him on probation for one year under terms and conditions, including that his practice be monitored by another physician, that he complete a course of at least 10 hours each in the areas of treatment and care of critical care patients and medical records/documentation, and assessing an administrative penalty of \$5,000. The action was based on allegations that Dr. Palacios failed to practice medicine in an acceptable professional manner in treating an elderly patient after admission to the hospital.

PARKHURST, GARY MARK, MD., PALESTINE, TX, Lic. #H6498

On August 26, 2005, the Board and Dr. Parkhurst entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Parkhurst failed to timely provide to one patient properly requested medical records while under the misunderstanding that records can be withheld because of an outstanding bill.

PASKOW, JAMES ANDREW, MD., MOORESTOWN, NJ, Lic. #H8790

On August 26, 2005, the Board and Dr. Paskow entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that on three occasions Dr. Paskow failed to have chaperones initial the records of his examinations of three female patients as required by a previous Board Order.

PATEL, PIYUSH V., MD., MIDLAND, TX, Lic. #G2452

On August 26, 2005, the Board and Dr. Patel entered into an Agreed Order revoking Dr. Patels license. The action was based on Dr. Patels plea of guilty to two federal felonies: Misprision of a Felony relating to misrepresentations to the United States Department of Agriculture and the Immigration and Naturalization Service regarding a J-1 Visa physician employed by Dr. Patel; and one count of defrauding Medicare that included attempts by Dr. Patel to circumvent his exclusion from Medicare by billing under another physicians provider number.

PENDLETON, MICHAEL JEROME, MD., CORPUS CHRISTI, TX, Lic. #L4091

On August 26, 2005, the Board and Dr. Pendleton entered into an Agreed Order assessing an administrative penalty of \$2,500. The action was based on allegations that Dr. Pendleton violated his existing Orders by failing to timely submit information required by those Orders.

POWELL, WILLIAM EUGENE II, MD., HOUSTON, TX, Lic. #D2821

On August 26, 2005, the Board and Dr. Powell entered into an Agreed Order publicly reprimanding Dr. Powell, prohibiting him from supervising a physician assistant or nurse practitioner, requiring him to obtain within one year 25 hours of continuing medical education and assessing an administrative penalty of \$2,000. The action was based on allegations that Dr. Powell did not meet the standard of care when he did not perform a conization to obtain a tissue specimen to rule out invasive cancer and when he did not confirm removal of a penrose drain after performing a ventral hernia repair.

PRYZANT, CHARLES ZANWILL, MD., DALLAS, TX, Lic. #L3075

On August 26, 2005, the Board and Dr. Pryzant entered into an Agreed Order requiring Dr. Pryzant to obtain within on year 25 course hours of ethics and assessing an administrative penalty of \$1,000. The action was based on allegations of disciplinary action taken by Dr. Pryzants peers for inappropriate internet content on his computer while interviewing an underage clinic client.

RODRIGUEZ, F. ANGEL, MD., GARLAND, TX, Lic. #E3758

On August 26, 2005, the Board and Dr. Rodriguez entered into an Agreed Order requiring Dr. Rodriguez to

complete within one year a course of at least 20 hours in the area of family practice, a course of at least 10 hours in the area of medical records and further requiring his practice to be monitored by another physician for a period of 12 months. The action was based on allegations that Dr. Rodriguez violated the standard of care by following a high-risk OB/GYN patient throughout her pregnancy even though Dr. Rodriguez's specialty is surgery.

ROGERS, BRIAN BLAKE, D.O., ARLINGTON, TX, Lic. #J6034

On August 26, 2005, the Board and Dr. Rogers entered into an Agreed Order subjecting Dr. Rogers to terms and conditions for 15 years, including that Dr. Rogers obtain a complete forensic evaluation from a board-approved psychiatrist; that he abstain from the consumption of drugs and alcohol; submit to screening for drugs and alcohol; participate in the activities of Alcoholics Anonymous and the Texas Osteopathic Medical Association; not treat his immediate family; not fill prescriptions by telephone to a pharmacy; maintain a file of a copy of every prescription written for controlled substances or dangerous drugs with addictive potential or potential for abuse; limit his medical practice to a group or institutional setting approved by the Executive Director of the Board; and obtain each year 50 hours of continuing medical education in addiction medicine and ethics. Additionally, Dr. Rogers is not permitted to supervise a physician assistant or advanced practice nurse. The action was based on Dr. Rogers' admission that he suffers from drug abuse.

RUSSELL, MELVIN DAVID, D.O., EL PASO, TX, Lic. #F4460

On August 26, 2005, the Board and Dr. Russell entered into an Agreed Order requiring Dr. Russell to successfully complete within one year a course in risk management of at least 10 hours and assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Russell authorized colonic hydrotherapy on two patients without documenting an adequate history and physical examination of the patients.

SAJADI, CYRUS, M.D., HOUSTON, TX, Lic. #G1766

On August 26, 2005, the Board and Dr. Sajadi entered into an Agreed Order requiring Dr. Sajadi to complete within one year nine hours of ethics courses, assessing an administrative penalty of \$1,000 and requiring the return of a \$250 fee. The action was based on allegations that Dr. Sajadi violated a state law that requires a physician who denies release of medical records of information to explain why the information was not provided. The action occurred in relation to a competency determination request initiated by the patient's father, did not, after he determined he did not have enough information to make the determination, either communicate to the patient's father his purpose for keeping the fee, or, alternatively, refund the fee.

SEBRING, LANE, M.D., WIMBERLEY, TX, Lic. #J7661

On August 26, 2005, the Board and Dr. Sebring entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Sebring allowed a false, misleading or deceptive advertisement that used the phrase Board Certified in Anti-Aging Medicine. The claim of board certification was in violation of Board rules.

SHILLER, ALAN DALE, M.D., PALESTINE, TX, Lic. #H8398

On August 26, 2005, the Board and Dr. Shiller entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Shiller published radio and newspaper advertisements that were false, misleading or deceptive. The advertising references superior results that are not substantiated.

SKRIPKA, CHARLES FRANK JR., M.D., TOMBALL, TX, Lic. #D4308

On July 13, 2005, the Board, acting through its Deputy Executive Director, entered an Order suspending Dr. Skripka's license until such time as he personally appears before the Board and provides clear and convincing evidence and information proving that he is in compliance with all terms of his April, 2004, Agreed Order. The action was taken based on allegations Dr. Skripka violated the April 2, 2004, Agreed Order by failing to take and pass the Special Purpose Examination and the Medical Jurisprudence Examination.

SLOAN, RANDALL LEE, D.O., EDEN, TX, Lic. #G2278

On August 26, 2005, the Board and Dr. Sloan entered into an Agreed Order publicly reprimanding Dr. Sloan and crediting Dr. Sloan's successful completion of the course offered by the Vanderbilt Medical Center for Professional Health entitled A Continuing Education Course for Physicians Who Cross Sexual Boundaries as meeting the educational program requirement. The action was based on allegations of unprofessional conduct toward medical staff personnel by Dr. Sloan.

SMITH, CHARLES RONALD, D.O., PLAINVIEW, TX, Lic. #L2662

On August 26, 2005, the Board and Dr. Smith entered into an Agreed Order requiring Dr. Smith to take and pass the Medical Jurisprudence Examination, to successfully complete 20 hours of continuing medical education in the area of risk management and assessing an administrative penalty of \$5,000. The action was based on allegations that Dr. Smith irrigated a surgical site with a solution called H3O purchased from an Internet web site. The solution was not approved by the FDA, was not on the hospital formulary and the patient had not consented to its use.

SMITH, FARIN WAYNE, M.D., GALVESTON, TX, Lic. #BP30018802

On August 26, 2005, the Board and Dr. Smith entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations Dr. Smith failed to report on his postgraduate permit application that he had been arrested in 1978 for driving while intoxicated and in 1981 for criminal mischief.

SPANN, SCOTT WEAVER, M.D., AUSTIN, TX, Lic. #K1685

On August 26, 2005, the Board and Dr. Spann entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Spann allowed a false, misleading or deceptive advertisement to be placed in a newspaper and on his web site. The advertisement misled the public by stating that Dr. Spann had been specifically selected by the FDA to perform artificial disc replacement.

SRIVATHANAKUL, SURAPHANDHU, M.D., DALLAS, TX, Lic. #E7288

On August 26, 2005, the Board and Dr. Srivathanakul entered into an Agreed Order suspending his license, staying the suspension and placing him on probation for five years under terms and conditions. The terms and conditions included that Dr. Srivathanakul not possess, dispense or prescribe any Schedule II or Schedule III controlled substances until he completes at least 10 hours of continuing medical education in pain management; that he successfully complete the course offered by the Vanderbilt Medical Center for Professional Health entitled A Continuing Education Course for Physicians Who Cross Sexual Boundaries; that his practice be monitored by another physician; and assessing an administrative penalty of \$2,000. The action was based on allegations that Dr. Srivathanakul prescribed narcotics and other habit-forming drugs to three patients without referrals, objective tests for pain, or plans of treatment to support the prescriptions.

TAKASE, KOUJI, M.D., HOUSTON, TX, Lic. #G1839

On August 26, 2005, the Board and Dr. Takase entered into an Agreed Order revoking Dr. Takases license, staying the revocation and placing Dr. Takase on probation for 10 years under terms and conditions. The terms and conditions include requirements that Dr. Takase successfully complete the course offered by the Vanderbilt Medical Center for Professional Health entitled A Continuing Education Course for Physicians Who Cross Sexual Boundaries; that he submit to and obtain a complete forensic evaluation from a board-approved psychiatrist and continue any treatment recommended by that psychiatrist; that he take and pass the Medical Jurisprudence Examination; that he complete 10 hours of ethics courses each year for five years; that he complete 10 hours of courses in risk management and ethics each year of the Order; that he is prohibited from hiring anyone under the age of 21 to work in his medical office; and assessing an administrative penalty of \$5,000. The action was based on allegations that Dr. Takase was charged with two counts of sexual assault involving two females who had been employed in his medical office and that he entered a plea of guilty, as part of a plea agreement, to unlawful restraint, a third degree felony, and that he acted in an unprofessional manner to three other female employees who were under the age of 18.

THOMPSON, JAMES BYRON, M.D., GEORGETOWN, TX, Lic. #H8460

On August 26, 2005, the Board and Dr. Thompson entered into an Agreed Order publicly reprimanding Dr. Thompson, requiring him to attend the course offered by the Vanderbilt Medical Center for Professional Health entitled A Continuing Education Course for Physicians Who Cross Sexual Boundaries and to obtain 10 hours of continuing medical education in medical documentation/record keeping. The action was based on allegations that Dr. Thompson prescribed Vicodin and Xanax for one person with whom he had a personal relationship without proper medical indications and without keeping adequate medical records.

TITUS, PATRICK ANTHONY, M.D., HOUSTON, TX, Lic. #C8730

On 8-26-05 the Board revoked Dr. Titus license. The action was based upon Dr. Titus non-compliance with a previous order which required him to enroll in and successfully complete a course in the area of the Prevention and Treatment of Drug Abuse; submit to evaluation by an ophthalmologist; and submit to a forensic psychiatric evaluation. Dr. Titus may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

WAGNER, HAROLD GLEN, D.O., DESOTO, TX, Lic. #H6679

On August 26, 2005, the Board and Dr. Wagner entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Wagner failed to timely sign a death certificate as required by law.

WATKINS, HERBERT LEONARD, M.D., HOUSTON, TX, Lic. #J5053

On August 26, 2005, the Board and Dr. Watkins entered into a five-year Agreed Order requiring that Dr. Watkins obtain 50 hours of continuing medical education per year in the areas of urology and risk management; that his practice be monitored by another physician; that he submit a corrective action plan addressing the issue of obtaining necessary medical records so that they are available for his review during patient visits; and assessing an administrative penalty of \$2,500. The action was based on allegations that Dr. Watkins failed to meet the standard of

care in his treatment of one patient because there was no adequate examination of the prostate, no early biopsy of the prostate, and no confirmation of the diagnosis with early treatment of prostate cancer.

WATSON, DAVID GREGORY, M.D., TYLER, TX, Lic. #K4605

On August 26, 2005, the Board and Dr. Watson entered into an Agreed Order of voluntarily surrender of his medical license. The action was based on allegations of recurring substance abuse, including use of cocaine the night before reporting to work at an emergency room the following morning.

WEEKS, LYLE DAVID, M.D., EL PASO, TX, Lic. #E4959

On August 26, 2005, the Board and Dr. Weeks entered into an Agreed Order requiring Dr. Weeks to obtain within one year 50 hours of continuing medical education in medical record keeping and informed consent and assessing an administrative penalty of \$3,000. The action was based on allegations that Dr. Weeks violated the standard of care by not documenting any patient education regarding Zyplast or Silicon 1000 injections and by not obtaining a consent prior to injecting a patient with Silicon 1000.

WELDON, BILL E, D.O., FORT WORTH, TX, Lic. #F4669

On August 26, 2005, the Board and Dr. Weldon entered into an Agreed Order suspending Dr. Weldon's license, staying the suspension and placing him on probation for five years under terms and conditions, including that his practice be monitored by another physician; that he complete 30 hours of continuing medical education in pain management each year and 10 hours in record keeping; that he pass the Medical Jurisprudence Examination; that he not prescribe or renew the prescription for any Schedule II drugs for six months; assessing an administrative penalty of \$3,600; and prohibiting him from supervising physician assistants. The action was based on allegations that Dr. Weldon prescribed pain medications, muscle relaxants and Valium in high doses to a patient without performing comprehensive evaluations, without appropriate referrals or follow-up, and without disclosure of the risks and benefits of treatment.

WHITE, ROBERT FRANK, M.D., MOUNT VERNON, TX, Lic. #C7159

On August 26, 2005, the Board and Dr. White entered into a three-year Agreed Order requiring Dr. Whites practice to be monitored by another physician and requiring him to complete 50 hours of courses per year in the area of pain management; to complete a course of 10 hours in the area of medical records; to pass the Medical Jurisprudence Examination; and to submit a written corrective action plan to ensure that pain management patients are treated in accordance with the standard of care. The action was based on allegations that Dr. Whites treatment of one patient fell below the standard of care because no CT scans, MRIs or other tests were performed, there was no referral to a neurologist or pain management specialist and the patient was not required to enter into a pain management contract.

WILLIAMS, JAMES EDWARD, M.D., CARROLLTON, TX, Lic. #TP10017889

On August 26, 2005, the Board and Dr. Williams entered into an Agreed Order prohibiting Dr. Williams from practicing in Texas or requesting a physician in training permit until he appears before the Board to demonstrate that he is physically, mentally, and otherwise competent to safely practice medicine. The action was based on allegations that Dr. Williams was released from the Family Medicine Residency Program at the University of Texas Southwestern Medical Center for failing to meet the expected performance standards.

WOMACK, JAMES CHANSLOR, M.D., BOWIE, TX, Lic. #G8516

On August 26, 2005, the Board and Dr. Womack entered into an Agreed Order extending his existing March 31, 2000, Order for an additional five years and modifying it to comply with current Board standards for orders entered to address substance abuse. The action was based on allegations that Dr. Womack violated his existing order by not properly notifying the Board that he had been prescribed and had taken carisoprodol, also known as Soma, and by ingesting alcohol present in a ginseng supplement he had taken for a short time.

Acupuncturist

THOREN, LAWRENCE JOSEPH, A.C., AUSTIN, TX, Lic. #AC00786

On August 26, 2005, the Board and Mr. Thoren entered into an Agreed Order in which the board accepted the voluntary and permanent surrender of his acupuncture license. The action was based on Mr. Thorens wish to surrender his license after discussions regarding his compliance with license requirements.

Physician Assistants

GRISWOLD, BRIAN M, P.A., TAYLOR, TX, Lic. #PA03037

On July 29, 2005, the Board of Physician Assistant Examiners entered into an Agreed Order with Mr. Griswold whereby he voluntarily surrendered his physician assistant license. The action was based on Mr. Griswolds agreement with the Travis County District Attorney that included the requirement that he surrender his license as part of a plea bargain relating to his attempting to obtain a controlled substance by fraud.

MORGAN, KEVIN DANIEL, SAN ANTONIO, TX, Lic. #PA00930

On June 21, the Board of Physician Assistant Examiners, acting through the Executive Director, entered an Order suspending the physician assistant license of Mr. Morgan. The action was based on allegations Mr. Morgan violated his existing Agreed Order by testing positive for prohibited drugs and ethylglucuronide and by failing to test when requested.

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The Texas State Board of Medical Examiners, the state agency that regulates physicians, physician assistants, surgical assistants and acupuncturists, provides consumer protection through licensure, investigation and disciplinary action. The Board, under President Roberta M. Kalafut, D.O., and Executive Director Donald W. Patrick, M.D., J.D., and mandated by Senate Bill 104 of the 78th Legislature and S.B. 419 of the 79th Legislature, is strengthening and accelerating the disciplinary process for licensees who fail to meet the required standards of professional proficiency and behavior. Information on filing a complaint is on the agency web site at www.tsbme.state.tx.us or by calling (800) 201-9353.

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

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

Open records requests for orders may be made to

or write to:

Texas Medical Board
MC 251
P.O. Box 2018
Austin, TX 78768-2018

To receive press releases by e-mail: jill.wiggins@tmb.state.tx.us