



# TMB Bulletin

October 2013

## Significant Changes Coming to Prescriptive Delegation Requirements

Senate Bill 406, passed in May 2013 by the 83<sup>rd</sup> Legislature, creates a new model for prescriptive delegation through prescriptive authority agreements. Starting November 1, prescriptive authority agreements are required for physician delegation of prescribing and ordering of a drug or device to physician assistants (PAs) and advanced practice registered nurses (APRNs) in all practice settings with the exception of facility-based practices.

The agreements must include several types of information such as a description of practice settings, types or categories of drugs/devices that may be prescribed, a general plan for addressing consultation and referral, the general process for communication and sharing of information, and a plan for chart review and periodic face-to-face meetings between the mid-level providers and the physician. The legislation also caps the combined number of PAs and APRNs with whom a physician may enter into a prescriptive authority agreement at seven, with certain exceptions.

Senate Bill 406 also requires the TMB, Nursing Board, and Physician Assistant Board to develop a process to exchange information about licensees who have entered into these agreements. TMB is required to make available to the public an online searchable list of physicians and mid-level practitioners who have entered into prescriptive authority agreements and identify the physician with whom each mid-level practitioner has an agreement.

TMB's proposed rules to implement Senate Bill 406 (Chpt. 193, Standing Delegation Orders), which include initial stakeholder input, are available for public comment.

For more information, visit the TMB website at: [www.tmb.state.tx.us/rules/Medical-Board-Rule-193-Changes-Proposed-8-30-13.pdf](http://www.tmb.state.tx.us/rules/Medical-Board-Rule-193-Changes-Proposed-8-30-13.pdf). The board will be reviewing public comment on the rules at its October 18, 2013 meeting.

Please keep watching the TMB website for more information on the new requirements. The board will be developing answers to frequently asked questions as well as updating the current supervision and prescriptive delegation registration system to reflect changes from the bill. **Please note that physicians and physician assistants are still required to register supervision and delegation information with the TMB.**

An overview of legislation impacting physicians and TMB regulations, as well as links to bill text, is available on the TMB

website at: [www.tmb.state.tx.us/rules/Legislative-Update\\_%2083rd-Legislature\\_2013.pdf](http://www.tmb.state.tx.us/rules/Legislative-Update_%2083rd-Legislature_2013.pdf).

### Other Legislative Changes

In addition to Senate Bill 406, there are a number of other bills impacting physician regulation including Senate Bill 978 which authorizes TMB to adopt rules regulating the use of local anesthesia in outpatient settings using total dosage amounts that exceed 50% of the recommended maximum safe dosage per outpatient visits.

Senate Bill 1643 amends the Texas Prescription Drug Monitoring Program administered by DPS by lengthening the amount of time records are kept from one year to three years; authorizing access to prescription information through a health information exchange; authorizing access beyond midlevel practitioners (PAs/APRNs) to registered and vocational nurses and pharmacy technicians; and authorizing dispensing history information to be kept in medical records. House Bill 1803 combines renewal of DPS controlled substance registration for physicians with TMB physician license registration. These two bills also make clarifications to pain management clinic registration requirements.

House Bill 945 requires hospitals to adopt policies requiring health care providers to wear photo identification badges during all patient encounters. The badge must indicate the type of license held by the provider and if the provider is a student, intern, trainee, or resident.

TMB's proposed rules to implement many of these and other bills are available for public comment via the TMB website at: [www.tmb.state.tx.us/rules/Medical-Board-Rule-Changes-Proposed-8-30-13.pdf](http://www.tmb.state.tx.us/rules/Medical-Board-Rule-Changes-Proposed-8-30-13.pdf). The board will be reviewing public comment on these rules at its December 5, 2013 meeting.

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# New Medical, PA and Acupuncture Board Members



**Devinder Bhatia, M.D.**, of Houston is a board-certified thoracic surgeon and president of Southeast Texas Cardiovascular P.A. He is a former clinical assistant professor in the University of Texas Health Science Center at Houston Department of Cardiothoracic and Vascular Surgery. He is a member of the Society of Thoracic Surgeons, Society for Vascular Surgery, and Southern Thoracic Surgical Association. He is also a member of the Peripheral Vascular Surgery Society, Society for Clinical Vascular Surgery, Michael E. DeBakey International Surgical Society, and Houston Northwest Medical Center Executive Committee. Dr. Bhatia received a bachelor's degree from the University of Arkansas and a medical degree from the University of Arkansas for Medical Sciences, and completed his cardiothoracic and peripheral vascular surgery fellowships at Carolinas Medical Center.



**Frank Denton** of Conroe is president of Denton Investment Corporation, an investment company with commercial real estate, bond and equity holdings. For over 25 years Mr. Denton worked for a Fortune 500 company and was responsible for 40 manufacturing plants located in seven states with over 5,000 employees. Mr. Denton served as chairman of the Texas Commission of

Licensing and Regulation from 2006 to 2013. TDLR's seven-member commission is responsible for the licensing and regulation of 32 different industries and occupations, licensing over 700,000 Texas citizens. Mr. Denton was elected in 2003 to the board of directors of the Texas Association of Business in Austin, served on its executive board and was chairman of its small business committee. Mr. Denton is past chairman of the Conroe/Lake Conroe Chamber of Commerce, chairman of Leadership Montgomery County and served on their executive boards. He has previously served as board member and vice president of the Conroe Industrial Development Corporation, treasurer of the Montgomery County United Way and held leadership positions in several state and national trade associations. Mr. Denton received a bachelor's degree from Sam Houston State University.



**Robert B. Simonson, D.O.**, of Duncanville is past president of Physicians Emergency Care Associated, and chair of the Methodist Dallas Medical Center Department of Emergency Medicine. He is also an associate clinical professor at the University of Texas (UT) Southwestern Medical Center and an adjunct clinical instructor at the UT Arlington School of Nursing. He is a member of the Texas Medical

Association, American College of Emergency Physicians, Air Medical Physicians Association, and Methodist Dallas Medical Center Executive Committee. He is a board member of the American Board of Emergency Medicine and the Methodist Health Systems Corporate Board. He is

also medical director of CareFlite Dallas/Fort Worth, a member of the CareFlite Dallas Medical Advisory Board, and chair of the Physicians Advisory Group for Stroke, Trauma, and STEMI's Regional Advisory Council. Dr. Simonson received a bachelor's degree from Texas Wesleyan University, a Doctor of Osteopathic Medicine from North Texas State University, now the University of North Texas Health Science Center Texas College of Osteopathic Medicine.



**Karl Swann, M.D.** of San Antonio is a Board Certified Neurosurgeon with Neurosurgical Associates of San Antonio since 1986. He has served as Chairman of the Department of Neurosurgery at the Methodist Hospital System in San Antonio and is a Clinical Assistant Professor of Neurosurgery at the University of Texas Health Science Center at San Antonio. He is

a member of the American Association of Neurological Surgeons, The Congress of Neurological Surgeons, The Texas Medical Association, The Texas Association of Neurological Surgeons, The North American Spine Society, and the Bexar County Medical Society. Dr. Swann is a Phi Beta Kappa graduate of The University of Michigan College of Literature, Sciences and Arts and an Alpha Omega Alpha graduate of The University of Michigan Medical School. He completed his residency in Neurological Surgery at the Harvard Medical School - Massachusetts General Hospital.

## Physician Assistant Board



**Blayne Rush** of Frisco, is president of Ambulatory Alliance LLC and Rush Search Partners Ltd. He received a bachelor's degree and master's degree in health promotion from McNeese State University and a Master of Business Administration from Amber University Graduate School of Business.

## Acupuncture Board



**Rodrigo Ceballos, M.D.** of El Paso is a native of Laredo. He is a family physician and licensed acupuncturist currently serving as the Integrative Medicine Coordinator of the Interdisciplinary Pain Management Center for William Beaumont Army Medical Center at Fort Bliss. He received his bachelor's degree in biology from Texas A&M

International University at Laredo, his master's degree in Oriental Medicine from Academy of Oriental Medicine at Austin and his medical degree from the University of Texas School of Medicine at San Antonio. He completed his residency in Family Medicine from UT Southwestern at Brackenridge Hospital in Austin. His interests include development of curriculum for integrative medicine and acupuncture and he serves as a clinical assistant professor for the Texas Tech Paul L. Foster School of Medicine Department of Family and Community Medicine in El Paso.

# Board Rule Changes

The following rule changes went into effect following the April meeting of the Medical Board:

**Chapter 163. LICENSURE:** Amendment to §163.6, concerning Examinations Accepted for Licensure, revises the rule related to licensure examinations so that the rule is consistent with the statute requiring passage of licensure examinations within a seven-year time period.

Amendment to §163.7, concerning the 10-year rule for applicants who have not passed a licensure examination listed in §163.6, adds the practice of medicine for at least six months under a faculty temporary license as a substitute for specialty certification.

**Chapter 172. TEMPORARY AND LIMITED LICENSES:** Amendment to §172.8, concerning Faculty Temporary Licenses, clarifies that time spent under a Faculty Temporary License (FTL) may satisfy the 10-year rule requirement for specialty training.

**Chapter 175. FEES AND PENALTIES:** Amendment to §175.5, concerning Payment of Fees or Penalties, provides that if an applicant or licensee dies more than 90 days after having paid a fee, the applicant's survivors may submit a written request for a refund demonstrating good cause for a prorated refund.

**Chapter 187. PROCEDURAL RULES:** Amendment to §187.57, concerning the Charge of the Disciplinary Panel, corrects a typographical error in the rule that was adopted previously by the Board.

**Chapter 196. VOLUNTARY RELINQUISHMENT OR SURRENDER OF A MEDICAL LICENSE:** Amendment to §196.2, concerning Surrender Associated with Disciplinary Action, corrects the language of the rule to indicate that a licensee may agree to surrender license in lieu of further investigation or hearing.

**Chapter 197. EMERGENCY MEDICAL SERVICE:** Amendment to §197.3, concerning Off-line Medical Directors, provides that a physician may not be an off-line medical director if the physician has been suspended or revoked for cause by any governmental

agency or the physician has been excluded from Medicare, Medicaid, or CHIP.

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## Proposed Rules

### Chapter 193. Standing Delegation Orders

The Texas Medical Board (Board) proposes the repeal of §§193.1-193.12, and the replacement with new §§193.1-193.20 in Chapter 193, Standing Delegation Orders. The new sections of Chapter 193 are proposed to conform Chapter 193 with changes made to the Texas Occupation Code Annotated Chapter 157, Subchapter B, concerning delegation to advanced practice registered nurses and physician assistants, by Senate Bill 406, 83rd Legislature, Regular Session (2013).

Proposed rule changes to Chapter 193, presented to the Texas Medical Board on August 29-30, 2013, were published in the September 13, 2013 issue of the Texas Register and are available on the TMB website at [www.tmb.state.tx.us/rules/rules.php](http://www.tmb.state.tx.us/rules/rules.php). [Texas Register website: <http://www.sos.state.tx.us/texreg/index.shtml>]

The proposed rule will be presented to the Texas Medical Board on October 18, 2013. There will be an opportunity for public comment. Location: William P. Hobby Building, 333 Guadalupe Street, Tower 2, Suite 225, Austin, Texas, 78701. There will be a sign-up sheet for those wishing to speak and seating is available. Those who would like to submit written comments before the meeting to be reviewed by the Board should mail them to Texas Medical Board, Rules Development, P.O. Box 2018, Austin, TX 78768-2018; email to: [Rules.Development@tmb.state.tx.us](mailto:Rules.Development@tmb.state.tx.us); or fax to: (512) 305-7051 Attention: Rules Development. (512) 305-7016. *Deadline for submitting written comments is October 13 2013.*

Additional proposed rules approved for publication by the Board at the August meeting were published in the September 27, 2013 issue of the Texas Register and are available on the TMB website at [www.tmb.state.tx.us/rules/rules.php](http://www.tmb.state.tx.us/rules/rules.php). [Texas Register website: <http://www.sos.state.tx.us/texreg/index.shtml>]

# Formal Complaints

<b>Phillips, Randall Reed, D.O., Fort Worth</b>	H6916	3/25/13	Failure to update mailing or practice address.
<b>Evans, Donnie, M.D., Sugar Land</b>	H5705	4/4/13	Failure to meet the standard of care, non-therapeutic prescribing, inadequate medical records, failure to follow Board guidelines for treatment of pain.
<b>Hogan, Matthew, M.D., Atlanta</b>	H5777	4/17/13	Failure to meet the standard of care, negligence in performing medical services.
<b>Parker, Donald R., M.D., Houston</b>	N6563	4/17/13	Subject to action in another state due to sexual contact with a patient.
<b>Cotropia, Joseph P., M.D., Houston</b>	F6543	4/18/13	Failure to adequately supervise mid-level practitioners, failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Davis, Carl C., Jr., M.D., Houston</b>	E9598	4/18/13	Failure to adequately supervise mid-level practitioners, failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Gallegos-Rosales, Antonio, M.D., Fort Stockton</b>	E8493	4/18/13	Failure to meet the standard of care, non-therapeutic prescribing, inadequate medical records, failure to follow Board guidelines for treatment of pain.
<b>Adesoba, Samuel Adekiya, M.D., Houston</b>	K7235	4/22/13	Failure to meet standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Chowdhury, Sumita Paul, M.D., Houston</b>	L1691	4/26/13	Failure to meet the standard of care by performing medically unnecessary tests, improper billing and inadequate medical records.

### Texas Medical Board Members

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 Dr. Robert Bredt, M.D., Medical Director  
 Scott Freshour, J.D., General Counsel  
 Megan Goode, Governmental Affairs & Communications, Manager  
 Jarrett Schneider, Governmental Affairs & Communications, Communications Officer

## Formal Complaints

<b>Walker, Richard W., Jr., M.D., Houston</b>	G0641	4/26/13	Failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Swate, Tommy Ernest, M.D., Houston</b>	E3781	4/30/13	Failure to meet the standard of care, non-therapeutic prescribing, prescribing to a known abuser of controlled substances or dangerous drugs.
<b>Free, Marcus Kyle, M.D., Sandusky, MI</b>	L0799	5/6/13	Theft and forgery.
<b>McCurley, Leeroy, M.D., Grand Prairie</b>	H0618	5/6/13	Failure to adequately supervise mid-level practitioners, failure to follow Board guidelines for treatment of pain, failure to meet the standard of care.
<b>Nguyen, Loi Phi, M.D., Houston</b>	H3275	5/6/13	Failure to meet the standard of care, non-therapeutic prescribing, prescribing controlled substances without a valid medical purpose.
<b>Roberts, Michalle W., M.D., Houston</b>	J4483	5/6/13	Failure to meet the standard of care, non-therapeutic prescribing, aiding or abetting the practice of medicine by any person, partnership, association, or corporation not licensed to practice medicine, inadequate medical records, failure to follow Board guidelines for treatment of pain, unprofessional conduct.
<b>Smith, Barlow, M.D., Marble Falls</b>	F9026	5/6/13	Disciplinary action taken by peers, failure to treat a patient according to the standard of care.
<b>Aleman, Ruben, M.D., McAllen</b>	G3106	5/7/13	Failure to use the Texas Electronic Death Registration system, unprofessional conduct.
<b>Barak, Jeshua J., P.A., Corpus Christi</b>	PA05222	5/7/13	Violation of a Board order, violation of an Automatic Suspension Order.
<b>Shelton, Douglas Ray, M.D., Amarillo</b>	J2325	5/7/13	Disciplinary action by peer group, engaging in sexual contact with a patient, failure to meet the standard of care.
<b>Hughes, Larry C., D.O., Groesbeck</b>	J1692	5/8/13	Violation of a Board order, unprofessional conduct
<b>Merwin, John David, II, M.D., St. Louis MO</b>	H1395	5/8/13	Subject to action in another state due to alcohol impairment.
<b>Mosier, William A., P.A., Dayton OH</b>	PA01358	5/8/2013	Disciplined by the U.S. Air Force.
<b>Leach, Fredrick S., M.D., Plano</b>	J9736	5/15/13	Failure to meet the standard of care, negligence in performing medical services.
<b>Spratt, Lorenzo, M.D., Cedar Hill</b>	F9031	5/15/13	Violation of a Board order, unprofessional conduct
<b>Kett, Mark H., P.A., Carrollton</b>	PA00432	5/16/13	Inability to practice safely because of illness or physical or mental condition, unprofessional conduct.
<b>Gutierrez, Jamie A., M.D., Houston</b>	D2109	5/28/13	Failure to adequately supervise mid-level practitioners, failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Boyle, John, P.A., Houston</b>	PA00219	5/29/13	Failure to meet the standard of care, non-therapeutic prescribing, inadequate medical records, failure to follow Board guidelines for treatment of pain.
<b>Brimmer, Robert A., II, M.D., Big Spring</b>	K3110	6/7/13	Failure to meet the standard of care, negligence in performing medical services for a suicidal patient. Failure to meet the standard of care, non-therapeutic prescribing.
<b>Vega, Olympia C., P.A., Edinburg</b>	PA05898	6/7/13	Failure to meet the standard of care, negligence in performing medical services, inadequate medical records.

## Formal Complaints

<b>Shaw-Rice, Judi A., M.D., Houston</b>	J1134	6/26/13	Failure to meet the standard of care, non-therapeutic prescribing, aiding or abetting the practice of medicine by any person, partnership, association, or corporation not licensed to practice medicine, inadequate medical records, failure to follow Board guidelines for treatment of pain, unprofessional conduct.
<b>Eades, Kenny S., M.D., Granbury</b>	E3903	7/10/13	Improper self-prescribing of controlled substances, non-therapeutic prescribing, failure to meet the standard of care, negligence in performing medical services.
<b>King, Joseph D., M.D., Grapevine</b>	L6985	7/10/13	Failure to meet the standard of care, negligence in performing medical services, inability to practice safely because of illness or physical or mental condition, non-therapeutic prescribing, unprofessional conduct.
<b>Olusola, Benedict O., M.D., DeSoto</b>	J7118	7/10/13	Failure to follow Board guidelines for treatment of pain, inadequate medical records, failure to meet the standard of care non-therapeutic prescribing.
<b>Hawkins, Willie J., M.D., Missouri City</b>	G2147	7/15/13	Improper operation of a pain management clinic, failure to adequately supervise mid-level practitioners, unprofessional conduct.
<b>Somerville, Stephen P., M.D., Judson</b>	F8680	7/16/13	Inability to practice safely because of illness or physical or mental condition.
<b>Williams, Michael D., D.O., Dallas</b>	H2907	7/17/13	Failure to meet the standard of care, negligence in performing medical services, inadequate medical records, unprofessional conduct.
<b>Smith, Renee C., M.D., Decatur</b>	L6649	7/25/13	Failure to meet the standard of care, negligence in performing medical services, non-therapeutic prescribing.
<b>Wieck, Bryan R., M.D., Wichita Falls</b>	J0361	8/2/13	Failure to adequately supervise mid-level practitioners, failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Wiseman, Benjamin E., M.D., Houston</b>	F4701	8/5/13	Failure to meet the standard of care, non-therapeutic prescribing, inadequate medical records, failure to follow Board guidelines for treatment of pain.
<b>Greenwood, Denise R., M.D., Mayflower, AR</b>	J7977	8/6/13	Violation of a board order, inability to practice safely because of illness or physical or mental condition, unprofessional conduct.
<b>Kahn, Ronald, M.D., Bryan</b>	L5000	8/6/13	Failure to meet the standard of care, non-therapeutic prescribing, prescribing to a known abuser of controlled substances or dangerous drugs.
<b>Kobs, Darcey G., III, M.D., Bellaire</b>	H8180	8/6/13	Failure to adequately supervise mid-level practitioners, failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Nelson, Scott R., D.O., Irvine, CA</b>	G3643	8/13/13	Unprofessional conduct, improper billing of medical services.
<b>Warfield, Brett H., M.D., Houston</b>	L9003	8/13/13	Unprofessional conduct, improper billing of medical services.
<b>Hey, Wayne A., D.O., Fort Worth</b>	F5943	8/20/13	Failure to meet the standard of care, negligence in performing medical services, inadequate medical records.
<b>Mizer, Glen L., M.D., Denton</b>	F6046	8/20/13	Failure to adequately supervise mid-level practitioners, failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Nakamura, Taro, AC, Houston</b>	AC00261	8/20/13	Inability to practice safely because of illness or physical or mental condition.
<b>Lee, Shayna P., M.D., Houston</b>	H0554	8/22/13	Deferred adjudication for a felony, violation of a Board order.

## Formal Complaints

<b>Morehouse, Don M., M.D., Fort Lauderdale, FL</b>	K8357	8/22/13	Subject to action in another state due to impairment.
<b>Whitefield, Barrett D., D.O., Odessa</b>	L1495	8/22/13	Conviction of a felony.
<b>Rizo-Patron, Carlos, M.D., Lubbock</b>	J9303	8/26/13	Disciplinary action by peer groups, unprofessional conduct.
<b>Dodson, Darrel W., M.D., Fort Bliss</b>	M4038	8/27/13	Failure to meet the standard of care, negligence in performing medical services, non-therapeutic prescribing.
<b>McConnell, John C., M.D., Greenville</b>	E8702	8/28/2013	Failure to meet the standard of care, negligence in performing medical services, non-therapeutic prescribing, unprofessional conduct.
<b>Anderson, Charles C., M.D., Tulsa, OK</b>	J6854	8/29/13	Failure to cooperate with Board staff.
<b>Cooper, Viraf R., M.D., Edinburg</b>	G4553	8/29/13	Failure to meet the standard of care, negligence in performing medical services, inadequate medical records, non-therapeutic prescribing, unprofessional conduct.
<b>Mongare, Job B., M.D., Athens</b>	K8954	8/29/13	Engaging in sexual contact with a patient.
<b>Shin, David J., M.D., Hou- ston</b>	F4523	8/29/13	Failure to meet the standard of care, non-therapeutic prescribing, and improper operation of a pain management clinic, aiding or abetting the practice of medicine by any person, partnership, association, or corporation not licensed to practice, failure to follow Board guidelines for treatment of pain.
<b>Wilson, Larry D., P.A., Hou- ston</b>	PA00742	8/29/13	Failure to meet the standard of care, non-therapeutic prescribing, pill mill activities, failure to follow Board guidelines for treatment of pain.
<b>Douglas, Howard T., M.D., Dallas</b>	F1511	9/4/13	Conviction of a felony.
<b>Ariyo, Adeniran A., M.D., Dallas</b>	L4224	9/5/13	Failure to meet the standard of care, negligence in performing medical services, inadequate medical records, non-therapeutic prescribing, unprofessional conduct.
<b>Fitzwater, Patrick M., P.A., Houston</b>	PA02759	9/5/13	Improper operation of a pain management clinic, improper prescribing.
<b>Hicks, Bevillee S., P.A., Hou- ston</b>	PA02933	9/5/13	Improper operation of a pain management clinic, , failure to follow Board guidelines for treatment of pain, unprofessional conduct
<b>Radke, Frank A., P.A., Boyd</b>	PA00971	9/5/13	Violation of Board order, failure to cooperate with Board staff.
<b>Webb, John Q.A., Jr., M.D., Houston</b>	E3137	9/5/13	Failure to meet the standard of care, non-therapeutic prescribing, aiding or abetting the practice of medicine by any person, partnership, association, or corporation not licensed to practice, failure to follow Board guidelines for treatment of pain, improper billing, unprofessional conduct.
<b>Echols-Elliott, Sabrina, M.D., Houston</b>	K9261	9/9/13	Failure to adequately supervise mid-level practitioners, improper operation of a pain management clinic, failure to meet the standard of care, non-therapeutic prescribing, failure to follow Board guidelines for treatment of pain.
<b>Evans, Richard A., M.D., Houston</b>	E3816	9/9/13	Failure to meet the standard of care, non-therapeutic prescribing, in, failure to follow Board guidelines for treatment of pain.

## Formal Complaints

<b>Smith, George R., Jr., M.D., Gladewater</b>	H8411	9/10/13	Conviction of a felony.
<b>Mosig, David A., D.O., Nacogdoches</b>	H2623	9/12/13	Conviction of a felony.
<b>Rockett, Carl, M.D., Houston</b>	K8459	9/12/13	Failure to meet the standard of care, non-therapeutic prescribing, improper operation of a pain management clinic, failure to supervise mid-level practitioners, failure to follow Board guidelines for treatment of pain.
<b>McClellan, David Mark, M.D., Crosby</b>	G0476	9/18/13	Failure to meet the standard of care, non-therapeutic prescribing, prescribing to a known abuser of controlled substances or dangerous drugs.
<b>Abbate, Robert, D.O., Irving</b>	N4873	9/24/13	Failure to meet the standard of care, non-therapeutic prescribing,, failure to follow Board guidelines for treatment of pain.
<b>Holland, Scott Woodrow, M.D., Gilmer</b>	M2351	9/26/13	Failure to meet the standard of care, non-therapeutic prescribing, inadequate medical records, failure to follow Board guidelines for treatment of pain.
<b>Hopper, Larry Edward, P.A., Houston</b>	PA00968	9/26/13	Failure to meet the standard of care, non-therapeutic prescribing, inadequate medical records, failure to follow Board guidelines for treatment of pain.
<b>Khuu, Chau Doan, M.D., Houston</b>	M4838	9/26/13	Failure to supervise mid-level practitioners, failure to meet the standard of care, non-therapeutic prescribing, inadequate medical records, failure to follow Board guidelines for treatment of pain.

## New Licensees

Due to the volume of new licenses issued since last publication, this issue's licensees can be viewed on the TMB website at [www.tmb.state.tx.us/news/October2013/TMBBulletinOct2013NewLicensees.pdf](http://www.tmb.state.tx.us/news/October2013/TMBBulletinOct2013NewLicensees.pdf)

### TMB MISSION STATEMENT

*Our mission is to protect and enhance the public's health, safety and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline and education.*



## Disciplinary Actions

*The following disciplinary actions have been taken since March 2013.  
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### TEMPORARY SUSPENSION/RESTRICTION

#### **Atef-Zafarmand, Alireza, M.D., Lic. No. M5617, Dallas**

On June 21, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Alireza Atef-Zafarmand, M.D., after determining that Dr. Atef-Zafarmand's pattern of deception and escalating assaultive and criminal conduct demonstrated that Dr. Atef-Zafarmand poses a continuing threat to public health and safety. The Board found Dr. Atef-Zafarmand sexually assaulted four women and exhibited sexually inappropriate behavior toward six others during the time period between 2005 and 2011. The suspension remains in effect until the board takes further action.

#### **Brown, William Edward, M.D., Lic. No. E8361, Tyler**

On July 12, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of William Edward Brown, M.D., after determining that Dr. Brown's continuation in the practice of medicine constitutes a threat to the public welfare due to his impaired status. The Board determined that Dr. Brown violated the terms of an agreement with the Texas Physician Health Program and an agreement with the Compliance Division of the Board by testing positive for prohibited substances.

#### **Cardwell, David Williams, M.D., Lic. No. E2499, Hunt**

On March 29, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of David Williams Cardwell, M.D., after determining that Dr. Cardwell poses a continuing threat to the public welfare. The board found Dr. Cardwell was arrested and charged with felony sexual assault on March 7, 2013. The suspension requires Dr. Cardwell to immediately cease practicing medicine. The suspension remains in effect until the board takes further action.

#### **Deeves, Shawna Mohney, M.D., Lic. No. J9169, San Antonio**

On October 4, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Shawna Mohney Deeves, M.D., after determining that Dr. Deeves' aggressive conduct and documented deteriorating mental state demonstrated that Dr. Deeves poses a continuing threat to public health and safety. The Board found Dr. Deeves has been diagnosed with significant psychiatric illness and that her communications with other physicians as well as the staff of the Texas Physician Health Program have been delusional and threatening.

#### **Duntsch, Christopher Daniel, M.D., N8183, Plano**

On June 26, 2013, a disciplinary panel of the Texas Medical Board suspended the medical license of Christopher Daniel Duntsch, M.D., requiring him to immediately cease practicing medicine. The board found Dr. Duntsch's pattern of failing to follow appropriate preoperative planning standards and failing to recognize and respond to complications during surgery and postoperatively puts Dr. Duntsch's patients at significant risk of harm and has resulted in at least two patient deaths. The temporary suspension remains in place until the Board takes further action.

#### **Garner, William Brandt, M.D., Lic. No. N3661, Austin**

On August 30, 2013, the Board and William Brandt Garner, M.D., entered into an Agreed Order revoking the license of Dr. Garner, staying the revocation and requiring Dr. Garner to within 30 days submit to the Board names of up to three board-certified psychiatrists who agree to treat him and comply with recommendations for care and treatment; abstain from the consumption of prohibited substances; participate in AA programs; limit medical practice to a group or an institutional setting that has been approved in advance; have his practice monitored by a supervising physician; refrain from treating his immediate family or prescribe to himself or immediate family any controlled substances; and complete within one year and three attempts the Medical Jurisprudence Exam. The Board found Dr. Garner, while under contract with the Texas Physician Health Program, relapsed and was terminated. Dr. Garner admitted to drinking while under contract. The action was also based upon Dr. Garner having his license revoked in California.

#### **Gorden, Shawn, M.D., Lic. No. L3666, El Paso**

On September 13, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Shawn Gorden, M.D., after determining that Dr. Gorden's continuation in the practice of medicine presents a continuing threat to the public welfare. The board found Dr. Gorden failed to comply with the terms of his agreement with the Texas Physician Health program, and did not comply with recommendations for in-patient treatment for substance dependency. This order supersedes the order of temporary suspension without notice of hearing entered by the board on May 2, 2013.

#### **Khuu, Chau Doan, M.D., Lic. No. M4838, Houston**

On April 10, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Chau Doan Khuu, M.D., requiring Dr. Khuu to immediately cease practicing medicine in Texas. The panel determined that Dr. Khuu poses a continuing threat to the public welfare and found Dr. Khuu improperly and illegally operated a pain clinic in Houston, failed to properly supervise those acting under his supervision and inappropriately prescribed controlled substances. The suspension remains in effect until the board takes further action.

#### **Kirkpatrick, Susan W., M.D., Lic. No. J8016, Dallas**

On July 2, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Susan W. Kirkpatrick, M.D., after determining that Dr. Kirkpatrick's continuation in the practice of medicine is a threat to the public welfare. The Board found Dr. Kirkpatrick is unable to safely practice medicine due to a physical or mental impairment. The temporary suspension remains in effect until the Board takes further action.

#### **Maat, Owen Surgent, M.D., Lic. No. J5609, Bellaire**

On April 5, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the medical license of Owen Surgent Maat, M.D., of Bellaire after determining that Dr. Maat's continuation in the practice of medicine would constitute a continuing threat to the public welfare. The Board determined that Dr. Maat has been practicing medicine under an impairment due to the intemperate use of alcohol.

#### **Ramanathan, Subramaniam V., M.D., Lic. No. M0624, The Woodlands**

On October 4, 2013, a disciplinary panel of the Texas Medical Board temporarily suspended, with notice, the Texas medical license of Subra-

maniam V. Ramanathan, M.D., after determining that Dr. Ramanathan poses a continuing threat to public health and safety due to his violations of a prior disciplinary order. The Board found Dr. Ramanathan continued to issue prescriptions for controlled substances as recently as April 22, 2013, and that his controlled substances registrations were still active as recently as June 2013, both in violation of his March 2013 order. Dr. Ramanathan did not provide proof he had surrendered his controlled substances registrations until September 5, 2013. The suspension remains in effect until the Board takes further action.

## **AUTOMATIC SUSPENSION**

### **Johnson, Tone, Jr., M.D., Lic. No. G6946, Corpus Christi**

On September 25, 2013, the Board entered an Automatic Suspension Order regarding Tone Johnson, Jr., M.D., requiring Dr. Johnson to immediately cease practicing as a physician in Texas until he requests in writing to have the suspension stayed or lifted, personally appears before the Board and provides evidence that proves he is in compliance with all terms and conditions of his 2012 Order. The Board found Dr. Johnson violated his 2012 Order by failing to obtain the required CME and failing to take and pass the Special Purpose Exam (SPEX) with a score of 75 or better within the time frame set forth in the 2012 Order, and that suspension of Dr. Johnson's license was appropriate.

### **Molina, Pablo, M.D., Lic. No. G2610, Temple**

On September 13, 2013, the Board entered an Automatic Suspension Order regarding Pablo Molina, M.D., requiring Dr. Molina to immediately cease practicing as a physician in Texas until he requests in writing to have the suspension stayed or lifted, personally appears before the Board and provides evidence that proves he is in compliance with all terms and conditions of the 2012 Order. The Board found Dr. Molina violated his 2012 Order by failing to take and pass the Special Purpose Exam (SPEX) with a score of 75 or better within the time frame set forth in the 2012 Order, and that suspension of Dr. Molina's license was appropriate.

## **QUALITY OF CARE**

### **Akin, William Orlan, M.D., Lic. No. C8181, Abilene**

On June 14, 2013, the Board and William Orlan Akin, M.D., entered into an Agreed Order requiring Dr. Akin to complete within one year eight hours of CME including four hours in medical record-keeping and four hours in risk management, and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Akin inappropriately prescribed dangerous drugs or controlled substances to himself and family members and failed to maintain adequate medical records.

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

On June 14, 2013, the Board and Joel Alvear, M.D., entered into an Agreed Order requiring Dr. Alvear to surrender his DEA/DPS controlled substances certificates within seven days and not reregister or obtain Controlled Substances Registrations within the first year of this Order. The Board found Dr. Alvear failed to maintain adequate medical records for a patient, prescribed without showing therapeutic benefit, and refilled medications without seeing the patient for long periods of time.

### **Armstrong, Davill, M.D., Lic. No. F3025, Houston**

On August 30, 2013, the Board and Davill Armstrong, M.D., entered into an Agreed Order requiring Dr. Armstrong to refrain from clinical practice, and applying for hospital privileges until he completes the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program's Clinical Competency Assessment or a board approved mini-residence program of at least 90 days; further requiring Dr. Armstrong to undergo an independent medical evaluation by a psychiatrist, follow all recommendations by the psychiatrist for care and treatment; and

upon successful completion of KSTAR, or mini-residency, have his practice monitored by another physician for four monitoring cycles. The Board found that a chart monitor raised concerns regarding Dr. Armstrong's quality of care. This Order supersedes all other previous orders by the Board.

### **Battle, Clinton Charles, M.D., Lic. No. F1368, Fort Worth**

On April 12, 2013, the Board and Clinton Charles Battle, M.D., entered into an Agreed Order publicly reprimanding Dr. Battle and requiring Dr. Battle to have his practice monitored by another physician for four monitoring cycles, complete within one year 16 hours of CME including eight hours in medical record-keeping and eight hours in risk management and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Battle failed to meet the standard of care, failed to maintain adequate medical records and engaged in unprofessional conduct.

### **Blackwell, Michael Lee, M.D., Lic. No. J3695, Tomball**

On April 12, 2013, the Board and Michael Lee Blackwell, M.D., entered into an Agreed Order requiring Dr. Blackwell to within one year complete 12 hours of CME including four hours in surgical safety checklists and eight hours in MRI examination of the knee and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Blackwell failed to exercise proper diligence and to document fully his findings and rationale for treatment.

### **Bonikowski, Frank P., M.D., Lic. No. H2098, Corpus Christi**

On June 14, 2013, the Board and Frank P. Bonikowski, M.D., entered into an Agreed Order requiring Dr. Bonikowski to have his practice monitored by another physician for eight monitoring cycles, within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and within one year complete 16 hours of CME in the treatment of pain. The Board found Dr. Bonikowski engaged in non-therapeutic prescribing, failed to use diligence in his professional practice and failed to comply with Board guidelines for the use of pain medications.

### **Boswell, James Lewis, II, M.D., Lic. No. N2958, Corpus Christi**

On April 12, 2013, the Board and James Lewis Boswell, II, M.D., entered into a Mediated Agreed Order requiring Dr. Boswell to within one year complete 24 hours of in-person CME including eight hours in ethics, eight hours in risk management and eight hours in physician-patient boundaries, and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Boswell failed to meet the standard of care, prescribed dangerous drugs or controlled substances without first establishing a proper professional relationship with a patient, prescribed without performing a proper physical exam or creating and maintaining adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

### **Boyd, Gary D., M.D., Lic. No. F9226, Tyler**

On June 14, 2013, the Board entered a Final Order publicly reprimanding Gary D. Boyd, M.D., and requiring Dr. Boyd to have his practice monitored by another physician for eight monitoring cycles, within 90 days contact the Texas A&M Health Science Center Rural and Community Health Institute (K-STAR) for the purpose of scheduling a two-day assessment, within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year pass the Medical Jurisprudence Exam within three attempts, within 30 days reimburse the patient's family all out-of-pocket expenses, within one year complete 40 hours of CME including eight hours in ethics, eight

hours in risk management, eight hours in use of EGDs, eight hours in treating esophageal ulcers and eight hours in physician-patient communications, and pay an administrative penalty of \$15,000 within six months. The Board found Dr. Boyd subjected a patient to nontherapeutic procedures, failed to meet the standard of care, was negligent in performing medical services and kept inadequate medical records.

**Brown, Forrest Carroll, M.D., Lic. No. D3169, Dallas**

On June 14, 2013, the Board and Forrest Carroll Brown, M.D., entered into an Agreed Order restricting Dr. Brown's practice to dermatology and requiring Dr. Brown to have his practice monitored by another physician for eight monitoring cycles, refrain from treating his immediate family or anyone with whom Dr. Brown has a close relationship, develop and implement pain contracts for chronic pain patients, within one year pass the Medical Jurisprudence Exam within three attempts, within one year complete CME required for licensure maintenance, within one year complete 24 hours of CME including eight hours in medical record-keeping, eight hours in risk management and eight hours in identifying drug-seeking behavior, and pay an administrative penalty of \$4,000 within 120 days. The Board found Dr. Brown failed to meet the standard of care, prescribed inappropriately and failed to maintain adequate medical records for one patient. In addition, Dr. Brown inappropriately self-prescribed medications.

**Bussey, Jimmie Dale, M.D., Lic. No. D4393, Newton**

On June 14, 2013, the Board and Jimmie Dale Bussey, M.D., entered into an Agreed Order requiring Dr. Bussey to have his practice monitored by another physician for 12 monitoring cycles, complete within one year 32 hours of CME including 16 hours in pain management and 16 hours in medical record-keeping. The Board found Dr. Bussey failed to meet the standard of care, prescribed to a known abuser of narcotic drugs, engaged in nontherapeutic prescribing and failed to maintain adequate medical records.

**Canadas-Zizzias, Rafael, M.D., Lic. No. K1382, Dallas**

On April 12, 2013, the Board and Rafael Canadas-Zizzias, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Canadas-Zizzias and requiring Dr. Canadas-Zizzias to within one year complete eight hours of CME in medical record-keeping and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Canadas-Zizzias prescribed controlled substances to a patient with whom he was romantically involved without any corresponding medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Caruth, Jeffrey C., M.D., Lic. No. H6102, Plano**

On June 14, 2013, the Board and Jeffrey C. Caruth, M.D., entered into an Agreed Order requiring Dr. Caruth to within one year complete 16 hours of CME in the topic of breast augmentation and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Caruth did not adequately address a patient's post-surgical complications following breast implant surgery.

**Chatha, Rupinder Kaur, M.D., Lic. No. J6374, Houston**

On April 12, 2013, the Board and Rupinder Kaur Chatha, M.D., entered into an Agreed Order requiring Dr. Chatha to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year eight hours of CME including four hours in ethics and four hours in treatment of chronic pain. The Board found Dr. Chatha improperly prescribed controlled substances to a family member without maintaining adequate medical records.

**Curvin, Thomas Joseph, M.D., Lic. No. H8616, Cedar Park**

On April 12, 2013, the Board and Thomas Joseph Curvin, M.D., entered

into a Mediated Agreed Order requiring Dr. Curvin to have his practice monitored by another physician for eight monitoring cycles, refrain from serving as a physician to persons with whom he has a close personal relationship, within one year pass the Medical Jurisprudence exam within three attempts and within one year complete an eight-hour review course for the American Board of Emergency Medicine Certification Exam. The Board found Dr. Curvin violated the standard of care regarding nine patients, failed to maintain adequate medical records and prescribed medications in a non-therapeutic manner, including controlled substances, to a person with whom he had a close personal relationship. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Dutta, Paritosh Chandra, M.D., Lic. No. E7900, Richardson**

On June 14, 2013, the Board and Paritosh Chandra Dutta, M.D., entered into a Mediated Agreed Order requiring Dr. Dutta to within one year complete 20 hours of CME including eight hours in medical record-keeping, eight hours in risk management and four hours in pharmacological management of obesity. The Board found Dr. Dutta failed to adequately monitor a patient's use of a weight loss medication and failed to keep adequate medical records. This order resolves a formal complaint filed by the Board at the State Office of Administrative Hearings.

**Felder, Diane Johnson, M.D., Lic. No. H5122, Houston**

On June 14, 2013, the Board and Diane Johnson Felder, M.D., entered into an Agreed Order requiring Dr. Felder to within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year complete eight hours of CME in ethics and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Felder failed to meet the standard of care for 10 patients at a residential treatment center, contracted unlicensed personnel to work as licensed professional counselors at another residential treatment center, failed to maintain adequate medical records and engaged in unprofessional conduct.

**Gibson, Donald M., M.D., Lic. No. F3137, Houston**

On June 14, 2013, the Board and Donald M. Gibson, M.D., entered into an Agreed Order requiring Dr. Gibson to restrict his on-call status to 15 days per month, within one year pass the Medical Jurisprudence Exam within three attempts and within one year complete eight hours of CME in ethics. The Board found Dr. Gibson, the thoracic surgeon on-call at a hospital, failed to respond to numerous telephone calls to report to the emergency room.

**Gonino, V. John, D.O., Lic. No. J2032, Rockwall**

On April 12, 2013, the Board and V. John Gonino, M.D., entered into a Mediated Agreed Order requiring Dr. Gonino to within one year attend and participate in a nationally or internationally recognized conference for integrative medicine which includes 17 hours of CME, revise his disclosure and consent forms, within one year pass the Medical Jurisprudence Exam within three attempts, within one year complete the medical record-keeping course offered by the University of California San Diego PACE program, and within one year complete 16 hours of CME including eight hours in billing and eight hours in ethics. The Board found Dr. Gonino failed to adequately supervise those acting under his supervision, violated Board rules related to the practice of alternative and complementary medicine and inappropriately prescribed to others in which there was a close personal relationship. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Guerrero, Jorge, M.D., Lic. No. G8154, Houston**

On April 12, 2013, the Board and Jorge Guerrero, M.D., entered into an Agreed Order publicly reprimanding Dr. Guerrero and requiring Dr. Guerrero to pass the Medical Jurisprudence Exam within one year and within three attempts, within one year complete 44 hours of CME including 24 hours in ethics, 12 hours in medical record-keeping and eight hours in physician-patient boundaries and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Guerrero failed to meet the standard of care in his treatment of seven athletes competing in boxing and submitted falsified lab results to the Texas Department of Licensing and Regulation on behalf of the patients.

**Hamilton, Yolanda, M.D., Lic. No. K9295, Houston**

On August 30, 2013, the Board and Yolanda Hamilton, M.D., entered into an Agreed Order requiring Dr. Hamilton to refrain from treating chronic pain patients; have her practice monitored by another physician for eight monitoring cycles; within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete four hours of CME in the topic of risk management; and pay an administrative penalty of \$2,500. The Board found Dr. Hamilton failed to maintain adequate medical records and in some instances lacked full justification for the continued prescriptions of opiates and muscle relaxers to patients and failed to regularly monitor the patients for abuse of the controlled substances prescribed. This order resolves a formal complaint at the State Office of Administrative Hearings.

**Herding, Pierre, M.D., Lic. No. H8684, Mesquite**

On June 14, 2013, the Board and Pierre Herding, M.D., entered into an Agreed Order requiring Dr. Herding to have another physician monitor his practice for eight monitoring cycles, within one year complete 16 hours of CME including four hours in medical record-keeping, four hours in risk management and eight hours in treatment of chronic pain. The Board found Dr. Herding failed to adhere to Board guidelines for the treatment of pain, failed to meet the standard of care and prescribed to a known abuser of narcotic drugs. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Herrera, Carlos Alberto, M.D., Lic. No. J8573, Edinburg**

On June 14, 2013, the Board and Carlos Alberto Herrera, M.D., entered into an Agreed Order publicly reprimanding Dr. Herrera and requiring Dr. Herrera to have his practice monitored by another physician for 12 monitoring cycles, within one year complete 16 hours of CME including eight hours in risk management and eight hours in medical record-keeping, within one year pass the Medical Jurisprudence Exam within three attempts and pay an administrative penalty of \$4,000 within 60 days. The Board found Dr. Herrera failed to comply with record-keeping requirements for controlled substances and failed to use diligence in his professional practice.

**Hugg, Terry Wayne, M.D., Lic. No. F7677, Houston**

On April 12, 2013, the Board and Terry Wayne Hugg, M.D., entered into a Mediated Agreed Order requiring Dr. Hugg to cease treating patients for chronic pain, refer all pain patients to appropriate practitioners, have his practice monitored by another physician for 12 monitoring cycles, within one year complete 16 hours of CME including eight hours in medical record-keeping and eight hours in contraindications and side effects of commonly prescribed medications and pay an administrative penalty of \$1,000 within 120 days. The Board found Dr. Hugg violated Board guidelines for the treatment of chronic pain, failed to use diligence in his professional practice and non-therapeutically prescribed medications. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Hyde, Linda Carol, M.D., Lic. No. J0011, Conroe**

On August 30, 2013, the Board and Linda Carol Hyde, M.D., entered into an Agreed Order publicly reprimanding Dr. Hyde and prohibiting Dr. Hyde from re-registering or obtaining Controlled Substances Registrations until she has received written authorization from the Board; that Dr. Hyde refrain from serving as a physician for herself or family, and refrain from prescribing controlled substances to her immediate family; further requiring Dr. Hyde to have her practice monitored by another physician for 8 monitoring cycles and pass within one year and three attempts the Medical Jurisprudence Exam. The Board found Dr. Hyde failed to adequately supervise the activities of those acting under her supervision and prescribed controlled substances to family members for periods greater than 72 hours.

**Jarrah, Taysir Fawzi, M.D., Lic. No. E6438, McKinney**

On August 30, 2013, the Board and Taysir Fawzi Jarrah, M.D., entered into an Agreed Order requiring Dr. Jarrah to have his practice monitored by another physician for four monitoring cycles; complete within one year 10 hours of CME, including eight hours in medical record keeping, and two hours in ethics; and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Jarrah failed to meet the standard of care, performed interventional cardiology procedures on 10 patients that were not medically necessary and had his hospital privileges revoked

**Johnson, Shawn R., M.D., Lic. No. K8919, Pearland**

On June 14, 2013, the Board and Shawn R. Johnson, M.D., entered into an Agreed Order publicly reprimanding Dr. Johnson and requiring Dr. Johnson to have his practice monitored by another physician for eight monitoring cycles, within one year complete the Medical Jurisprudence Exam within three attempts and within one year complete at least eight hours of CME to be divided as follows: four hours in risk management and four hours in supervising midlevels. The Board found Dr. Johnson non-therapeutically prescribed controlled substances to 20 patients, failed to adequately supervise midlevels, and failed to keep adequate medical records.

**Koval, Robert John, M.D., Lic. No. G1694, Dallas**

On August 30, 2013, the Board and Robert John Koval, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Koval and requiring Dr. Koval to refrain from engaging in the treatment of any chronic pain; have his practice monitored by another physician for eight monitoring cycles; within one year complete 45 hours of CME in the following topics, divided as follows: medical record-keeping (15 hours), pain management (15 hours), and internal medicine for primary care physicians (15 hours); and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Koval failed to meet the standard of care with respect to several patients by routinely prescribing medications without documenting and/or performing appropriate patient assessments and evaluations. This order resolves a formal complaint at the State Office of Administrative Hearings.

**Leffingwell, Thomas F., M.D., Lic. No. G7260, Arlington**

On June 14, 2013, the Board and Thomas F. Leffingwell, M.D., entered into an Agreed Order publicly reprimanding Dr. Leffingwell and prohibiting Dr. Leffingwell from reregistering or obtaining Controlled Substances Registrations until a written authorization has been received from the Board. In addition, Dr. Leffingwell must within one year complete the Medical Jurisprudence Exam within three attempts, within one year complete 16 hours of CME including eight hours in the topic of medical ethics and eight hours in the topic of medical record-keeping, and pay an administrative penalty of \$5,000 within 60 days. The Board

found Dr. Leffingwell improperly self-prescribed large amounts of hydrocodone he purchased from a manufacturer, failed to maintain and keep appropriate records related to purchasing and failed to maintain medical records for his self-prescribing.

**Lopez, Jesus Antonio, M.D., Lic No. L1649, San Antonio**

On June 14, 2013, the Board and Jesus Antonio Lopez, M.D., entered into an Agreed Order prohibiting Dr. Lopez from prescribing any controlled substances or dangerous drugs with addictive potential except as is necessary for treatment of acute pain or for inpatient treatment of patients in a hospital setting, hospice, or nursing home where Dr. Lopez has privileges or practices medicine. In addition, Dr. Lopez must have another physician monitor his practice for eight monitoring cycles, complete within one year the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education program and within one year complete eight hours of continuing medical education in the topic of risk management. The Board found Dr. Lopez failed to keep adequate medical records, prescribed controlled substances to two patients after they tested positive for illegal substances, and voluntarily surrendered his DEA and DPS Controlled Substances Registration Certificates as the result of an investigation into his prescribing practices.

**Marks, Timothy, M.D., Lic. No. J3719, Houston**

On June 14, 2013, the Board and Timothy Marks, M.D., entered into an Agreed Order prohibiting Dr. Marks from supervising physician extenders except for certified registered nurse anesthetists in a procedure conducted in a hospital, surgical center or Board-approved office-based anesthesia setting. Dr. Marks is also prohibited from prescribing scheduled drugs except while providing anesthesia services in a hospital. He is also prohibited from treating chronic pain patients and must pass within one year and within three attempts the Medical Jurisprudence Exam. The Board found Dr. Marks prescribed controlled substances to 15 patients without adequately documenting a medical rationale or justifications for the medication, failed to adequately supervise mid-level providers, and violated Board rules regarding maintenance of adequate medical records.

**Matthews, Jonathan Richard, D.O., Lic. No. L9803, Trophy Club**

On June 14, 2013, the Board and Jonathan Richard Matthews, D.O., entered into an Agreed Order requiring Dr. Matthews to undergo an independent medical evaluation by a board-designated psychiatrist and follow all recommendations for care and treatment, within one year complete 28 hours of CME including 12 hours in medical record-keeping and 12 hours in ethics and four hours in prescribing controlled substances, and pay an administrative penalty of \$15,000 within 180 days. The Board found Dr. Matthews failed to meet the standard of care and exercise diligence in his professional practice, was subject to disciplinary action by his peers, failed to comply with Board requests for information and pre-signed prescriptions for controlled substances.

**Matthews, Jonathan Richard, D.O., Lic. No. L9803, Trophy Club**

On June 14, 2013, the Board and Jonathan Richard Matthews, D.O., entered into an Agreed Order limiting Dr. Matthews' practice to 200 hours per month including administrative functions, on-call and patient care. In addition, the order requires Dr. Matthews to within one year complete 24 hours of CME including 16 hours in fluid and electrolyte management and eight hours, in-person, in risk management. The Board found Dr. Matthews failed to meet the standard of care and safeguard against potential complications in his treatment of one patient.

**McFarland, Michael Allen, M.D., Lic. No. G8271, Jourdanton**

On June 14, 2013, the Board and Michael Allen McFarland entered into an Agreed Order requiring Dr. McFarland to have another physician monitor his practice for eight monitoring cycles, within one year complete 20 hours of CME including eight hours in medical record-keeping, eight hours in management of chronic pain and four hours in treating adult ADHD. The Board found Dr. McFarland failed to meet the standard of care for seven patients, non-therapeutically prescribed controlled substances and failed to maintain adequate medical records.

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

On August 30, 2013, the Board and Hector Oscar Molina, M.D., entered into an Agreed Order publicly reprimanding Dr. Molina and requiring him to complete within one year and three attempts, the Medical Jurisprudence Examination and complete within one year 20 hours of CME, divided as follows: 12 hours in medical ethics and eight hours in wound care. The Board found Dr. Molina performed cosmetic surgery on two patients in inappropriate settings and that the procedures resulted in complications for both patients. The Board also found Dr. Molina admitted that he lied in sworn testimony to the Nevada Athletic Commission and that his testimony related to his practice of medicine.

**Naberhaus, Daniel Robert, M.D., Lic. No. H3920, Arlington**

On June 14, 2013, the Board and Daniel Robert Naberhaus, M.D., entered into an Agreed Order requiring Dr. Naberhaus to cease treating patients for chronic pain, have his practice monitored by another physician for eight monitoring cycles, within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and within one year complete 16 hours of CME including eight hours in psychopharmacology and eight hours in risk management and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Naberhaus failed to meet the standard of care when he prescribed escalating doses of controlled substances without a reasonable basis and failed to provide adequate documentation to support his diagnoses or treatment plans.

**Pang, John, D.O., Lic. No. K5175, Sunnyvale**

On June 14, 2013, the Board and John Pang, D.O., entered into an Agreed Order requiring Dr. Pang to have his practice monitored by another physician for eight monitoring cycles, within one year complete 32 hours of CME including 16 hours in pain management, eight hours in medical record-keeping and eight hours in risk management and pay an administrative penalty of \$1,500 within 60 days. The Board found Dr. Pang failed to maintain adequate medical records, failed to meet the standard of care and engaged in non-therapeutic prescribing for 10 patients.

**Parikh, Samir P., M.D., Lic. No. N4649, Frisco**

On August, 30, 2013, the Board and Samir P. Parikh, M.D., entered into an Agreed Order requiring Dr. Parikh complete within one year the Texas Medical Board Remedial Coaching Program at the University of Texas at Dallas School of Management; within one year complete at least 12 hours of continuing medical education (CME), including four hours in ethics, four hours in risk management, and four hours in patient communication; and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Parikh failed to appropriately respond to an emergency while on call.

**Pauza, Kevin Joseph, M.D., Lic. No. J7127, Tyler**

On August 30, 2013, the Board and Kevin Joseph Pauza, M.D., entered into an Agreed Order requiring Dr. Pauza to have his practice monitored by another physician for four monitoring cycles; and within one year

complete 20 hours of CME, including eight hours in opioid therapy and four hours in risk management. The Board found Dr. Pauza failed to meet the standard of care, failed to follow the Board's guidelines for the treatment of pain, failed to keep adequate medical records and failed to cooperate with Board staff.

**Pinkerton, Jody Lyn, M.D., Lic. No. J7791, Sugar Land**

On August 30, 2013, the Board and Jody Lyn Pinkerton, M.D., entered into an Agreed Order requiring Dr. Pinkerton within one year, complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in high risk pregnancies, eight hours in performing/interpreting obstetric ultrasounds; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Pinkerton failed to meet the standard of care by wrongly diagnosing a patient's viable pregnancy and failed to make an effort to confirm the diagnosis through other measures.

**Pratho, Scott Mason, M.D., Lic. No. G8350, Willow Park**

On June 14, 2013, the Board and Scott Mason Pratho, M.D., entered into an Agreed Order publicly reprimanding Dr. Pratho and requiring Dr. Pratho to within one year complete 16 hours of CME including eight hours in risk management and eight hours in drug interactions, and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Pratho failed to meet the standard of care when he failed to verify one patient's allergies before administering a medication.

**Raj, Jhansi M., M.D., Lic. No. G8735, Fort Worth**

On June 14, 2013, the Board and Jhansi M. Raj, M.D., entered into a Mediated Agreed Order requiring Dr. Raj to have his practice monitored by another physician for eight monitoring cycles and within one year complete 16 hours of CME including eight hours in risk management, four hours in treating difficult psychiatric patients and four hours in diagnosis and treatment of patients at high risk for suicide. The Board found Dr. Raj failed to meet the standard of care for one patient who was prematurely discharged from the psychiatric ward of a hospital and who committed suicide within three hours of discharge. This order resolves a formal complaint filed by the Board at the State Office of Administrative Hearings.

**Reis, Marcos, M.D., Lic. No. G0810, Brownsville**

On June 14, 2013, the Board and Marcos Reis, M.D., entered into an Agreed Order requiring Dr. Reis to have another physician monitor his practice for eight monitoring cycles, within one year complete 20 hours of CME including four hours in medical record-keeping, four hours in ethics, four hours in physician-patient communications, four hours in prescribing for a geriatric population and four hours in risk management. The Board found Dr. Reis failed to use proper diligence in his professional practice.

**Rossel, Anibal F., M.D., Lic. No. H9415, Houston**

On June 14, 2013, the Board and Anibal F. Rossel, M.D., entered into an Agreed Order requiring Dr. Rossel to refrain from serving as a physician for his immediate family, have another physician monitor his practice for eight monitoring cycles, within one year pass the Medical Jurisprudence Exam within three attempts. The Board found Dr. Rossel failed to meet the standard of care when he improperly prescribed medication to a close family member without maintaining an adequate medical record.

**Seshadri, Lakshmi, M.D., Lic. No. L1741, Houston**

On June 14, 2013, the Board and Lakshmi Seshadri, M.D., entered into an Agreed Order requiring Dr. Seshadri to within one year complete 24 hours of CME including eight hours in medical record-keeping, eight

hours in risk management and eight hours in physician-patient communication. The Board found Dr. Seshadri failed to practice medicine in an acceptable professional manner consistent with public health and welfare and failed to timely evaluate a hospital patient.

**Shelton, Kevin James, M.D., Lic. No. N1893, Celina**

On August 30, 2013, the Board and Kevin James Shelton, M.D., entered into an Agreed Order requiring Dr. Shelton within one year complete at least 16 hours of continuing medical education (CME), including at least eight hours in endocrinology; and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Shelton failed to perform an adequate medical workup of a patient prior to treatment and failed to maintain adequate medical records.

**Stenger, Earl Martin, M.D., Lic. No. D7315, San Antonio**

On June 14, 2013, the Board and Earl Martin Stenger, M.D., entered into an Agreed Order requiring Dr. Stenger to have his practice monitored by another physician for eight monitoring cycles and within one year complete eight hours of in-person CME in medical record-keeping. The Board found Dr. Stenger failed to maintain adequate medical records and prescribed benzodiazepines without adequately evaluating the patient and providing sufficient instructions.

**Swain, Timothy Whitzel, III, M.D., Lic. No. N7883, Corpus Christi**

On June 14, 2013, the Board and Timothy Whitzel Swain, III, M.D., entered into an Agreed Order requiring Dr. Swain to within one year complete 24 hours of CME including 16 hours in the management of prosthetic valve complications and eight hours in physician/patient/family communication. The Board found Dr. Swain failed to meet the standard of care for one patient when he did not timely perform the indicated surgery on a patient as she was rapidly declining.

**Torres, Frank, M.D., Lic. No. L1483, San Benito**

On April 12, 2013, the Board and Frank Torres, M.D., entered into an Agreed Order requiring Dr. Torres to refrain from treating chronic pain patients and treat patients for acute pain only, within one year pass the Special Purpose Examination within three attempts, within one year complete the medical record-keeping course offered by the University of California San Diego PACE program, within one year complete 32 hours of CME including eight hours in diagnosing adult ADHD, eight hours of diagnosing ADHD to be taken in person, eight hours in chronic pain management and eight hours in psychopharmacology, and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Torres failed to meet the standard of care, failed to safeguard against potential complications, failed to adhere to guidelines for prescription of pain medications and prescribed to a known abuser of controlled substances.

**Vines, Victor, M.D., Lic. No. G8483, Argyle**

On June 14, 2013, the Board and Victor Vines, M.D., entered into a Mediated Agreed Order requiring Dr. Vines to within one year complete 16 hours of CME including eight hours in risk management and eight hours in ethics and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Vines prescribed a dangerous drug without first establishing a proper professional relationship with the patient. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Weldon, Lloyd Kent, D.O., Lic. No. E6947, Fort Worth**

On April 12, 2013, the Board and Lloyd Kent Weldon, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Weldon and requiring Dr. Weldon to within seven days request modification of his DEA/DPS controlled substance registrations to eliminate Schedule II con-

trolled substances, refrain from treating chronic pain patients, cease administering office-based anesthesia, within one year pass the Special Purpose Examination within three attempts and within one year complete 30 hours of CME in medical record-keeping. The Board found Dr. Weldon failed to adopt chart monitor recommendations as stipulated by a previous order, failed to meet the standard of care and failed to comply with Board rules regarding office-based anesthesia. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Williams, Lucia Leigh, M.D., Lic. No. G9013, Jacksonville**

On August 30, 2013, the Board and Lucia Leigh Williams, M.D., entered into a Mediated Agreed Order requiring Dr. Williams to within one year complete 16 hours of CME, divided into the following topics: eight hours in risk management and eight hours in managing high risk obstetrics patients; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Williams failed to diagnose and treat a pregnant patient's chronic hypertension and failed to order further testing to confirm fetal well-being. This order resolves a formal complaint at the State Office of Administrative Hearings.

**UNPROFESSIONAL CONDUCT**

**Baker, Jack L., M.D., Lic. No. J2489, Friendswood**

On June 14, 2013, the Board and Jack L. Baker, M.D., entered into an Agreed Order publicly reprimanding Dr. Baker and requiring Dr. Baker to within one year pass the Medical Jurisprudence Exam within three attempts, within one year complete 24 hours of CME in ethics with a focus on billing practices. The Board found Dr. Baker engaged in unprofessional conduct, provided medically unnecessary services and submitted improper billing statements.

**Biggers, Jerel Raymond, D.O., Lic. No. G2646, Dallas**

On April 12, 2013, the Board and Jerel Raymond Biggers, D.O., entered into an Agreed Order requiring Dr. Biggers to have his billing and medical records reviewed for two years by an independent auditor, within one year complete 16 hours of CME including eight hours in medical record-keeping and eight hours in billing/coding. The Board found Dr. Biggers submitted improper bills, did not have medical record documentation to support billing codes and provided medically unnecessary services.

**Caldwell, Daniel W., M.D., Lic. No. J6078, Denton**

On June 14, 2013, the Board and Daniel W. Caldwell, M.D., entered into an Agreed Order requiring Dr. Caldwell to use a chaperone any time he examines a female patient, undergo a psychiatric examination and follow recommendations for care and treatment, within one year pass the Medical Jurisprudence Exam within three attempts, within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year complete 16 hours of CME including eight hours in ethics and eight hours in risk management and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Caldwell failed to report his 2004 arrest and 2005 conviction for DWI, that he engaged in sexual relationships with two female patients and submitted to the Board false or misleading information.

**Cantu, Philip Martinez, M.D., Lic. No. K2865, Orange**

On April 12, 2013, the Board and Philip Martinez Cantu, M.D., entered into an Agreed Order requiring Dr. Cantu to pass the Medical Jurisprudence Exam within one year and within three attempts, within one year complete the professional boundaries course offered by the University of California San Diego PACE program or an approved equivalent course and complete within one year eight hours of CME in ethics. The Board

found Dr. Cantu became involved with a patient in an inappropriate manner.

**Gossett, Carl W., M.D., Lic. No. G3403, Fort Worth**

On August 30, 2013, the Board and Carl W. Gossett, M.D., entered into a Mediated Agreed Order requiring Dr. Gossett to refrain from prescribing any controlled substance to himself, his family or any other person to which he has a close personal relationship, and may not order medications from any online source; undergo an independent medical evaluation by a psychiatrist, follow all recommendations by the psychiatrist for care and treatment; not possess, administer, dispense or prescribe any Schedule II-IV controlled substances, except as medically necessary for treatment of patients seen in a hospital setting, urgent care setting and/or Emergency Department when he has privileges; complete within one year and three attempts the Medical Jurisprudence Exam; within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found from 2008-2011, Dr. Gossett ordered large quantities of controlled substances from online wholesale pharmacies for both his personal use and for family members, failed to maintain adequate medical records, and was charged with unprofessional treatment of patients and staff. This order resolves a formal complaint at the State Office of Administrative Hearings.

**Gutierrez, Michael Louis, M.D., Lic. No. H8097, Austin**

On June 14, 2013, the Board and Michael Louis Gutierrez, M.D., entered into an Agreed Order requiring Dr. Gutierrez to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year pass the Medical Jurisprudence Exam within three attempts, within one year complete four hours of CME in ethics and four hours in risk management and within 90 days refund to the patient all out-of-pocket expenses for services rendered May 4, 2012. The Board found Dr. Gutierrez engaged in a sexually inappropriate conversation with a patient.

**Kufof, Ernesto A., M.D., Lic. No. K2520, De Ridder, LA**

On August 30, 2013, the Board and Ernesto A. Kufof, M.D., entered into an Agreed Order requiring Dr. Kufof to complete within one year and three attempts, the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in the topic of ethics; and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Kufof has been the subject of at least six medical malpractice claims between 2008 and 2012 that resulted in either settlements or judgments in favor of the claimants and that he failed to report these claims, as required, on his 2012 license renewal application.

**Li, Yih-Chang, M.D., Lic. No. N6459, Katy**

On June 14, 2013, the Board and Yih-Chang Li, M.D., entered into an Agreed Order publicly reprimanding Dr. Li and requiring Dr. Li to within one year pass the Medical Jurisprudence Exam within three attempts and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Li was arrested for simple domestic assault in 2011 and entered a "no contest" plea which resulted in a deferred adjudication agreement with numerous requirements.

**Martinez, Jose Ricardo, M.D., Lic. No. J5108, Mineola**

On June 14, 2013, the Board and Jose Ricardo Martinez, M.D., entered into an Agreed Order requiring Dr. Martinez to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year pass the Medical Jurisprudence Exam within three attempts and within one year complete four hours of CME in eth-

ics. The Board found Dr. Martinez provided false information to the Board and engaged in sexual contact with a patient.

**Maul, R. Greg, D.O., Lic. No. E9798, Rowlett**

On June 14, 2013, the Board and R. Greg Maul, D.O., entered into an Agreed Order requiring Dr. Maul to have his billing and medical records reviewed by an independent auditor for the next two years, within 60 days begin holding and documenting monthly meetings between Dr. Maul and his staff to ensure all billing and coding functions are performed by properly trained personnel, within one year complete 16 hours of CME including eight hours in medical record-keeping and eight hours in coding/billing and pay an administrative penalty of \$2,000. The Board found Dr. Maul billed improperly for his services and that his medical records did not support the bills submitted for payment.

**Novoa, Julio Cesar, Jr., M.D., Lic. No. K8386, El Paso**

On April 12, 2013, the Board and Julio Cesar Novoa, Jr., M.D., entered into an Agreed Order requiring Dr. Novoa to within one year pass the Medical Jurisprudence Exam within three attempts, within one year complete 16 hours of CME including eight hours in physician-patient boundaries and eight hours in medical record-keeping. The Board found Dr. Novoa performed surgery on his employees, failed to document appropriate surgical follow-up for eight patients and failed to document indications for repeat procedures for two patients.

**Ogdee, Robert George, M.D., Lic. No. H6482, Abilene**

On April 12, 2013, the Board and Robert George Ogdee entered into an Agreed Order requiring Dr. Ogdee to pass within one year and within three attempts the Medical Jurisprudence Exam, complete within one year the professional boundaries course offered by the University of California San Diego PACE program, or the professional boundaries course offered by Vanderbilt University, or the professional boundaries course offered by the University of Texas and the Santé Institute of Professional Education and Research, or an approved equivalent course and complete within one year eight hours of CME in ethics. The Board found Dr. Ogdee became personally involved with a patient in an inappropriate manner.

**Pena, Jose Fernando, M.D., Lic. No. J9264, Donna**

On April 12, 2013, the Board and Jose Fernando Pena, M.D., entered into an Agreed Order publicly reprimanding Dr. Pena requiring Dr. Pena to within one year complete eight hours of CME in risk management and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Pena failed to maintain the confidentiality of a patient and failed to use diligence in his professional practice.

**Simmons, Jason Levon, M.D., Lic. No. N4103, Bronx NY**

On June 14, 2013, the Board entered a Final Order regarding Jason Levon Simmons, M.D., publicly reprimanding Dr. Simmons and requiring Dr. Simmons to not practice medicine in Texas until Dr. Simmons fulfills the following terms: Undergoes an Independent Medical Evaluation with a psychiatrist and complies with all recommendations for care and treatment, passes within one year the Medical Jurisprudence Exam within three attempts, within one year completes the Vanderbilt Disruptive Physician's Course, within one year completes the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year completes 16 hours of CME including eight hours in ethics and eight hours in professionalism and pays an administrative penalty of \$15,000 within six months. This order resolves a formal complaint filed at the State Board of Administrative Hearings. The Board found Dr. Simmons engaged in disruptive behavior, was disciplined by his peers, and failed to practice medicine in an acceptable professional manner.

**Smith, Stephen Harkness, M.D., Lic. No. J0271, San Angelo**

On August 30, 2013, the Board and Stephen Harkness Smith, M.D., entered into an Agreed Order requiring Dr. Smith to submit proof of an agreement for the repayment of his student loan within 30 days and complete within one year eight hours of CME in the topic of ethics. The Board found Dr. Smith defaulted on his student loan.

**Thompson, Marcel Dwaine, M.D., Lic. No. L7220, Houston**

On June 14, 2013, the Board and Marcel Dwaine Thompson, D.O., entered into an Agreed Order publicly reprimanding Dr. Thompson and requiring Dr. Thompson to pay an administrative penalty of \$5,000 within 90 days. The board found that Dr. Thompson submitted false information to the National Practitioner Data Bank.

**Werner, Jan Reinert, Jr., M.D., Lic. No. E7533, Amarillo**

On August 30, 2013, the Board and Jan Reinert Werner, Jr., M.D., entered into an Agreed Order publicly reprimanding Dr. Werner and requiring Dr. Werner to complete within one year the TMB Remedial Coaching Program at U.T. Dallas School of Management. The Board found Dr. Werner had been subject to disciplinary action by peers based on complaints he made unprofessional comments towards patients, patients' family members and medical staff.

**Wilkinson, Tolbert Siener, M.D., Lic. No. D8842, Fort Worth**

On August 30, 2013, the Board and Tolbert Siener Wilkinson, M.D., entered into a Mediated Agreed Order requiring Dr. Siener to within one year complete 16 hours of CME in risk management and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Wilkinson provided false information to the Board when he completed applications for renewal of his Texas medical license. This order resolves a formal complaint at the State Office of Administrative Hearings.

**PEER REVIEW ACTIONS**

**Abdelsayed, Magdy, M.D., Lic. No. E9504, Baytown**

On June 14, 2013, the Board and Magdy Abdelsayed, M.D., entered into an Agreed Order requiring Dr. Abdelsayed to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, within one year complete 16 hours of CME including eight hours in ethics and eight hours in risk management and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Abdelsayed was subject to discipline by peers for unprofessional conduct that could adversely impact the quality of care rendered to a patient.

**Earp, Gary Wayne, D.O., Lic. No. E1566, Haltom City**

On April 12, 2013, the Board and Gary Wayne Earp, D.O., entered into an Agreed Order publicly reprimanding Dr. Earp and requiring Dr. Earp to complete within one year four hours of CME in ethics. The Board found Dr. Earp was subject to disciplinary action by his peers and that he resigned his clinical privileges at the University of North Texas Health Science Center while under investigation for failing to disclose information on his application for clinical privileges.

**Horndeski, Gary Michael, M.D., Lic. No. G2390, Sugar Land**

On April 12, 2013, the Board and Gary Michael Horndeski, M.D., entered into an Agreed Order requiring Dr. Horndeski to obtain within 30 days an independent medical evaluation from a psychiatrist and follow all recommendations for continued care and treatment, within one year complete 16 hours of CME including eight hours in risk management and eight hours in communications skills with professional colleagues and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Horndeski was disciplined by peers at Angleton Danbury



Medical Center regarding issues related to competency, conduct and behavior and had his membership and privileges at ADMC revoked.

**Kilaru, Ramanadham, M.D., Lic. No. E9268, Dallas**

On June 14, 2013, the Board and Ramanadham Kilaru, M.D., entered into an Agreed Order requiring Dr. Kilaru to refrain from interpretation of mammography and limit his practice to interpretation of plain film radiography. The Board found Dr. Kilaru misinterpreted mammograms for multiple patients and was disciplined by his employer.

**Lopez, Ruben Montelongo, M.D., Lic. No. J9173, Harlingen**

On June 14, 2013, the Board and Ruben Montelongo Lopez, M.D., entered into an Agreed Order requiring Dr. Lopez to within one year complete 24 hours of CME including eight hours in anger management, eight hours in ethics and eight hours in billing or medical record-keeping and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Lopez was subject to disciplinary action by his peers, that he behaved in a disruptive manner, failed to use proper diligence in his professional practice and failed to maintain adequate medical records.

## **NONTHERAPEUTIC PRESCRIBING**

**Levy, Steven Robert, M.D., Lic. No. H0563, Houston**

On August 30, 2013, the Board and Steven Robert Levy, M.D., entered into an Agreed Order requiring Dr. Levy to cease prescribing any controlled substances except for medications medically necessary for the treatment of attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD); refrain from serving as a physician for his immediate family, and refrain from prescribing controlled substances to himself or his immediate family; be monitored by another physician for eight monitoring cycles; complete within one year and three attempts the Medical Jurisprudence Exam; complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete 16 hours of CME in the following topics: identifying drug-seeking behavior (eight hours) and medical ethics (eight hours); and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Levy non-therapeutically prescribed controlled substances to a patient, including Vicodin and Soma, without maintaining adequate medical records to justify the types and amounts of drugs prescribed, that Dr. Levy continued to prescribe controlled substances to the patient after the patient threatened him with physical harm, issued false prescriptions to the patient for controlled substances for the patient's family members and friends whom he had never seen or treated. Dr. Levy also admitted to the Board that he had an inappropriate, intimate relationship with the patient and wrote false prescriptions.

**Mann, Christopher Rolan, D.O., Lic. No. H2559, Hurst**

On April 12, 2013, the Board and Christopher Rolan Mann, D.O., entered into an Agreed Order requiring Dr. Mann to refrain from treating patients for chronic pain, have another physician monitor his practice for four monitoring cycles, within one year complete eight hours of CME in medical record-keeping and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Mann prescribed medications in a nontherapeutic manner, kept inadequate medical records and failed to follow Board guidelines for the treatment of pain with respect to eight patients.

**Nichols, Dwight James, M.D., Lic. No. D0985 Breckenridge**

On August 30, 2013, the Board and Dwight James Nichols, M.D., entered into an Agreed Order publicly reprimanding Dr. Nichols and requiring Dr. Nichols to surrender his DEA and DPS controlled substance certificates; within one year and three attempts pass the Special Pur-

pose Examination (SPEX); have another physician monitor his practice for 12 monitoring cycles; and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Nichols non-therapeutically prescribed medication to patients without support for the prescriptions; failed to maintain adequate medical records; and knowingly prescribed to an individual who was diverting the medication to another person.

**Ordonez, Robert Lee, M.D., Lic. No. F1871, Lubbock**

On August 30, 2013, the Board and Robert Lee Ordonez, M.D., entered into an Agreed Order requiring Dr. Ordonez to within one year and three attempts, pass the Medical Jurisprudence Exam; within one year complete 40 hours of CME, divided as follows: nine hours in medical record keeping, eight hours of risk management, 23 hours in prescribing controlled substances, including the University of California at San Diego "PACE" course in Physician Prescribing or its equivalent. The Board found Dr. Ordonez improperly prescribed controlled substances to a patient and failed to maintain adequate medical records.

**Stedman, Horis Tilton, Jr., M.D., Lic. No. J1574, Marble Falls**

On April 12, 2013, the Board and Horis Tilton Stedman, Jr., M.D., entered into an Agreed Order requiring Dr. Stedman have his practice monitored by another physician for eight monitoring cycles, within one year complete 16 hours of CME including eight hours in risk management and eight hours in medical record-keeping and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Stedman failed to safeguard against potential complications, violated Board rules regarding treatment of chronic pain, non-therapeutically prescribed and engaged in unprofessional conduct.

## **VOLUNTARY SURRENDER/SUSPENSION/ REVOCATION**

**Burks, Joseph Emerson, M.D., Lic. No. E0839, Victoria**

On August 30, 2013, the Board and Joseph Emerson Burks, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Burks voluntarily and permanently surrendered his Texas medical license. Dr. Burks voluntarily surrendered his medical license due to his physical condition in lieu of further disciplinary action.

**Camati, Mirian, M.D., Lic. No. L3884, Houston**

On August 30, 2013, the Board and Mirian Camati, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Camati voluntarily and permanently surrendered her Texas medical license and was ordered to immediately cease practicing in Texas. Dr. Camati agreed not to petition the board for reinstatement of her license in lieu of further disciplinary proceedings. Dr. Camati was under investigation by the Board related to her prescribing practices. The Board found Dr. Camati is unable to practice medicine because of a medical condition and decided to surrender her license and retire from the practice of medicine rather than continue contesting the investigation.

**Covacha-Rosal, Vivina, M.D., Lic. No. E9589, West Bloomfield MI**

On June 14, 2013, the Board and Vivina Covacha-Rosal, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Covacha-Rosal voluntarily and permanently surrendered her Texas medical license. The Board found Dr. Covacha-Rosal surrendered her Michigan medical license and that she provided false information to the Board in a license renewal application.

**Daniels, Ron, D.O., Lic. No. E3246, Quitman**

On June 14, 2013, the Board and Ron Daniels, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Daniels voluntarily and permanently surrendered his Texas medical license. The Board

found Dr. Daniels self-reported a medical condition which precludes him from practicing medicine with reasonable skill and safety to patients.

**Dobson, Walter Albert, D.O., Lic. No. F2636, Grand Prairie**

On June 14, 2013, the Board and Walter Albert Dobson, D.O., entered into an Agreed Order of Revocation requiring Dr. Dobson to immediately cease practicing medicine. Dr. Dobson agreed to the order in lieu of fulfilling the terms of his 2011 suspension order.

**Dorman, John Wesley, M.D., Lic. No. D5375, Houston**

On August 30, 2013, the Board and John Wesley Dorman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Dorman voluntarily and permanently surrendered his Texas medical license. The Board found Dr. Dorman is retiring due to a medical condition which makes it difficult for him to practice medicine.

**Echols, Ben Harris, M.D., Lic. No. F6227, Houston**

On June 14, 2013, the Board and Ben Harris Echols, M.D., entered into an Agreed Order granting Dr. Echols a voluntary suspension of his medical license. The Board found Dr. Echols was convicted of seven counts of conspiracy to commit Medicare fraud and sentenced to prison for 63 months. Dr. Echols is appealing his conviction and does not admit to or deny the findings in this Agreed Order.

**Exline, Albert Lobdell, M.D., Lic. No. C2851, Austin**

On June 14, 2013, the Board and Albert Lobdell Exline, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Exline voluntarily and permanently surrendered his Texas medical license. Dr. Exline, who is 89, requested the surrender in lieu of further disciplinary action.

**Freemyer, Harold Paul, M.D., Lic. No. D6424, Helotes**

On April 12, 2013, the Board and Harold Paul Freemyer, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Freemyer voluntarily and permanently surrendered his license in lieu of further disciplinary proceedings. Dr. Freemyer was under investigation by the Board regarding alleged violations of the standard of care regarding his emergency room care of one patient. Dr. Freemyer neither agrees with nor denies the findings in this Order.

**Hamid, Stacy Elise, M.D., Lic. No. N5095, Frisco**

On April 12, 2013, the Board and Stacy Elise Hamid, M.D., entered into an Agreed Order of Voluntary Revocation requiring Dr. Hamid to immediately cease practicing medicine. Dr. Hamid indicated her desire to enter into the order in lieu of further disciplinary proceedings.

**Nguyen, Ngoc Xuan, M.D., Lic. No. J3173, Houston**

On August 30, 2013, the Board and Ngoc Xuan Nguyen, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Nguyen voluntarily and permanently surrendered his medical license and was ordered to immediately cease practicing in Texas. Dr. Nguyen agreed not to petition the board for reinstatement of his license in lieu of further disciplinary proceedings. Dr. Nguyen was under investigation by the Board regarding allegations that he operated a pain management clinic in violation of Board rules and non-therapeutically prescribed controlled substances.

**Nwora, Emmanuel Mbanefo, M.D., Lic. No. M2428, Houston**

On August 30, 2013, the Board and Emmanuel Mbanefo Nwora, M.D., entered into an Agreed Order of Suspension regarding Dr. Nwora, suspending Dr. Nwora's Texas medical license until the final disposition of the contested case currently at the State Office of Administrative Hear-

ings. The Board found Dr. Nwora is facing federal charges related to the practice of medicine and criminal proceedings related to those charges are ongoing in Federal district court.

**Potterf, Raymond Dewayne, M.D., Lic. No. E8824, San Antonio**

On August 30, 2013, the Board and Raymond Dewayne Potterf, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Potterf voluntarily and permanently surrendered his Texas medical license and agreed not to petition the Board for reinstatement in lieu of further disciplinary proceedings. Dr. Potterf was under investigation by the Board related to allegations that he non-therapeutically prescribed controlled substances to one patient and engaged in inappropriate conduct with another patient.

**Ritchey, Elizabeth Elliot, M.D., Lic. No. G6604, New Braunfels**

On June 14, 2013, the Board and Elizabeth Elliot Ritchey, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Ritchey voluntarily and permanently surrendered her license. The Board found Dr. Ritchey requested that she surrender her medical license due to her wish to retire and in lieu of litigation of allegations that she failed to practice medicine in an acceptable and professional manner.

**Sams, William Columbus, III, M.D., Lic. No. D7291, Gulfport MS**

On April 12, 2013, the Board and William Columbus Sams, III, M.D., entered into an Agreed Voluntary and Permanent Surrender Order in which Dr. Sams gave up his Texas medical license. The Board found Dr. Sams' Mississippi medical license was suspended indefinitely due to Dr. Sams' substance abuse history.

**Shook, James Bernard, D.O., Lic. No. F3336, Victoria**

On April 12, 2013, the Board and James Bernard Shook, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Shook voluntarily and permanently surrendered his license in lieu of further disciplinary proceedings. Dr. Shook was under investigation by the Board regarding his physical ability to practice medicine.

**Small, Andrew Buchanan, III, M.D., Lic. No. D6175, Dallas**

On August 30, 2013, the Board and Andrew Buchanan Small, III, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Buchanan agreed to voluntarily and permanently surrender his medical license and cease practicing in Texas in lieu of further disciplinary proceedings. Dr. Buchanan reported to the Board that he has a medical condition that precludes him from continuing in the practice of medicine and precludes him from fulfilling terms of his 2012 Mediated Agreed Order.

**Sorokolit, Walter T., M.D., Lic. No. F2456, Fort Worth**

On August 30, 2013, the Board and Walter T. Sorokolit, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sorokolit voluntarily and permanently surrendered his Texas medical license. Dr. Sorokolit requested the surrender in lieu of further disciplinary proceedings. The Board found Dr. Sorokolit resigned his clinical privileges at a medical facility during the course of an investigation by the facility and later withdrew that resignation.

**Strickland, Michael Lynn, M.D., Lic. No. G5660, Lubbock**

On August 30, 2013, the Board and Michael Lynn Strickland, M.D., entered into an Agreed Order of Suspension, suspending Dr. Strickland's license until such time as he appears before the Board and provides clear and convincing evidence that he is physically, mentally and otherwise competent to safely practice medicine. The Board found Dr. Strickland is unable to practice medicine with reasonable skill and safety to patients because of illness or as a result of a mental or physical condi-

tion.

**Weldon, Bill E., D.O., Lic. No. F4669, Fort Worth**

On April 12, 2013, the Board and Bill E. Weldon, D.O., entered into an Agreed Order of Voluntary Revocation requiring him to immediately cease practicing in Texas. Dr. Weldon, who was under investigation by the Board regarding allegations that he failed to comply with a Board Order, requested the revocation in lieu of further disciplinary proceedings.

**Wimmer, Patrick J., M.D., Lic. No. J2418, Bedford**

On June 14, 2013, the Board and Patrick J. Wimmer, M.D., entered into an Agreed Order suspending Dr. Wimmer's license until Dr. Wimmer requests in writing to have the suspension stayed or lifted and provides clear and convincing evidence that he is competent to safely practice medicine, complete all delinquent CME from the last reporting/renewal term within 60 days. The Board found Dr. Wimmer pled guilty to DWI, self-reported his criminal history, alcohol dependence, and bipolar disorder.

**Winslow, Grover Cleveland, Jr., M.D., Lic. No. C3918, Hemphill**

On August 30, 2013, the Board and Grover Cleveland Winslow, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Winslow voluntarily and permanently surrendered his medical license due to an illness or physical condition rendering him unable to practice medicine with reasonable skill and safety to patients.

**REVOCAATION**

**Dyke, Marshall James, M.D., Lic. No. D1619, Conroe**

On April 12, 2013, the Board approved a Final Order revoking the Texas medical license of Marshall James Dyke, M.D. The action was based on the findings of an administrative law judge who heard the case at the State Office of Administrative Hearings.

**Sturdivant, Ted Shawn, M.D., Lic. No. H9576, McAllen**

On September 30, 2013, the board approved a Final Order revoking the Texas medical license of Ted Shawn Strudivant, M.D. This action was based on Dr. Sturdivant's failure to comply with the terms and conditions of a confidential agreed rehabilitation order entered on December 18, 2008, and subsequently modified in 2010 and 2011. No motion for rehearing was filed with the Board, therefore the Final Order approved August 30, 2013 is effective September 30, 2013.

**Wagner, Harold Glen, D.O., Lic. No. H6679, Dallas**

On June 14, 2013, the Board entered a Final Order revoking the Texas medical license of Harold Glen Wagner, D.O. The Board found Dr. Wagner was convicted of a felony.

**CRIMINAL BEHAVIOR**

**Alexander, Bill, M.D., Lic. No. D4009, Fort Worth**

On June 14, 2013, the Board and Bill Alexander, M.D., entered into an Agreed Order publicly reprimanding Dr. Alexander and restricting Dr. Alexander to the practice of administrative medicine and prohibiting him from any practice of medicine that involves direct or indirect patient contact. In addition, Dr. Alexander is to not reregister or obtain Controlled Substances Registrations until a written authorization has been received from the Board and pay an administrative penalty in the amount of \$3,000 within 60 days. The Board found Dr. Alexander was arrested for transporting marijuana for drug traffickers and used drugs recreationally.

**Brammer, Gregory Ray, M.D., Lic. No. K5830, Tacoma, WA**

On August 30, 2013, the Board and Gregory Ray Brammer, M.D., entered into an Agreed Order publicly reprimanding Dr. Brammer and suspending Dr. Brammer's Texas medical license for a period of no less than 90 days until he requests in writing to have the suspension stayed or lifted, and personally appears before the Board and provides evidence and information that proves, at the discretion of the Board, that he is physically, mentally, and otherwise competent to safely practice medicine; within one year Dr. Brammer must complete 16 hours of CME in the topic of anger management; and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Brammer entered a plea of guilty to a charge of Harassment (Bodily Injury) and was sentenced to probation for two years in Tacoma, Washington.

**Garcia, Pedro Espinoza, Jr., M.D., Lic. No. E4345, Mission**

On August 30, 2013, the Board and Pedro Espinoza Garcia, Jr., M.D., entered into an Agreed Order publicly reprimanding Dr. Garcia and prohibiting him from administering, dispensing, prescribing or refilling a prescription for any Schedule II or III controlled substance; and surrender, within seven days, his DEA and DPS controlled substances certificates. The Board found Dr. Garcia did not renew his DPS and DEA registrations, failed to update his address and wrote prescriptions for controlled substances with an expired DEA/DPS number.

**PAIN CLINIC ACTIONS**

**St. Theresa's Outpatient Wound Clinic, Cert. No. PMC00192, Houston**

On June 14, 2013, the Board and Allan Dee Ahlschier, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Ahlschier surrendered his Pain Management Clinic Certificate for St. Theresa's Outpatient Wound Clinic in lieu of further disciplinary proceedings. The surrender requires Dr. Ahlschier to immediately cease operating the clinic.

**San Jacinto Clinic & Rehabilitation, Cert. No. PMC00269, Hoston**

On June 14, 2013, the Board entered into an Agreed Voluntary Surrender Order with Ngoc Xuan Nguyen, M.D., the holder of the pain management clinic certificate of San Jacinto Clinic & Rehabilitation. The Board accepted the voluntary and permanent surrender of the clinic's pain management clinic certificate in lieu of further disciplinary proceedings. The order required Dr. Nguyen to immediately cease operating San Jacinto Clinic & Rehabilitation as a pain clinic in Texas and withdraw any and all PMC applications, if any, currently pending before the Board.

**INADEQUATE MEDICAL RECORDS**

**Benson, Leslie Wayne, M.D., Lic. No. H2243, Dallas**

On August 30, 2013, the Board and Leslie Wayne Benson, M.D., entered into an Agreed Order requiring Dr. Benson to complete within one year 16 hours of CME, including eight hours in risk management and eight hours in medical recordkeeping; and pay an administrative penalty of \$3,000. The Board found Dr. Benson failed to maintain adequate medical records. This order resolves a formal complaint at the State Office of Administrative Hearings.

**Cwikla, Mark Joseph, M.D., Lic. No. F3878, Dallas**

On April 12, 2013, the Board and Mark Joseph Cwikla, M.D., entered into an Agreed Order requiring Dr. Cwikla to complete within one year the medical record-keeping course offered by the University of California San Diego PACE program and furnish a copy of this order to all health care entities where Dr. Cwikla has privileges. The Board found Dr. Cwikla's post-operative notes for a patient were inadequate.

**Escobar-Vazquez, Edwin, M.D., Lic. No. J1085, Dallas**

On April 12, 2013, the Board and Edwin Escobar-Vazquez, M.D., entered into an Agreed Order requiring Dr. Escobar-Vazquez to complete eight hours of CME including four hours in risk management and four hours in ethics and pay an administrative penalty of \$500 within one year. The Board found Dr. Escobar-Vazquez violated Board Rules requiring that billing codes reported on insurance claim forms or billing statements be supported by documentation in the medical record.

**Garza, Jim Santiago, M.D., Lic. No. E4347, Houston**

On June 14, 2013, the Board and Jim Santiago Garza, M.D., entered into an Agreed Order requiring Dr. Garza to within one year complete eight hours of CME including four hours in medical record-keeping and four hours in risk management and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Garza failed to maintain an adequate medical record for one patient.

**Huggins, Timothy Lebron, M.D., Lic. No. J2612, Weatherford**

On June 14, 2013, the Board and Timothy Lebron Huggins entered into an Agreed Order requiring Dr. Huggins to within one year complete 10 hours of CME including six hours in medical record-keeping and four hours in risk management. The Board found Dr. Huggins failed to maintain adequate medical records for one patient.

**Somerville, Judson Jeffrey, M.D., Lic. No. H6622, Laredo**

On April 12, 2013, the Board and Judson Jeffrey Somerville, M.D., entered into a Mediated Agreed Order requiring Dr. Somerville to have his practice monitored by another physician for four monitoring cycles. The Board found Dr. Somerville did not maintain adequate medical records in his treatment of six patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Thomas, James Herman, Jr., M.D., Lic. No. G0199, Houston**

On June 14, 2013, the Board and James Herman Thomas, Jr., M.D., entered into a Mediated Agreed Order requiring Dr. Thomas to within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program and within one year complete 16 hours of CME in the treatment of pain. The Board found Dr. Thomas failed to maintain adequate medical records. This order resolves a formal complaint filed by the Board at the State Office of Administrative Hearings.

**TEXAS ELECTRONIC DEATH REGISTRY VIOLATIONS****Hussain, Syed K., M.D., Lic. No. M1157, Brownsville**

On August 30, 2013, the Board and Syed K. Hussain, M.D., entered into an Agreed Order requiring Dr. Hussain to, within one year and three attempts, pass the Medical Jurisprudence Exam; complete 12 hours of CME, in the following topics: 8 hours in medical record keeping and 4 hours in risk management; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Hussain failed to timely certify a death certificate using the Texas Electronic Death Registry.

**VIOLATION OF BOARD RULE****Garvin, Clifford David, M.D., Lic. No. F9469, Denison**

On April 12, 2013, the Board and Clifford David Garvin, M.D., entered into an Agreed Order requiring Dr. Garvin to within one year complete 12 hours of CME including eight hours in pain management and four hours in medical record-keeping. The Board found Dr. Garvin violated rules regarding the treatment of chronic pain.

**Parveen, Shaista, M.D., Lic. No. K1612, Ukiah CA**

On April 12, 2013, the Board and Shaista Parveen, M.D., entered into an Agreed Order requiring Dr. Parveen to within 60 days complete all de-

linquent CME from the last reporting/renewal term and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Parveen failed to timely obtain and document required CME during the audit period of March 1, 2010 to February 28, 2012.

**Schwartz, John Paul, D.O., Lic. No. G0083, Marfa**

On April 12, 2013, the Board and John Paul Schwartz, D.O., entered into an Agreed Order requiring Dr. Schwartz to pass the Medical Jurisprudence Exam within one year and within three attempts, complete 48 hours of CME within one year including two hours in ethics and no more than 24 hours of self-study credits, complete eight hours of risk management CME within one year and pay an administrative penalty of \$1,500 within 60 days. The Board found Dr. Schwartz failed to timely obtain and document required CME during the audit period of December 1, 2009 to November 30, 2011.

**VIOLATION OF PRIOR ORDER****Cox, Bruce Edward, M.D., E4272, Big Spring**

On August 30, 2013, the Board and Bruce Edward Cox, M.D., entered into an Agreed Order Modifying Dr. Cox's 2012 Order, requiring Dr. Cox to notify, in writing, his compliance officer the date upon which he resumes practicing medicine, and within one year of resuming practice, complete the K-STAR or PACE program as required by his previous order. All other terms and conditions of the 2012 order remain in force. The Board found Dr. Cox failed to comply with his 2012 Order.

**Dudley, Samuel W., III, M.D., Lic. No. L4347, Harlingen**

On August 30, 2013, the Board and Samuel W. Dudley, III, M.D., entered into an Agreed Order Modifying Dr. Dudley's 2011 Agreed Order, requiring Dr. Dudley to within a year complete 30 hours of CME, in the following subjects: risk management (10 hours) and critical care and pediatric medicine (20 hours, in person). All other terms and conditions of the 2011 order remain in full force. The Board found Dr. Dudley failed to complete CME required by a previous board order.

**Henry, Bruce Allen, M.D., Lic. No. H2454, Arlington**

On June 14, 2013, the Board and Bruce Allen Henry, M.D., entered into a Mediated Agreed Order of Temporary Suspension, which suspended Dr. Henry's license until such time that Dr. Henry requests to have the suspension stayed or lifted and personally appears before the Board and provides clear and convincing evidence that he is competent to safely practice medicine. The Board found Dr. Henry was not in compliance with his 2011 Order. This Order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Perez, Michael Joseph, D.O., Lic. No. H8949, Woodville**

On August 30, 2013, the Board and Michael Joseph Perez, D.O., entered into an Agreed Order Modifying Dr. Perez's 2012 Agreed Order, which required Dr. Perez to complete 24 hours of CME, divided as follows: four hours in diagnosis and treatment of chronic pain, four hours in the practice of addiction medicine, eight hours in risk management and eight hours in medical record-keeping. The Board found Dr. Perez failed to timely prove completion of the CME required by the 2012 Order and modified the 2012 Order to allow additional time to demonstrate completion of the requirements of the 2012 Order.

**Maat, Owen Surgent, M.D., Lic. No. J5609, Bellaire**

On August 30, 2013, the Board and Owen Surgent Maat, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Maat and suspending Dr. Maat's license, staying the suspension and placing him on probation for fifteen years under the following terms and conditions: abstain from the consumption of prohibited substances, participate in the Board's drug testing program; continue participating in AA no less

than seven times a week; submit to and obtain an independent medical evaluations from a Board designated psychiatrist; complete within a year and three attempts, the Medical Jurisprudence Exam; within one year complete 16 hours of CME in the following topics: medical ethics (8 hours) and risk management (8 hours); and pay an administrative penalty of \$2,000 within 120 days. Dr. Maat's practice is also restricted under the following conditions for ten years: shall not obtain or maintain hospital privileges at more than one hospital; and shall not practice medicine beyond forty hours per week. The Board found Dr. Maat violated his prior 2004 and 2008 Orders by testing positive for alcohol on two occasions in 2011 and on multiple occasions in 2012.

## IMPAIRMENT

### **Briggs, Edward Dickon, M.D., Lic. No. L9635, San Antonio**

On August 30, 2013, the Board and Edward Dickon Briggs, M.D., entered into an Agreed Order suspending the license of Dr. Briggs, staying the suspension, and placing Dr. Briggs on probation for 10 years under the following terms and conditions: refrain from practicing medicine until he has been evaluated by a Board approved psychiatrist; he must be evaluated by a psychiatrist and follow all recommendations for continued care and treatment; for three months after returning to practice, limit his practice of medicine to no more than two days per week; after three months and during the remainder of his Order, he may not practice more than 40 hours per week; for six months after returning to practice, he shall not handle any obstetric cases or serve as the on-call physician in any capacity; his practice must be limited to a group or institutional setting with a supervising physician; abstain from the consumption of alcohol and dangerous drugs; participate in the Board's drug testing program; participate in Alcoholics Anonymous; and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Briggs was observed by hospital staff abusing and diverting Propofol for personal use while working as an anesthesiologist on a surgical team, tested positive for the presence of Propofol and benzodiazepines during a drug screen test, and admitted he had been abusing Propofol for approximately three months prior to the incident. Dr. Briggs also admitted he had been abusing alcohol.

### **Shilling, Steven Lee, M.D., Lic. No. H4699, Irving**

On April 12, 2013, the Board and Steven Lee Shilling, M.D., entered into an Agreed Order requiring Dr. Shilling to submit to an evaluation by the Texas Physician Health Program within 30 days and comply with any and all recommendations. The Board found Dr. Shilling consumed an alcoholic beverage prior to reporting to work to evaluate a patient in December 2010 and surrendered his hospital privileges while under investigation for the incident. Dr. Shilling is currently not practicing medicine and has no immediate plans to return to practice. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## OTHER STATES' ACTION

### **Cobb, Tyson King, M.D., Lic. No. J3297, Davenport IA**

On April 12, 2013, the Board and Tyson King Cobb, M.D., entered into an Agreed Order requiring Dr. Cobb to submit to the Texas Physician Health Program for an evaluation prior to practicing medicine in Texas. The Board found Dr. Cobb was disciplined by the Iowa medical board for disruptive behavior, unprofessional conduct and for performing a surgical procedure on the wrong anatomical site.

### **Farina, Gloria E., M.D., Lic. No. H0334, Vero Beach, FL**

On August 30, 2013, the Board and Gloria E. Farina, M.D., entered into an Agreed Order requiring Dr. Farina to cease practicing medicine in Texas until she provides sufficient evidence that she is competent to safely practice medicine, including proof that she has satisfied the

terms and conditions of the State of Florida Department of Health/ Board of Medicine. The Board found Dr. Farina was disciplined by the Florida Board of Medicine for inappropriately prescribing weight loss medications to a patient.

### **Lore, Steven Clarence, M.D., Lic. No. M0154, Hill Air Force Base, UT**

On August 30, 2013, the Board and Steven Clarence Lore, M.D., entered into an Agreed Order requiring Dr. Lore to cease practicing in Texas until he provides sufficient evidence and information that he is competent to safely practice medicine. The Board found Dr. Lore's clinical privileges at Hill Air Force Base were terminated based on a peer review that found his treatment of patients and medical record documentation to be below the standard of care.

### **Kufoy, Ernesto Antonio, M.D., Lic. No. K2520, De Ridder LA**

On April 12, 2013, the Board and Ernesto Antonio Kufoy, M.D., entered into an Agreed Order barring Dr. Kufoy from practicing in Texas until he requests permission in writing and provides sufficient evidence and information that he has complied with the terms of his order entered by the Louisiana State Board of Medical Examiners. The Board found Dr. Kufoy was disciplined by the Louisiana State Board of Medical Examiners for failing to monitor a patient's condition following a surgical procedure in his office that led to the patient's demise.

### **Livingstone, Edgar Franklin, M.D., Lic. No. N7636, Lake Havasu City AZ**

On April 12, 2013, the Board and Edgar Franklin Livingstone, M.D., entered into an Agreed Order barring Dr. Livingstone from practicing in Texas until he requests permission in writing, appears before the Board to orally petition for permission to resume practice and provides sufficient evidence that Dr. Livingstone is competent to safely practice medicine. The Board found Dr. Livingstone was formally disciplined by the Arizona Medical Board following charges of engaging in sexually inappropriate behavior or comments directed toward a patient.

### **Robinson, Patrick Randall, M.D., Lic. No. M9616, Ocala FL**

On June 14, 2013, the Board and Patrick Randall Robinson, M.D., entered into an Agreed Order requiring Dr. Robinson to within one year complete 12 hours of CME including five hours in chronic pain management, five hours in addiction medicine and two hours in risk management. The Board found Dr. Robinson was disciplined by the Michigan Board of Medicine for negligence in the delivery of medical care.

### **Sanders, Kenneth Wayne, M.D., Lic. No. TM00103, Shreveport LA**

On April 12, 2013, the Board and Kenneth Wayne Sanders, M.D., entered into an Agreed Order publicly reprimanding Dr. Sanders and requiring Dr. Sanders to within one year complete eight hours of CME in the topic of supervision and delegation and pay an administrative penalty of \$1,000. The Board found Dr. Sanders was disciplined by the Louisiana State Board of Medical Examiners for delegating professional medical responsibility to an unlicensed person at a diagnostic sleep facility.

### **Zapata, Helio, M.D., Lic. No. M4990, McAllen**

On June 14, 2013, the Board and Helio Zapata, M.D., entered into an Agreed Order requiring Dr. Zapata to pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Zapata was disciplined by the Illinois Department of Professional Regulation based upon an allegation of unnecessary surgical intervention.

## **TXPHP AGREEMENT VIOLATION**

### **Clark, James Allen, M.D., Lic. No. P1740, Woodville**

On June 14, 2013, the Board and James Allen Clark, M.D., entered into an Agreed Order requiring Dr. Clark to within 30 days submit to an evaluation by the Texas Physician Health Program and comply with all recommendations and pay an administrative penalty of \$500 within 60 days. The Board found Dr. Clark failed to comply with the terms of his TXPHP agreement, which led to his termination from the program.

### **Garner, William Brandt, M.D., Lic. No. N3661, Austin**

On August 30, 2013, the Board and William Brandt Garner, M.D., entered into an Agreed Order requiring Dr. Garner to within 30 days submit to the Board names of up to three board-certified psychiatrists who agree to treat him and comply with recommendations for care and treatment; abstain from the consumption of prohibited substances; participate in AA programs; limit medical practice to a group or an institutional setting that has been approved in advance; have his practice monitored by a supervising physician; refrain from treating his immediate family or prescribe to himself or immediate family any controlled substances; and complete within one year and three attempts the Medical Jurisprudence Exam. The Board found Dr. Garner, while under contract with the Texas Physician Health Program, relapsed and was terminated. Dr. Garner admitted to drinking while under contract.

### **Ghanem, Fadi George, M.D., Lic. No. H8071, The Woodlands**

On June 14, 2013, the Board and Fadi George Ghanem, M.D., entered into an Agreed Order requiring Dr. Ghanem submit to an evaluation by the Texas Physician Health Program within 30 days and comply with any and all recommendations made by TXPHP. The Board found Dr. Ghanem's agreement with the Texas Physician Health Program was terminated due to non-compliance by testing positive for alcohol once and failing to call in as required on four occasions.

### **Merriman, Garrett Lance, M.D., Lic. No. BP10040392, El Paso**

On June 14, 2013, the Board and Garrett Lance Merriman, M.D., entered into an Agreed Order requiring Dr. Merriman to within 30 days submit to the Board names of up to three board-certified psychiatrists who agree to treat him, comply with recommendations for care and treatment, abstain from prohibited substances, participate in AA or Narcotics Anonymous two times per week and participate in Caduceus once per week. The Board found Dr. Merriman failed to comply with the terms of his agreement with the Texas Physicians Health Program (TXPHP).

## **CEASE AND DESIST**

### **Beck, Jamie, Unlicensed, Houston**

On August 19, 2013 the Texas Medical Board entered a Cease and Desist Order regarding Jamie Beck prohibiting her from practicing medicine or holding herself out to be a physician. The Board found Ms. Beck had been engaging in the unlicensed practice of medicine. Specifically, Ms. Beck owned and operated a pain management clinic.

### **Duncan, John J., Ph.D., No License, Irving, TX**

On April 12, 2013, the Board and John J. Duncan entered into an Agreed Cease and Desist Order prohibiting Mr. Duncan, who does not hold a Texas medical license, from practicing medicine in Texas. The Board found Mr. Duncan indicated he is licensed to practice medicine in Texas by referencing patient consent forms on his website and implying treatment by a physician. Mr. Duncan does not admit to or deny the allegations but agreed to the order to avoid further litigation.

### **Baker, Merrimon Walters, M.D., Not Licensed to Practice Medicine**

On May 3, 2013 the Texas Medical Board entered a Cease and Desist Order regarding Merrimon Walters Baker, M.D., who does not hold a Texas medical license, prohibiting him from practicing medicine or holding himself out to be a medical doctor. The Board found Dr. Baker has engaged in the unlicensed practice of medicine by referring to himself as "Dr. Spike" and negotiating with a supplier of Medtronic devices for use in the office of Dr. Ajay Kumar Aggarwal, M.D. In addition, Dr. Baker engaged in unlicensed practice of medicine by placing needles in one patient's back as part of the implantation of a dorsal column stimulator.

### **Hacker, Bruce, Ph.D., No Medical License**

On June 14, 2013, the Board and Bruce Hacker, Ph.D., entered into an Agreed Cease and Desist Order requiring Mr. Hacker to refrain from holding himself out as "Dr. Bruce" and "Dr. Hacker" and "Dr. Bruce Hacker, Ph.D." without clearly designating that he is not a medical doctor. The Board found Mr. Hacker held himself out as a doctor without adequately disclosing that he holds a Ph.D. and is not a licensed physician.

### **Hobbins, William B., M.D., No License**

On April 12, 2013, the Board and William B. Hobbins entered into an Agreed Cease and Desist Order prohibiting Mr. Hobbins, who does not hold a Texas medical license, from practicing medicine in Texas. The Board found Mr. Hobbins interpreted breast thermography images taken by a Certified Thermology Technician in conjunction with her Texas business. The CTT informed patients that their thermology images would be reviewed by a doctor. Mr. Hobbins surrendered his license to practice medicine in Wisconsin in September 2009.

### **Hubbard, Richard, M.D., No Texas License**

On June 14, 2013, the Board and Richard Hubbard, M.D., entered into an Agreed Cease and Desist Order prohibiting Dr. Hubbard from engaging in unlicensed practice of medicine in Texas. The Board found Dr. Hubbard, who is in California, interpreted a nerve conduction study performed on a patient in Killeen.

### **Padilla, Alex, No Medical License**

On June 14, 2013, the Board and Alex Padilla entered into an Agreed Cease and Desist Order requiring Mr. Padilla to immediately cease practicing medicine. The Board received a complaint that Mr. Padilla performed liposuction and other cosmetic procedures on patients in the residence of an unlicensed person and prescribed medications to patients. Mr. Padilla did not admit to or deny the Board's findings.

### **Russ, Melissa, N.D., No Medical License**

On August 30, 2013, the Board and Melissa Russ, N.D., entered into an Agreed Cease and Desist Order requiring Ms. Russ to refrain from holding herself out as "Dr. Melissa", "Dr. Russ", "Dr. Melissa Russ", and "Dr. Melissa Russ, N.D.", without clearly designating that she is not a medical doctor. The Board received a complaint that Ms. Russ engaged in the unlicensed practice of medicine by: being referred to as a "doctor" on her employer's website and in an instructional video, without referring to what authority under which the title is used or what degree gives rise to the use of the title.

### **Tejeda, Leilani, Certified Thermology Technician**

On April 12, 2013, the Board and Leilani Tejeda entered into an Agreed Cease and Desist Order prohibiting Ms. Tejeda, who does not hold a Texas medical license, from practicing medicine in Texas. The Board found Ms. Tejeda offered diagnostic services for the detection of breast cancer and used a non-licensed physician to interpret the breast thermography images taken by Ms. Tejeda.

## NON-CERTIFIED RADIOLOGIC TECHNICIAN ACTIONS

### **Campbell, Amanda, N.C.T. Permit No. NC05296, Dallas**

On April 9, 2013, the Board entered an order of automatic suspension regarding the non-certified radiologic technician permit of Amanda Campbell. The Board suspended Ms. Campbell's permit and ordered her to cease practicing as an NCT in Texas, due to unprofessional conduct, specifically, defaulting on her student loan repayment.

### **Corona, Tony Morales, N.C.T. Permit No. NC03667, Burleson**

On May 2, 2013, the Texas Medical Board entered an order of automatic suspension regarding Tony Morales Corona, a Texas Non-Certified Radiologic Technician, barring Mr. Corona from practicing in Texas. The Board found Dr. Corona defaulted on his student loan.

### **Guerrero, Berenice, N.C.T. Permit No. NC0514, La Joya**

On May 24, 2013, the Texas Medical Board entered an order of automatic suspension regarding Berenice Guerrero, a Texas Non-Certified Technician, barring Ms. Guerrero from practicing in Texas. The Board found Ms. Guerrero defaulted on her student loan.

### **Trujillo, Sylvia Marie, N.C.T. Permit No. NC03677, Dallas**

On June 14, 2013, the Board entered a Default Order regarding Sylvia Marie Trujillo, N.C.T., revoking Ms. Trujillo's non-certified radiologic technician license. The Board found Ms. Trujillo defaulted on a student loan and failed to comply with Board requests for more information. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## Texas Physician Assistant Board Disciplinary Actions

### AUTOMATIC SUSPENSION

#### **Prentiss, Lee Harrison, P.A., Lic. No. PA00256, Houston**

On July 23, 2013, the Texas Physician Assistant Board entered an Automatic Suspension Order regarding Lee Harrison Prentiss, P.A., requiring Mr. Harrison to immediately cease practicing as a physician assistant in Texas until he requests in writing to have the suspension stayed or lifted and provides evidence that he has taken and passed the Medical Jurisprudence Exam. The Board found Mr. Prentiss in violation of his 2012 Remedial Plan.

### TEMPORARY SUSPENSION/RESTRICTION

#### **Murphy, Kasey, PA, Lic. No. PA02276, DeSoto**

On May 7, 2013, a disciplinary panel of the Texas Physician Assistant Board temporarily suspended, without notice, the license of Kasey Murphy, P.A., after determining that Ms. Murphy's continuation in the practice of medicine presents a continuing threat to the public welfare. The Board found Ms. Murphy failed to comply with the terms of her agreement with the Texas Physician Health Program, and has repeatedly tested positive for alcohol.

### VOLUNTARY REVOCATION/SURRENDER

#### **Deerfield, George O., P.A., Lic. No. PA00961, Spring**

On July 12, 2013, the Texas Physician Assistant Board and George Owen Deerfield, P.A., entered into an Agreed Order of Voluntary Revocation in which Mr. Deerfield's license was revoked and requiring Mr. Deer-

field to immediately cease practice in Texas. The Board found Mr. Deerfield failed to meet the standard of care and non-therapeutically prescribed controlled substances to patients. Mr. Deerfield agreed to the order in lieu of further disciplinary proceedings.

#### **Rivers, Robin, P.A., Lic. No. PA01031, Crystal City**

On July 12, 2013, the Texas Physician Assistant Board and Robin Rivers, P.A., entered into an Agreed Order of Voluntary Surrender requiring Ms. Rivers to immediately cease practice in Texas and voluntarily and permanently surrendering her license. The Board found that Ms. Rivers wished to voluntarily surrender her physician assistant license due to her medical condition.

### INAPPROPRIATE PRESCRIBING

#### **Alvarez, Laura, P.A., Lic. No. PA04404, Sugar Land**

On July 12, 2013, the Texas Physician Assistant Board and Laura Alvarez, P.A., entered into an Agreed Order prohibiting Ms. Alvarez from treating patients for chronic pain, within seven days surrender her DEA and DPS controlled substances registration certificates, within one year complete 16 hours of CME to be divided as eight hours in the topic of medical recordkeeping and eight hours in the topic of risk management, and within 60 days, pay an administrative penalty of \$2,000. The Board found Ms. Alvarez non-therapeutically prescribed controlled substances to 30 patients without medical need and failed to maintain adequate medical records.

#### **Gambrill, Lucille R., P.A., Lic. No. PA07167, Houston**

On July 12, 2013, the Texas Physician Assistant Board and Lucille R. Gambrill, P.A., entered into an Agreed Order requiring Ms. Gambrill to request modifications of her DEA and DPS controlled substances registration certificates within seven days; within one year complete 24 hours of CME, with eight hours in the topic of medical jurisprudence, eight hours in the topic of risk management, and eight hours in the topic of medical recordkeeping; and within 60 days, pay an administrative penalty of \$1,000. The Board found Ms. Gambrill used pre-signed prescription slips for one patient and had no supervising physician at the pain management clinic where she was employed.

#### **Mitchell, Glen A., P.A., Lic. No. PA00709, Henrietta**

On July 12, 2013, the Texas Physician Assistant Board and Glenn Alan Mitchell, P.A., entered into an Agreed Order requiring Mr. Mitchell to surrender within 30 days his DEA and DPS controlled substances registration certificates, have his practice monitored by a physician for four consecutive monitoring cycles, within one year pass the Medical Jurisprudence exam within three attempts, within one year complete eight hours of CME in the topic of ethics, within 90 days submit a copy of his supervising physician(s) written protocols, and within 180 days, pay an administrative penalty of \$500. The Board found Mr. Mitchell issued prescriptions for controlled substances without proper delegation authority and practiced without proper physician supervision.

#### **Shaw, Andrea L., P.A., Lic. No. PA06328, El Paso**

On July 12, 2013, the Texas Physician Assistant Board and Andrea Lynn Shaw, P.A., entered into a Mediated Agreed Order requiring Ms. Shaw to pass within one year the Medical Jurisprudence exam within three attempts, have her practice monitored by a physician assistant for eight consecutive monitoring cycles, within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) Program, within one year complete eight hours of CME in the topic of identifying drug-seeking behavior, 12 hours of CME in the topic of medical ethics, and eight hours in the topic of medical recordkeeping and, within six months, pay an administrative penalty of \$3,000. The Board found Ms.

Shaw prescribed controlled substances.

## QUALITY OF CARE

### **Levy, Ethan T., P.A., Lic. No. PA06397, Houston**

On July 12, 2013, the Texas Physician Assistant Board and Ethan Tadd Levy, P.A., entered into an Agreed Order prohibiting Mr. Levy from treating patients for chronic pain; requiring his practice to be monitored by a physician for eight consecutive monitoring cycles; and within one year complete 16 hours of CME, with eight hours in the topic of ethics or risk management and eight hours in the topic of medical recordkeeping. The Board found Mr. Levy did not provide alternatives to medication management for chronic pain or make referrals to specialists for chronic pain.

### **Rayside-Gribbin, Delys V., P.A., Lic. No. PA03945, Cotulla**

On July 12, 2013, the Texas Physician Assistant Board and Delys V. Rayside-Gribbin, P.A., entered into an Agreed Order requiring Ms. Rayside-Gribbin to: pass within one year the Medical Jurisprudence exam (within three attempts); complete 24 hours of CME, including 16 hours in the topic of medical recordkeeping and eight hours of CME in the topic of risk management; and, within 60 days, pay an administrative penalty of \$2,000. The Board found Ms. Rayside-Gribbin failed to meet the standard of care in the treatment of one patient.

### **Shakin, Nancy, P.A., Lic. No. PA02167, Houston**

On July 12, 2013, the Texas Physician Assistant Board and Nancy Shakin, P.A., entered into an Agreed Order requiring Ms. Shakin to surrender within seven days her DEA/DPS controlled substance certificates, within one year pass the Medical Jurisprudence exam within three attempts, within one year complete 16 hours of CME divided as follows: eight hours of CME in the topic of identifying drug-seeking behavior; and eight hours in the topic of medical recordkeeping, and within one year, pay an administrative penalty of \$2,500. The Board found that with regard to 20 patients, Ms. Shakin failed to meet the standard of care and failed to keep adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

## VIOLATION OF PRIOR BOARD ORDER

### **Modesto, Medina, P.A., Lic. No. PA01382, Tomball**

On March 8, 2013, the Texas Physician Assistant Board and Modesto Medina, P.A.-C., entered into an Agreed Order publicly reprimanding Mr. Medina and requiring Mr. Medina to pay an administrative penalty of \$5,000 within 180 days. The Board found Mr. Medina failed to complete CME required under a December 2010 Mediated Agreed Order.

# Texas State Board of Acupuncture Examiners Disciplinary Actions

## REVOCATION

### **Pena, Ruben Morin, Jr., L.Ac., Lic. No. AC00800, Corpus Christi**

On May 17, 2013, the Texas State Board of Acupuncture Examiners entered a Final Order revoking the acupuncture license of Ruben Morin Pena, Jr., L.Ac. The Board found Mr. Pena defaulted on his student load, engaged in unprofessional conduct and failed to cooperate with board staff. No motion for rehearing was filed with the Board, therefore the order dated May 17, 2013 is effective.

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