

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

March 17, 2017

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### **TMB disciplines 59 physicians at March meeting, adopts rule changes**

At its March 3, 2017 meeting, the Texas Medical Board disciplined 59 licensed physicians and issued five cease and desist orders.

The disciplinary actions included: eight orders related to quality of care violations, eight orders related to unprofessional conduct, three revocations, one suspension, eight voluntary surrenders/revocations, five terminations of suspension, two restrictions, one order related to peer review action, five orders related to nontherapeutic prescribing, one order related to improper prescribing, two orders related to violation of Board rules, six orders related to violation of prior Board order, four orders related to other states' actions, one order related to criminal activity, one order related to inadequate medical records, one order related to Texas Physician Health Program violations, and two orders related to impairment.

The Board issued 120 physician licenses at the March meeting, bringing the total number of physician licenses issued so far in FY17 to 2,177.

### **RULE CHANGES ADOPTED**

#### **CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY**

The amendments to Chapter 194 changes the chapter's title and adds new **§§194.1 - 194.43**, delineating regulations related to the medical radiologic technology regulatory program functions. The language in existing §§194.1 - 194.9 and 194.11 has been relocated to new §§194.34 - 194.43. The amendments add rules that establish qualifications, procedures, requirements and processes that enable the Medical Radiological Technology Board to regulate the practice of medical radiologic technology. Remaining existing rules related to registration and physician supervision of non-certified technicians are renumbered to reflect the addition of the new rules.

#### **CHAPTER 186. RESPIRATORY CARE**

The adoption of new Chapter 186 adds new **§§186.1 - 186.14** and **§§186.16 - 186.29**, concerning Respiratory Care Practitioners, delineates regulations related to the Respiratory Care Practitioner regulatory program functions. The new chapter adds rules that establish qualifications, procedures, requirements and processes that enable the Respiratory Care Board to regulate the practice of respiratory care. The new chapter also contains rules related to certification of and physician supervision of Respiratory Care Practitioners.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Agusala, Madhava, M.D., Lic. No. J1178, Odessa**

On March 3, 2017, the Board and Madhava Agusala, M.D., entered into Mediated Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least 36 hours of CME, divided as follows: 12 hours in medical recordkeeping, 12 hours in vascular interventions and complications, and 12 hours in peripheral arterial disease. The Board found Dr. Agusala did not adequately document physical examinations, assessments, and indications for peripheral interventions on a patient, failed to consider another

diagnosis other than claudication on one patient and interpreted and relied on insufficiently documented ultrasound and peripheral angiogram reports on a patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Beasley, Craig Clark, M.D., Lic. No. K1160, Throckmorton**

On March 3, 2017, the Board and Craig Clark Beasley, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 16 consecutive monitoring cycles; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; maintain a logbook of all written prescriptions for controlled substances ; and within one year complete at least 12 hours of CME, divided as follows: 8 hours in medical recordkeeping and four hours in identifying drug-seeking behavior. The Board found Dr. Beasley failed to meet the standard of care in his treatment of multiple patients due to improper documentation of his treatment rationale, failed to incorporate other treatment modalities, and failed to develop and implement adequate treatment plans for the patients.

**Fry, Robert, M.D., Lic. No. E4339, Texarkana**

On March 3, 2017, the Board and Robert Fry, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within 30 days obtain a multi-disciplinary psychiatric evaluation from the Gabbard Center in Bellaire, Texas and follow all recommendations for care and treatment; upon completion of his evaluation, Dr. Fry shall contact the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program or Phases I and II of the University of California San Diego Physician Assessment and Clinical Education (PACE) program to schedule an assessment and complete any and all recommendations within one year; and upon completion of the evaluations, appear before the Board to address any issues from the evaluation and assessment and compliance with the terms of the order. The Board found Dr. Fry did not meet the standard of care with respect to the treatment of four patients and was subject to peer review disciplinary action due to behavioral issues. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Kaufman, James Kevin, M.D., Lic. No. L0318, Fort Worth**

On March 3, 2017, the Board and James Kevin Kaufman, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 32 hours of in-person CME, divided as follows: 8 hours in risk management, 8 hours in ethics, 8 hours in spinal surgery, including pedicle screw management and post-operative complication management, and 8 hours in physician-patient communication; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Kaufman violated the standard of care in his performance of multiple spinal surgeries on one patient within a short period of time. Dr. Kaufman was not diligent with respect to the posterior surgery and in his communications with the patient and family.

**Murillo, Ricardo Alonso, M.D., Lic. No. K0949, Dallas**

On March 3, 2017, the Board and Ricardo Alonso Murillo, M.D., entered into an Agreed Order requiring him to complete at least 12 hours of CME, divided as follows: 8 hours in risk management and 4 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Murillo treated a patient for a urinary tract infection with Levaquin 500 mg daily for seven days without documenting justification for the longer course, and failed to document that he further addressed abnormal laboratory results and also scheduled a follow up appointment for one year's time, which was too long considering the patient's other comorbidities.

**Prasad, Suresh, M.D., Lic. No. K8430, Odessa**

On March 3, 2017, the Board and Suresh Prasad, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: 4 hours in medical recordkeeping and 8 hours in risk management. The Board found Dr. Prasad failed to meet the standard of care by not having a patient appointment reminder system in place to ensure a patient's international normalized ratio (INR) was retested in a timely manner, and failed to create and maintain an adequate medical record.

**Sneed, David Lee, D.O., Lic. No. F4549, Austin**

On March 3, 2017, the Board and David Lee Sneed, D.O., entered into an Agreed Order requiring his practice to be monitored by another physician for 8 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 8 hours in risk management, 8 hours in ethics, and 8 hours in medical recordkeeping; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Sneed failed to meet the standard of care for facial laser treatments performed on a patient, failed to advise the patient of advantages and disadvantages of the treatment options, leaving this task to an aesthetician, and failed to maintain adequate medical records.

**Yurvati, Albert Henry, D.O., Lic. No. H2655, Fort Worth**

On March 3, 2017, the Board and Albert Henry Yurvati, D.O., entered into an Agreed Order requiring him to within one year write a research paper suitable for publication addressing the establishment of a protocol to minimize the risk of removing the incorrect rib when using the supraclavicular approach in treating thoracic outlet syndrome and submit to a peer review journal; and within one year complete at least 8 hours of CME, divided as follows: 4 hours in risk management and 4 hours in physician-patient communication. The Board found Dr. Yurvati removed the wrong rib when treating thoracic outlet syndrome, which required two subsequent operations to correct and caused ongoing complications for the patient.

**UNPROFESSIONAL CONDUCT**

**Aijaz, Asim Syed, M.D., Lic. No. M9781, Austin**

On March 3, 2017, the Board and Asim Syed Aijaz, M.D., entered into an Agreed Order publicly reprimanding Dr. Aijaz and requiring him to have a chaperone present during physical examinations of female patients; within six months complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least 8 hours of CME in ethics. The Board found Dr. Aijaz violated physician-patient boundaries by establishing a sexual relationship with one patient.

**Burzynski, Stanislaw R., M.D., Lic. No. D9377, Houston**

On March 3, 2017, the Board entered a Final Order against Stanislaw R. Burzynski, M.D., suspending his license, immediately staying the suspension of his license placing him on probation for five years under terms and conditions: publicly reprimand; monitoring of billing practices; ethics course; 72 hours of CME, in the following topics: 15 hours on the topic of informed consent, 14 hours on the topic of medical recordkeeping, 14 hours on the topic of risk management, 15 hours in supervision and delegation, and 14 hours on the topic of patient communication; submitting informed consent forms for review; submit an ownership interest disclosure form; pass the Medical Jurisprudence Exam; an administrative penalty of \$40,000; and pay restitution in the amount of \$20,000. The action was based on the findings of administrative law judges at the State Office of Administrative Hearings (SOAH) including: failure to provide informed consent to the treatment plan; failure to supervise research assistants who were not authorized to practice medicine; unlicensed practice of medicine; failure to disclose his ownership interest in southern family pharmacy; improperly classifying a minor patient's death as a lesser adverse event for purposes of FDA reporting; and failure to maintain adequate medical records to support charges. This order resolves a formal complaint filed at SOAH. Dr. Burzynski has 20 days from the service of the order to file a motion for rehearing.

**Calzada, Israel, M.D., Lic. No. BP10050013, Austin**

On March 3, 2017, the Board and Israel Calzada, M.D., entered into an Agreed Order requiring him 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: 4 hours in medical recordkeeping, 4 hours in risk management, and 8 hours in inappropriate prescribing of controlled substances. The Board found Dr. Calzada, while working under a Physician-in-training permit, inappropriately prescribed controlled substances to a family member beyond the 72-hour period of immediate need.

**Currier, Daryl Clyde, M.D., Lic. No. E6298, Stockdale**

On March 3, 2017, the Board and Daryl Clyde Currier, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: 8 hours of risk management and 8 hours in ethics; within one

year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Currier signed official prescription forms and provided them to a Licensed Vocational Nurse to complete pursuant to Dr. Currier's verbal orders when refills on narcotic prescriptions were needed for residents of a nursing facility.

**Ethridge, Richard Thomas, M.D., Lic. No. M5152, Fort Worth**

On March 3, 2017, the Board and Richard Thomas Ethridge, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: 4 hours in risk management and 4 hours in HIPAA; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Ethridge acted unprofessionally and violated confidentiality laws by disclosing a patient's protected health information on Facebook without consent.

**Frierson, John Howard, M.D., Lic. No. G3371, San Antonio**

On March 3, 2017, the Board and John Howard Frierson, M.D., entered into an Agreed Order requiring him to within one year complete at least 8 hours of CME, divided as follows: 4 hours in ethics and 4 hours in physician-patient communication; and within 90 days pay an administrative penalty of \$3,000. The Board found Dr. Frierson performed a cardiac catheterization and stent placement procedure on a patient. The patient was stable after surgery and the patient's family chose an alternate physician to treat the patient. Subsequently, the patient's condition deteriorated and the patient was attended to by an alternate physician. Dr. Frierson did not return to the hospital after being called by nursing staff relating to the patient's condition. Dr. Frierson should have exercised greater diligence and come to the hospital to attend to the patient.

**Olusegun-Gbadehan, Tinuade, M.D., Lic. No. N3663, San Antonio**

On March 3, 2017, the Board and Tinuade Olusegun-Gbadehan, M.D., entered into a Mediated Agreed Order requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 8 hours in physician-patient communication, eight hours in risk management, and eight hours in HIPAA; and within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Olusegun-Gbadehan failed to provide specific permission to release a patient's video for promotional purposes, and failed to obtain written informed consent from the patient regarding the risks and benefits of a procedure until the second procedure was performed. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Rosen, Alan, M.D., Lic. No. K3843, Houston**

On March 3, 2017, the Board and Alan Rosen, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in risk management. The Board found Dr. Rosen admitted that he pre-signed prescriptions when he was in-between practice locations, which he left with his physician assistant to use for one week.

**REVOCAION**

**Dixon, Thomas Michael, M.D., Lic. No. K8621, Amarillo**

On March 3, 2017, the Board entered a Final Order against Thomas Michael Dixon, M.D., automatically and mandatorily revoking his Texas medical license. The Board found Dr. Dixon is currently imprisoned following his felony capital murder convictions. This order resolves a formal complaint filed at the State Office of Administrative Hearings. Dr. Dixon has 20 days from the service of the order to file a motion for rehearing.

**Michael, Medhat S.F., M.D., Lic. No. M6293, Oklahoma City, OK**

On March 3, 2017, the Board entered a Final Order against Medhat S.F. Michael, M.D., revoking his Texas medical license. The Board found Dr. Michael surrendered his Oklahoma medical license while under investigation for allegations of sexual misconduct. The action followed the granting of a Motion for Summary Disposition and evidentiary hearing by an administrative law judge at the State Office of Administrative Hearings. This order resolves a formal complaint filed at SOAH. Dr. Michael has 20 days from the service of the order to file a motion for rehearing.

**Sanchez-Brugal, Fernando, M.D., Lic. No. L1996, Asheville, NC**

On March 3, 2017, the Board entered a Final Order against Fernando Sanchez-Brugal, M.D., revoking his Texas medical license. The Board found Dr. Sanchez-Brugal was subject to disciplinary action and had his license suspended by the North Carolina Medical Board regarding his multiple arrests for driving while under the influence. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. Sanchez-Brugal has 20 days from the service of the order to file a motion for rehearing.

**SUSPENSION**

**Gonzalez-Weaver, Rose Marie, D.O., Lic. No. J3484, Uvalde**

On March 3, 2017, the Board entered a Default Order against Rose Marie Gonzalez-Weaver, D.O., which suspended her Texas medical license until she request in writing to have the suspension lifted and appears before the Board to provide evidence she is physically, mentally, and otherwise competent to safely practice medicine which shall include evidence that she has complied with her June 2015 Order. The Board granted a Determination of Default and Dr. Gonzales-Weaver's Texas medical license was suspended by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Gonzales-Weaver has 20 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAION**

**Andrews, Richard, D.O., Lic. No. F7388, Dallas**

On March 3, 2017, the Board and Richard Andrews, D.O., entered into an Agreed Order of Revocation in which Dr. Andrews agreed to the revocation of his license in lieu of further disciplinary proceedings. The Board found Dr. Andrews pleaded guilty to two felony charges related to the illegal distribution of controlled substances.

**Blissard, Paul King, M.D., Lic. No. F6453, Austin**

On March 3, 2017, the Board and Paul King Blissard, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Blissard agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Blissard has indicated that rather than comply with his current Board Order and contest any charges related to non-compliance, he prefers to surrender his license at this time.

**Briones, Fermin, Jr., M.D., Lic. No. N0660, San Antonio**

On March 3, 2017, the Board and Fermin Briones, Jr., M.D., entered into an Agreed Order of Surrender in which Dr. Briones agreed to voluntarily surrender his Texas medical license. Dr. Briones was under investigation by the Board for allegations that he failed to cooperate with Board staff's reasonable requests for information relating to the status of his compliance with his 2015 Order.

**Jahani, Sam, D.O., Lic. No. H4439, Conroe**

On March 3, 2017, the Board and Sam Jahani, D.O., entered into an Agreed Order of Revocation After Formal Filing in which Dr. Jahani agreed to the revocation of his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Jahani was incarcerated following entering a guilty plea for health care fraud, a Class D Felony, in U.S. District Court in Colorado.

**Kientcha-Tita, Rachel Chundenu, M.D., Lic. No. M9410, Houston**

On March 3, 2017, the Board and Rachel Chundenu Kientcha-Tita, M.D., entered into an Agreed Order of Revocation After Formal Filing in which Dr. Kientcha-Tita agreed to the revocation of her Texas license in lieu of further disciplinary proceedings. The Board found that on January 6, 2017, Dr. Kientcha-Tita pleaded guilty of felony health care fraud and was sentenced to prison for 18 months.

**Molina, Hector Oscar, M.D., Lic. No. K2755, Irving**

On March 3, 2017, the Board and Hector Oscar Molina, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Molina agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Molina was under investigation for allegations that he was indicted and pled guilty to having committed Medicare fraud.

**Simmons, Donovan Mitchell, M.D., Lic. No. L6180, Lago Vista**

On March 3, 2017, the Board and Donovan Mitchell Simmons, M.D., entered into an Agreed Order of Revocation in which Dr. Simmons agreed to the revocation of his license in lieu of further disciplinary proceedings. The Board found Dr. Simmons was found guilty of 12 felony counts to commit health care fraud, health care fraud, and engaging in monetary transactions in property derived from specified unlawful activity. This order resolves a formal complaint filed at the State Office of Administrative Hearings

**Tilly, Michael Lawrence, M.D., Lic. No. D8462, New Braunfels**

On March 3, 2017, the Board and Michael Lawrence Tilly, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Tilly agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Tilly was under investigation by the Board following his December 2015 arrest for driving while intoxicated.

**TERMINATION OF SUSPENSION**

**Ahmed, Yassar Iftikhar, M.D., Lic. No. M5611, Slough, Berkshire, England**

On March 3, 2017, the Board and Yassar Iftikhar Ahmed, M.D., entered into an Agreed Order on Formal Filing rescinding his suspension and reinstating his Texas license under the following restrictions: shall not practice in Texas until completing an independent medical evaluation and following all recommendations for care and treatment; upon completion of the evaluation, appear before the Board to determine any further modifications; prohibited from treating female patients; and shall not be permitted to supervise and delegate prescriptive authority to physician assistants, advanced practice nurses and/or supervise surgical assistants that are engaged in the clinical practice of medicine. The Board found Dr. Ahmed was alleged to have attempted to solicit a minor through the Internet. Dr. Ahmed denies the allegations and was found not guilty of any offense. He currently resides outside of the United States and states that he has no intention of returning to Texas to practice medicine. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Brooks, Ralph A., M.D., Lic. No. H3656, Fort Worth**

On March 3, 2017, the Board and Ralph B. Brooks, M.D., entered into a Modified Agreed Order lifting the suspension of his license and placing him under the following terms: restricts Dr. Brooks to a group practice or institutional setting, and a public referral to the Texas Physician Health Program. All other terms of the 2015 order remain in full effect.

**Day, Calvin Lee, Jr., M.D., Lic. No. G1883, Spring Branch**

On March 3, 2017, the Board and Calvin Lee Day, Jr., M.D., entered into an Agreed Order on Formal Filing lifting the suspension of his license for the purposes of participating in a proctorship. Dr. Day shall participate in a proctorship in the area of Mohs surgery for six months or 200 Mohs procedures and at the conclusion, if the proctor determines Dr. Day possesses sufficient skills, abilities, and knowledge to resume practice outside the proctorship, his license shall be reinstated under the following terms: limit his practice, including any office and inpatient practice, to a group or institutional setting of which he is neither an owner, an operator, an investor, or a medical director, approved in advance by the Executive Director of the Board; and continue his practice of having at least one other health professional in the room anytime he sees or treats a patient. The Board found that the criminal allegations which resulted in the Temporary Suspension against Dr. Day were eventually dismissed because discovery findings called into question the veracity of the complainants and the witnesses refused to testify. Patient complainants have refused to cooperate with the case before the State Office of Administrative Hearings (SOAH). Dr. Day recently underwent psychiatric evaluations which found no evidence of professional impairment or the need for psychiatric intervention. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Saquer, Rezik A., M.D., Lic. No. K2282, Houston**

On March 3, 2017, the Board and Rezik A. Saquer, M.D., entered into an Agreed Order lifting the suspension and subjecting him to the following terms until all criminal charges pending in Montgomery County, and any other related criminal charges filed during the pendency of this order, are finally resolved: have his practice monitored by another physician; within seven days surrender his DEA/DPS controlled substances registration certificates if he has not already done so; limit his practice, including any office and inpatient practice, to a group or institutional setting approved in advance by the Executive Director of the Board; and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found that the specific factual basis for Dr. Saquer's arrest and subsequent temporary suspension is not articulated in the November 22, 2016 indictment. In spite of Dr. Saquer's denial of guilt, the charges pending are serious and relate to his use of this medical license; however, the Board feels the entry of this order adequately protects the public.

**Way, Megan Kendra, M.D., Lic. No. M4644, Mesquite**

On March 3, 2017, the Board and Megan Kendra Way, M.D., entered into an Agreed Order lifting the suspension of her license and placing her under the following terms: requiring her to be referred to the Texas Physician Health Program (TXPHP). The Board found Dr. Way has polysubstance dependency and reports having been sober since August 28, 2016. She has completed an inpatient treatment program and is actively participating in AA and Caduceus meetings

**RESTRICTION**

**McCurley, Leeroy, M.D., Lic. No. H0618, Grand Prairie**

On March 3, 2017, the Board entered a Final Order against Leeroy McCurley, M.D., requiring him to within seven days request modification of his DEA controlled substances registration certificate to eliminate Schedule II and shall not petition the Board for permission to reapply for Schedule II until receiving written permission from the Board; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 8 hours of CME in risk management; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. McCurley, through his midlevel delegates, failed to meet the standard of care for treating multiple patients for chronic pain. The midlevels failed to obtain sufficient medical history, performed exams were that were inadequate, failed to monitor patients for abuse or diversion of controlled substances that were prescribed, and failed maintain adequate medical records and informed consent. The action was based on the findings of administrative law judges at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. McCurley has 20 days from the service of the order to file a motion for rehearing.

**Morgan, Courtney Ricardo, M.D., Lic. No. M8195, Victoria**

On March 3, 2017, the Board entered a Final Order against Courtney Ricardo Morgan, M.D., revoking his license, but staying the revocation and placing him on probation for 10 years under the following terms: within 10 days surrender his DEA controlled substances registration and not reapply for five years; restricting his practice to a pre-approved group practice or institutional setting; restricting him from treating patients for chronic pain for five years; restricting him from performing as a physician for himself, family, or close acquaintances; within 30 days schedule an assessment with KSTAR and complete any and all recommendations within one year; following KSTAR, have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: 8 hours in prescribing controlled substances, 8 hours in medical recordkeeping, 4 hours in risk management, 4 hours in obesity treatment, 4 hours in treatment of low testosterone, and 4 hours in treatment of erectile dysfunction; within one year and three attempts pass the JP Exam; and shall not supervise or delegate prescriptive authority to a PA or APRN or supervise a surgical assistant. The Board found Dr. Morgan after March 2013, failed to registered Hop Medical Services as a pain management clinic, failed to properly document his treatment of multiple patients, prescribed phentermine to himself for more than the 72 hours, and did not properly secure official prescription blanks. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). This order resolves a formal complaint filed at SOAH. Dr. Morgan has 20 days from the service of the order to file a motion for rehearing.

## **PEER REVIEW ACTION**

### **Samuel, Donald Ray, M.D., Lic. No. H5964, Jasper**

On March 3, 2017, the Board and Donald Ray Samuel, M.D., entered into an Agreed Order requiring him to within one year complete at least 8 hours of CME, divided as follows: 4 hours in risk management and 4 hours in medical recordkeeping. The Board found Dr. Samuel was subject to peer review action for medical documentation issues.

## **NONTHERAPEUTIC PRESCRIBING**

### **Canlas, Donna Natividad, M.D., Lic. No. K3119, Houston**

On March 3, 2017, the Board and Donna Natividad Canlas, M.D., entered into an Agreed Order restricting her from prescribing Schedule II-IV controlled substances and shall only possess DEA registration for prescribing of Schedule V controlled substances; within seven days surrender her DEA controlled substances registration certificates for Schedule II-IV and shall not reregister until she receives written authorization from the Board; have her practice monitored by another physician for 12 consecutive monitoring cycles; 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 90 days pay an administrative penalty of \$5,000. The Board found Dr. Canlas owned and operated an unregistered pain management clinic and failed to adequately supervise her delegate who nontherapeutically prescribed controlled substances and failed to meet the standard of care for the treatment of multiple chronic pain patients.

### **Gutierrez, Priscilla, M.D., Lic. No. G5134, Houston**

On March 3, 2017, the Board and Priscilla Gutierrez, M.D., entered into an Agreed Order on Formal Filing prohibiting her from reregistering for a DEA controlled substances registration until receiving written authorization from the Board; have her practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 16 hours of CME, divided as follows: 8 hours in prescribing controlled substances, 4 hours in risk management and 4 hours in treatment of chronic pain; within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Gutierrez failed to meet the standard of care in the treatment of five chronic pain patients when she failed to order required testing, perform adequate physical evaluations, and make necessary referrals; and failed to follow minimum documentation guidelines for the treatment of chronic pain. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **McNeil, Cynthia Diane, M.D., Lic. No. H6425, Houston**

On March 3, 2017, the Board and Cynthia Diane McNeil, M.D., entered into an Agreed Order publicly reprimanding Dr. McNeil and prohibiting her from treating patients for chronic pain and to cease operating any pain management clinic; requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least six hours of CME in risk management; and within 6 months pay an administrative penalty of \$15,000. The Board found Dr. McNeil and her delegates prescribed large volumes of controlled substances to multiple patients without adequate medical indication or proper monitoring and failed to meet the standard of care in her treatment of the patients.

### **Quintanilla, Mario, M.D., Lic. No. G5506, Houston**

On March 3, 2017, the Board and Mario Quintanilla, M.D., entered into a Mediated Agreed Order prohibiting him from treating any chronic pain; limiting prescription doses to 7 days; requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least four hours of CME in drug-seeking behavior; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Quintanilla breached the standard of care and nontherapeutically prescribed to five chronic pain patients seen in an emergency room setting. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Stoufflet, Paul Eric, M.D., Lic. No. H8440, Austin**



On March 3, 2017, the Board and Paul Eric Stoufflet, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days surrender his DEA/DPS controlled substances registrations with the exception of Schedule II(n) and III(n) controlled substances and shall not reregister without authorization from the Board; have his practice monitored for two consecutive monitoring cycles in addition to the eight cycles required by the 2015 order; 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. Stoufflet nontherapeutically prescribed controlled substances to three patients and did not follow the guidelines for treatment of chronic pain. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **IMPROPER PRESCRIBING**

##### **Long, Donald Paul, M.D., Lic. No. E7655, Port Arthur**

On March 3, 2017, the Board and Donald Paul Long, M.D., entered into an Agreed Order requiring him to within seven days surrender his DEA/DPS controlled substances certificates and not reregister until receiving written authorization from the Board; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 8 hours in ethics, 8 hours in prescribing and boundaries, and 8 hours in drug-seeking behavior; 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. Long treated a family member for chronic pain but did not maintain adequate medical records documenting justification for the prescriptions and despite signs of dependence. Dr. Long surrendered his DEA certificates in 2016.

#### **VIOLATION OF BOARD RULES**

##### **Calvo, Raul Niduaza, Jr., M.D., Lic. No. E6743, Abilene**

On March 3, 2017, the Board and Raul Niduaza Calvo, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 20 hours of CME, divided as follows: 4 hours in risk management, 4 hours in medical recordkeeping, 4 hours in treatment and prescribing for pain, and 4 hours in recognizing drug seeking behavior; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Calvo failed to follow Board rules for treating chronic pain by failing to check the state Prescription Access in Texas program before prescribing, failing to utilize a pain management agreement and conduct drug screens, failing to reevaluate the patient after referring them to a specialist, failing to try non-pharmacologic therapies, and failing to conduct a proper work up of the cause of the patient's migraine headaches.

##### **Qasim, Shabnam Kanwal, M.D., Lic. No. K9397, Fort Worth**

On March 3, 2017, the Board and Shabnam Kanwal Qasim, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Qasim and requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within one year and three attempts pass the medical jurisprudence exam; within one year complete the course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 60 days develop a pain management contract for all chronic pain patients and submit to the Compliance Division of the Board for review and approval; and within 60 days pay an administrative penalty of \$2,500. The Board found Dr. Qasim failed to maintain adequate documentation in a patient's records as they lacked sufficient information to justify the prescriptions for controlled substances, and various medical records appear to be missing, failed to adequately monitor the patient's use of the controlled substances and did not address abnormal drug screens. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

#### **VIOLATION OF PRIOR BOARD ORDER**

##### **Bangale, Anil Tukarampant, M.D., Lic. E7370**

On March 3, 2017, the Board and Anil Tukarampant Bangale, M.D., entered into an Agreed Order Modifying Prior Order, modifying his June 2015 Order. The modification lifts the prescribing restrictions to Schedules III-IV; requires eight cycles of chart monitoring; requires psychiatric care and treatment once a month for two years and follow all

recommendations made by the treating psychiatrist regarding continued care and treatment. The Board found that because of Dr. Bangale's prior noncompliance with chart monitoring, the results of Dr. Bangale's KSTAR competency assessment, and his presentation at the ISC, his petition to terminate his order is denied and the Board entered an order modifying his 2015 order. All other terms of the order remain in full effect

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

On March 3, 2017, the Board and Joseph Anthony Bianco, D.O., entered into an Agreed Order prohibiting him from practicing clinical medicine in Texas until such a time as he requests in writing and personally appears before the Board and provides evidence that he is competent to safely practice clinical medicine; within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and complete any and all recommendations within a year; and shall not supervise or delegate prescriptive authority to physician assistants or advanced practice nurses or supervise surgical assistants. The Board found Dr. Bianco violated his August 2015 Order by failing to engage the Center for Personalized Education for Physicians (CPEP) to prepare an education plan within 30 days of signing the March 2016 assessment.

**Chang, Peter Ping-Chung, M.D., Lic. No. G8044, San Angelo**

On March 3, 2017, the Board and Peter Ping-Chung Chang, M.D., entered into an Agreed Order Modifying Prior Order modifying his July 2014 Order. The modification requires him to within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and complete any and all recommendations within one year; and upon completion, appear before a Board panel to make any modifications to the order. All other terms of the 2014 order remain in full force and effect until superseded by subsequent order of the Board.

**Ferguson, Donald William, II, M.D., Lic. No. L6039, Arlington**

On March 3, 2017, the Board and Donald William Ferguson, II, M.D., entered into an Agreed Order Modifying Prior Order, modifying his December 2015 Order. The modification extends the time period of abstaining from prohibited substances and participating in the Board's drug testing program to 15 years. The Board found Dr. Ferguson violated the terms of his December 2015 Order by testing positive for alcohol. All other terms of the 2015 order remain in full force and effect.

**Pirinelli, Jeffrey John, M.D., Lic. No. K6241, San Antonio**

On March 3, 2017, the Board and Jeffrey John Pirinelli, M.D., entered into an Agreed Order Modifying Agreed Order, modifying his June 2016 Order. The modification increases the order time period to four years; and requires him to within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Pirinelli was in violation of his 2016 order because he failed to participate or document his participation in a county or state medical society committee on physician health and rehabilitation during the third quarter of 2016 and provided a false report from the Dallas County Medical Society. All other terms of the 2016 order remain in full force and effect.

**Springer, Terry Wayne, M.D., Lic. No. G8434, Haltom City**

On March 3, 2017, the Board and Terry Wayne Springer, M.D., entered into an Agreed Order requiring him to within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Springer violated his December 2015 Order by failing to provide a copy of the order to all health care entities where he has privileges within 30 days and by failing to respond in a timely fashion to the Board's Compliance staff requests for communication.

**OTHER STATES' ACTION**

**Higgins, Stanley Michael, M.D., Lic. No. Q3691, Dallas**

On March 3, 2017, the Board and Stanley Michael Higgins, M.D., entered into an Agreed Order publicly reprimanding him. The Board found Dr. Higgins was disciplined on June 16, 2016 by the Colorado Medical Board with a letter of admonishment related to reading an MRI in 2013.

**Muddasani, Narsimha Reddy, M.D., Lic. No. H8766, Granite City, IL**

On March 3, 2017, the Board and Narsimha Reddy Muddasani, M.D., entered into an Agreed Order publicly reprimanding Dr. Muddasani and requiring him to within 60 days pay an administrative penalty of \$2,000. The Board found Dr. Muddasani received a Consent Order with a public reprimand from the Illinois Department of Financial and Professional Regulation Division on March 16, 2016.

**Norvill, Keith A., D.O., Lic. No. J3562, Pueblo, CO**

On March 3, 2017, the Board and Keith A. Norvill, D.O., entered into an Agreed Order requiring him to complete and comply with all terms as required by the order issued by the Colorado Medical Board on April 14, 2016; Dr. Norvill shall not practice in Texas until he requests to do so and personally appears before the Board to provide sufficient evidence that he is physically, mentally, and otherwise competent to safely practice; 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. Norvill was the subject of a disciplinary action by the Colorado Medical Board for failure to meet the standard of care for a surgical patient.

**Thyagaraj, Sujan, M.D., Lic. No. Q4532, Roswell, NM**

On March 3, 2017, the Board and Sujan Thyagaraj, M.D., entered into an Agreed Order on Formal Filing requiring him to complete and comply with all terms as required by the Agreed Order issued by the New Mexico Medical Board; shall not practice in Texas until he appears before the Board at an Informal Settlement Conference Hearing; 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. Thyagaraj was subject of a disciplinary action by the New Mexico Medical Board for sexually assaulting a patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**CRIMINAL ACTIVITY**

**Khan, Ataur-Rehman Rizwan, M.D., Lic. No. L6461, Santa Monica, CA**

On March 3, 2017, the Board and Ataur-Rehman Rizwan Khan, M.D., entered into an Agreed Order on Formal Filing subjecting him to the following terms: Dr. Khan's license remains suspended until such a time as he requests in writing to have the suspension stayed or lifted and personally appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine; prior to any request he must complete the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and follow any and all recommendations; and within 30 days undergo an independent medical evaluation and follow all recommendations for care and treatment. The Board found on March 27, 2015, Dr. Khan pleaded guilty to, and was convicted of, the felony offense of evading an officer and misdemeanor driving under the influence of an alcoholic beverage in California. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**INADEQUATE MEDICAL RECORDS**

**Sanders, Barry, M.D., Lic. No. F2434, Lewisville**

On March 3, 2017, the Board and Barry Sanders, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least 8 hours of CME, divided as follows: 4 hours in risk management and 4 hours in physician-patient communications. The Board found Dr. Sanders conferred verbally with an attending physician in response to a patient consult but the patient's records did not include a written consult. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**TXPHP VIOLATION**

**Schmidt, John Allen, M.D., Lic. No. F1975, Port Arthur**

On March 3, 2017, the Board and John Allen Schmidt, M.D., entered into an Agreed Order requiring him to within 30 days submit to an evaluation by the Texas Physician Health Program (TXPHP) and comply with any and all recommendations. The Board found Dr. Schmidt was terminated from TXPHP failed to call in for drug tests, however he was generally tested on those days he missed and there was no evidence of impairment.

## **IMPAIRMENT**

### **Carlock, Anna Rogers, M.D., Lic. No. N0677, Dallas**

On March 3, 2017, the Board and Anna Rogers Carlock, M.D., entered into an Agreed Order requiring her to be referred to the Texas Physician Health Program (TXPHP). The Board found that on March 4, 2016, Dr. Carlock signed a five-year PHP agreement but was dismissed from the program before her contract was complete.

### **Wilson, James Michael, M.D., Lic. No. J5062, Houston**

On March 3, 2017, the Board and James Michael Wilson, M.D., entered into an Agreed Order on Formal Filing subjecting him to the following terms for a period of 10 years: shall abstain from the consumption of prohibited substances as defined in the order; participate in the Board's drug testing program; participate in Alcoholics Anonymous activities no less than five times per week; and within 30 days submit the names of three treating psychiatrists and after board approval of the treating psychiatrist follow their recommendations for care and treatment. The Board found evidence that Dr. Wilson is impaired due to alcohol and is currently being monitored by the Harris County Medical Society. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## **CEASE AND DESIST**

### **Granato, Richard A., No License, San Antonio**

On March 3, 2017, the Board and Richard A. Granato entered into an Agreed Cease and Desist Order prohibiting Mr. Granato from practicing medicine in the state of Texas; and requiring him cease and desist using the title "M.D." or "Dr." in association with his name without further denoting that he is not licensed to practice medicine in Texas. The Board found Mr. Granato acknowledges during his employment with the University of Texas San Antonio Health Science Center, he signed his name as "M.D.," wore a name badge with the designation, and had business cards with the designation without indication that he was not licensed to practice medicine in the state.

### **Heard, Duncan S., No License, Colleyville**

On March 3, 2017, the Board and Duncan S. Heard entered into an Agreed Cease and Desist Order prohibiting Mr. Heard from practicing medicine in the state of Texas. The Board found Mr. Heard, an employee of Tennant Institute, represented that he was a medical doctor in January 2016 by using the title "Dr." before his name on the company website, on his LinkedIn webpage, and on a webpage sponsored by Pivotal Health.

### **May, Misty, RN, La Marque**

On March 3, 2017, the Board and Misty May entered into an Agreed Cease and Desist Order prohibiting Ms. May from practicing medicine in the state of Texas. Ms. May shall not offer to treat patients for medical conditions in exchange for compensation, or outside the scope of her practice as a registered nurse. The Board found Ms. May, who is the owner of May Day Consultants (MDC), located at 1204 Newman Road, La Marque, Texas, offered various methods of ozone therapy as well as injections, colonics, ionic foot baths, live blood analysis, biological terrain analysis, hair analysis, and ionized water. The services were advertised on her website as alternative choices for treating multiple chronic diseases.

### **Stewart, Ross M., Ph.D., P.C., Dallas**

On March 3, 2017, the Board and Ross M. Stewart, Ph.D., P.C., entered into an Agreed Cease and Desist Order prohibiting Mr. Stewart from practicing medicine in the state of Texas. The Board found Mr. Stewart, who had a personal and professional relationship with Felon Joe DiRuzzo who is serving a four-year sentence for injecting customers in a similar fashion, was treating customers with an unknown substance purportedly containing stem cells grown from their blood, which was a saline solution with vitamins. Mr. Stewart engaged in the unlicensed practice of medicine by claiming that this unknown substance could cure medical conditions.

### **Taboada, Carlo M., No License, San Antonio**

On March 3, 2017, the Board and Carlo M. Taboada entered into an Agreed Cease and Desist Order prohibiting Mr. Taboada from practicing medicine in the state of Texas. Mr. Taboada shall cease and desist using the title "M.D." or "Dr." without further denoting that he is not licensed to practice medicine in Texas. The Board found Mr. Taboada in

connection with his work at the Gastroenterology Clinic of San Antonio (GCSA) and related companies, used the designation "M.D." and identified himself as "Dr. Carlo M. Taboada" without designating the authority that gives rise to the title or indicating that he is not licensed to practice in Texas.

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*To view disciplinary orders, 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 "View Board Actions."*

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