

## **Texas Medical Board Press Release**

### **FOR IMMEDIATE RELEASE**

February 14, 2014

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### **TMB suspends Houston physician**

On February 13, 2014, a disciplinary panel of the Texas Medical Board temporarily suspended, without notice, the Texas medical license of Houston physician Theodore M. Herring, Jr., M.D., after determining his continuation in the practice of medicine poses a continuing threat to public welfare. The suspension was effective immediately.

The Board found between November 6, 2013 and February 7, 2014, Dr. Herring unlawfully performed 268 abortion procedures without holding active admitting privileges at a hospital that provides obstetrical or gynecological health care services located no further than 30 miles from the location at which the abortion is performed or induced in violation of Texas Health and Safety Code 171.0031(a)(1).

On December 11, 2013, the Department of State Health Services (DSHS) conducted an unannounced inspection of a facility at which Dr. Herring admitted he was the Medical Director and the sole provider of abortion procedures. Dr. Herring also admitted that he did not have admitting privileges at a hospital within 30 miles of the facility.

On January 27, 2014, DSHS received and reviewed a Plan of Correction (POC) submitted by Dr. Herring to address the deficiencies cited by DSHS at the December 11, 2013 inspection, including, among other violations, the performance or induction of abortions without active admitting privileges at a local hospital. Dr. Herring's POC indicated he was "obtaining active admitting privileges" and held an "admitting arrangement with two other physicians." A "Complete Date" of August 31, 2014 was noted.

On February 3, 2014, DSHS sent Dr. Herring a letter indicating that the POC he submitted was insufficient to address the violations found during the December 11, 2013 inspection.

On February 7, 2014, a second unannounced inspection of the facility was conducted by DSHS to follow-up on the findings of the December 11, 2013 inspection.

The findings of the February 7, 2014 inspection include the following:

- a. Between November 6, 2013 and February 7, 2014, Dr. Herring performed 268 procedures, according to the Induced Abortion Report he submitted to the DSHS Bureau of Statistics.
- b. On January 15, 2014, Dr. Herring submitted an application for admitting privileges at Houston Methodist Willowbrook Hospital.

c. On February 7, 2014, Dr. Herring provided a letter to DSHS stating that as of February 7, 2014 he would not perform any abortion procedures until he held active admitting privileges at a local hospital.

d. Dr. Herring represented that he would present in person at Houston Methodist Willowbrook Hospital on February 10, 2014 to request temporary admitting privileges in the pendency of his application for admitting privileges.

On February 11, 2014, DSHS filed a complaint with the Board alleging that Dr. Herring had violated Texas Health and Safety Code 171.0031(a)(1). The complaint indicates that DSHS found the POC Dr. Herring submitted insufficient to demonstrate compliance with the law.

As of February 13, 2014, Dr. Herring had not completed an application for admitting privileges at Houston Methodist Willowbrook Hospital or any other hospital within 30 miles of the facility.

As of February 13, 2014, the earliest date on which Respondent's application for admitting privileges at Houston Willowbrook Hospital could be considered is March 18, 2014.

A temporary suspension hearing with notice will be held as soon as practicable with 10 days' notice to Dr. Herring, unless the hearing is specifically waived by Dr. Herring.

The temporary suspension remains in place until the Board takes further action.

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*To view disciplinary orders, visit the TMB website, click on "Look Up A License," accept the usage terms, then type in a doctor's name. Click on the name shown in the search results to view the doctor's full profile. Within that profile is a button that says "View Orders."*

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