

**Texas Medical Board
News Release
FOR IMMEDIATE RELEASE
Tuesday, February 10, 2009**

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Medical Board Disciplines 33 Doctors and Issues 399 Physician Licenses

At its February 5-6 meeting, the Texas Medical Board took disciplinary action against 32 licensed physicians; in addition, the board has issued one temporary suspension since its last meeting.

The actions included 11 violations based on quality of care; seven actions based on unprofessional conduct; one mediated agreed order modifying a prior order; three actions based on other states' actions; four actions based on inadequate medical records violations; two actions based on impairment due to alcohol or drugs or mental/physical condition; one advertising violation; and four voluntary surrenders. The board also accepted the voluntary surrender of one surgical assistant's license.

At its February 5-6 meeting, the Texas Medical Board issued **399** physician licenses.

Rule Changes Adopted

The board adopted the following rule changes that were published in the *Texas Register*:

Chapter 162. Supervision of Medical School and Physician Assistant Student: rule review and amendments to §162.1, Supervision of Medical Students.

Chapter 171. Postgraduate Training Permits: repeal of §171.7, Inactive Status.

Chapter 172, Temporary and Limited Licenses: amendments to §172.4, State Health Agency Temporary License, regarding duration of license.

Chapter 175, Fees, Penalties and Forms: amendments to §175.1, Application Fees; §175.3, Penalties.

Chapter 189, Compliance Program: rule review and amendments to §189.1, Purpose and Scope; §189.2, Definitions.

Proposed Rule Changes

Rule Review and proposed changes to the following chapter in Title 22 of the Texas Administrative Code will be published in the *Texas Register* for comment:

Chapter 183, Acupuncture: rule review and amendments to §183.2, Definitions; §183.4, Licensure; §183.7, Scope of Practice; §183.10, Patient Records; §183.20. Continuing Acupuncture Education

Chapter 166, Physician Registration: rule review and proposed changes to 166.2, Continuing Medical Education.

DISCIPLINARY ACTIONS

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

QUALITY OF CARE VIOLATIONS

Alaswad, Bashar, M.D., Lic. #K0597, Beaumont TX

On February 6, 2009, the board and Dr. Alaswad entered into an agreed order requiring that he obtain 10 hours of continuing medical education in risk management within 12 months and pay an administrative penalty of \$3,000. The action was based on his failure to review an X-ray prior to stomach surgery to determine if a tack swallowed by a child was still in the child's stomach.

Gillett, David Paul, M.D., Lic. #L3659, Bryan TX

On February 6, 2009, the board and Dr. Gillett entered into a three-year agreed order of public reprimand requiring that he obtain 10 hours of continuing medical education in emergent care and 10 hours of CME in patient communication for each year of the order. The action was based on Dr. Gillett's failure to properly evaluate and diagnose an emergency room patient who died from septic shock secondary to bowel perforation.

Gruchacz, Pamela Ann, M.D., Lic. #L2291, Juneau AK

On February 6, 2009, the board and Dr. Gruchacz entered into an agreed order requiring that she not perform biliary surgery in Texas without approval from the Board, and obtain 10 hours of continuing medical education in biliary surgery within one year. The action was based on her failure to meet the standard of care in gall bladder surgery in an 80-year-old patient, resulting in the patient's death.

Hayes, Vernon Jack, D.O., Lic. #E7973, Fort Worth TX

On February 6, 2009, the board and Dr. Hayes entered into an agreed order requiring that he obtain 20 hours of continuing medical education in pre-operative, operative and post-operative aspects of obstetric and gynecological surgery, including post-operative gynecological complications, and pay an administrative penalty of \$2,000 within 90 days. The action was based on Dr. Hayes' failure to properly treat postoperative bleeding complications in a hysterectomy patient.

LeCompte, Brian Eric, M.D., Lic. #G9615, Kingwood TX

On February 6, 2009, the board and Dr. LeCompte entered into a mediated agreed order requiring that Dr. LeCompte complete the professional boundaries course offered by Vanderbilt University, or an equivalent, and obtain 20 hours of continuing medical education in pain management. The action was based on Dr. LeCompte's prescribing multiple narcotics without adequate medical records and his failure to demonstrate sound clinical judgment in recording treatment objectives for a patient he sometimes saw outside the office setting.

Nguyen, Thuan Trong, Lic. #J2237, Houston TX

On February 6, 2009, the board and Dr. Nguyen entered into an agreed order requiring that within one year Dr. Nguyen complete 10 hours of continuing medical education in risk management. The action was based on Dr. Nguyen's taking 70 days to notify a patient of the very serious nature of CT and MRI results.

Reddy, Sunil K., M.D., Lic. #J4984, Conroe TX

On February 6, 2009, the board and Dr. Reddy entered into an agreed order requiring that within one year Dr. Reddy obtain eight hours of continuing medical education in medical recordkeeping and within 90 days pay an administrative penalty of \$1,500. The action was based on Dr. Reddy's failure to properly document reasons for performing a colonoscopy on a 91-year-old patient so quickly after the initial consult; not waiting for the results of less risky treatment recommendations; not being as anxious to address the stone visualized in the common bile duct as he was to treat a diagnosis of constipation; and not using any screening labs such as CBC, stool guiac, prior to the colonoscopy.

Rodriguez, Ricardo Mateo, M.D., Lic. #E8858, Lubbock TX

On February 6, 2009, the board and Dr. Rodriguez entered into an agreed order requiring that within one year Dr. Rodriguez obtain 10 hours of continuing medical education in risk management and 10 hours in medical recordkeeping and within 90 days pay an administrative penalty of \$1,000. The action was based on Dr. Rodriguez's failure to properly document x-ray findings and failure to properly diagnose a neck injury in a patient.

Sitomer, Charles I., M.D., Lic. #G7341, Katy TX

On February 6, 2009, the board and Dr. Sitomer entered into an agreed order requiring that within one year Dr. Sitomer obtain 10 hours of continuing medical education in medical recordkeeping; that within 60 days he submit written office protocols for patient identification and verification and procedure verification for in-office procedures. The action was based on Dr. Sitomer's performing a vasectomy on the wrong patient.

Ward, Phillip Andrew, D.O., Lic. #L6710, Anahuac TX

On February 6, 2009, the board and Dr. Ward entered into an agreed order requiring that he have a practice monitor for one year; and obtain 16 hours continuing medical education in risk management, 16 hours CME in office-based procedures, and eight hours CME in medical recordkeeping. The action was based on his improper treatment of an ankle injury and his failure to release records for the patient.

Wright, Mark Lee, M.D., Lic. # H4810, Lewisville TX

On February 6, 2009, the board and Dr. Wright entered into a Mediated Modified Agreed Order of public reprimand requiring that he abstain from prohibited substances; have a practice monitor for two years; continue care and treatment of a psychiatrist; complete the Annual Advances in Internal Medicine course offered by the University of California San Francisco; notify the board if he wishes to change his practice responsibilities; attend Alcoholics Anonymous; obtain a mobile drug and formulary reference device; and pay an administrative penalty of \$5,000 within 300 days. The action was based on Dr. Wright's failure to meet the standard of care in treating seven patients while impaired by alcohol in 2001 and 2002.

UNPROFESSIONAL CONDUCT VIOLATIONS

Campo, Jose, M.D., Lic. #E1524, Boca Raton FL

On February 6, 2009, the board and Dr. Campo entered into an agreed order requiring that he obtain all required continuing medical education, including ethics, for the March 1, 2006, through February 28, 2008, renewal period within 90 days. The action was based on Dr. Campo's failure to obtain required CME, including two hours of ethics, during that period.

Davies, Dale Curtis, M.D., Lic. #K1409, Sherman TX

On February 6, 2009, the board and Dr. Davies entered into a mediated agreed order requiring that Dr. Davies pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Davies' not appropriately responding to a question on his license renewal registration regarding his arrest for driving while intoxicated.

Facello, James Anthony, D.O., Lic. #K3723, Marshall TX

On February 6, 2009, the board and Dr. Facello entered into an agreed order of public reprimand requiring that Dr. Facello enroll in and successfully complete the professional boundaries course offered by Vanderbilt Medical Center for Professional Health or the similar course offered by the University of California San Diego Physician Assessment and Clinical Education ("PACE") program; obtain an independent medical evaluation within 90 days; remain in the care of a treating psychiatrist; and pay an administrative penalty of \$5,000 within 180 days. The action was based on Dr. Facello's having a consensual sexual relationship with a patient while continuing to treat and prescribe to the patient.

Gomez, Minerva Pinon, M.D., Lic. #H3677, Dallas TX

On February 6, 2009, the board and Dr. Gomez entered into a three-year agreed order of public reprimand requiring that Dr. Gomez take and pass the Texas Medical Jurisprudence Examination within one year; limit her practice to a group or institutional setting; obtain 32 hours of continuing medical education in family practice and 10 hours in medical recordkeeping within one year; obtain 50 hours of Category I continuing medical education in years two and three; and revise her physician profile to indicate that she is not board certified. The action was based on Dr. Gomez's operating an unlicensed retail pharmacy, providing and/or charging patients for medications from her office practice location.

Isern, Reuben A., M.D., Lic. # E8585, Beaumont TX

On February 6, 2009, the board and Dr. Isern entered into an agreed order requiring that within one year he obtain 30 hours of continuing medical education in ethics or risk management and that he take and pass the Texas Medical Jurisprudence Examination. The action was based on Dr. Isern's failure to provide medical records and failure to cooperate with board staff.

Lloyd, Alan T., M.D., Lic. #J6160, San Antonio TX

On February 6, 2009, the board and Dr. Lloyd entered into an agreed order of public reprimand requiring that, within one year, Dr. Lloyd successfully complete either the professional boundaries course offered by the Vanderbilt Center for Professional Health or the similar course offered by the University of Southern California San Diego Physician Assessment and Clinical Education course; take and pass the Texas Medical Jurisprudence examination within three

attempts; and within 90 days pay an administrative penalty of \$10,000. The action was based on Dr. Lloyd's having a sexual relationship with a patient and inappropriately prescribing dangerous drugs or controlled substances to that patient.

Waller, Stephen Frank, M.D., Lic. #F8724, Conroe TX

On February 6, 2009, the board and Dr. Waller entered into an agreed order requiring that within one year Dr. Waller obtain 20 hours of continuing medical education in medical recordkeeping; within one year he take and pass the Texas Medical Jurisprudence Examination; and within 60 days he pay an administrative penalty of \$2,500. The action was based on Dr. Waller's failure to provide medical records in response to a board subpoena and failure to cooperate with a board investigation.

MEDIATED AGREED ORDER MODIFYING PRIOR ORDER

Rhodes, Ernesto Philip, M.D., Lic. #J3886, Midland TX

On February 6, 2009, the board and Dr. Rhodes entered into a mediated agreed order modifying prior order staying Dr. Rhodes' automatic suspension order of January 15, 2008, and extending his agreed order of August 13, 2004, 15 years from the date of this order; requiring that he obtain 10 hours of continuing medical education in obstetrics and gynecology within 90 days; observe gynecological surgery once a week for a period of 90 days; receive an independent medical evaluation by a board certified psychiatrist who is also an addictionologist; abstain from consumption of prohibited substances; participate in the board's drug-testing program; and pay an administrative penalty of \$1,000 within 180 days. The action was based on his compliance with the terms of his temporary suspension order.

ACTIONS BASED ON OTHER STATES' ACTIONS

Gilmore, Kathleen Mary, M.D., Lic. #M4094, Plymouth, MI

On February 6, 2009, the board and Dr. Gilmore entered into an agreed order requiring that Dr. Gilmore pay an administrative penalty of \$1,000. The action was based on the Illinois Department of Financial and Professional Regulation's action against Dr. Gilmore for allowing a prescription to be issued under her name to a patient she did not see.

Kobs, Darcey Gus Jr., M.D., Lic. #D2565, Hattiesburg MS

On February 6, 2009, the board and Dr. Kobs entered into an agreed order of voluntary surrender. The action was based on action by the Mississippi State Board of Medical Licensure.

Rea, Gary Lynn, M.D., Lic. #E6576, Columbus OH

On February 6, 2009, the board and Dr. Rea entered into an agreed order requiring him to pay an administrative penalty of \$1,000 within 90 days. The action was based on action taken by the North Carolina board based on a malpractice settlement in Ohio.

INADEQUATE MEDICAL RECORDS

Badea-Mic, Daniela, M.D., Lic. #J6863, Corpus Christi TX

On February 6, 2009, the board and Dr. Badea-Mic entered into an agreed order requiring that

Dr. Badea-Mic obtain eight hours of continuing medical education in medical record-keeping and eight hours of CME in diagnosing psychiatric disorders. The action was based on Dr. Badea-Mic's failure to properly document diagnoses and her medical reasoning for the drugs and dosages she prescribed for three psychiatric patients.

Crouch, Mark C., D.O., Lic. #H6139, Hamilton TX

On February 6, 2009, the board and Dr. Crouch entered into an agreed order requiring that he have a practice monitor for six month; obtain 10 hours of continuing medical education in risk management and 10 hours in medical recordkeeping within one year; and pay an administrative penalty of \$1,000 within 60 days. The action was based on Dr. Crouch's failure to have proper documentation to support his prescribing a diuretic to, and discussing the risks of low potassium levels as a possible side effect of diuretic use with, a weight management patient.

Snow, Robert Glenn, D.O., Lic. #H8420, Hurst TX

On February 6, 2009, the board and Dr. Snow entered into an agreed order requiring that Dr. Snow attend the University of Southern California San Diego Physician Assessment and Clinical Education medical recordkeeping course or 20 hours of continuing medical education in medical recordkeeping. The action was based on Dr. Snow's failure to properly document postoperative care in a Lap-Band surgery patient.

Yusuf, Qaiser Jamal, M.D., Lic. #J1818, Baytown TX

On February 6, 2009, the board and Dr. Yusuf entered into an agreed order requiring that he pay an administrative penalty of \$2,000 within 60 days, while keeping all provisions of his December 8, 2008, agreed order. The action was based on Dr. Yusuf's failure to document justification for EMGs on one patient.

IMPAIRMENT DUE TO ALCOHOL OR DRUGS

Boyles, Rick Allen, M.D., Lic. #J6345, Jasper TX

On February 6, 2009, the board and Dr. Boyles entered into an agreed order requiring that he remain in the board's drug-testing program until August 25, 2016; abstain from consuming all prohibited substances; continue to participate in Alcoholics Anonymous and Narcotics Anonymous; not treat his immediate family or prescribe drugs with addictive potential to himself or family members. In addition, the order lays out conditions for his possession and prescribing of dangerous drugs and controlled substances. He is allowed to practice outside an institutional setting but must notify the board of any change in practice setting; he may delegate to a surgical assistant, physician assistant or advanced practice nurse. The action was based on his compliance with a previous order and his need to change practice setting.

Coleman, Brent J., D.O., Lic. #G3241, Laguna Vista TX

On January 21, 2009, after notice and hearing, the board entered an Automatic Suspension Order for an indefinite period against Brent J. Coleman, D.O., for violations of a 2008 Agreed Order, which required, among other provisions, that Dr. Coleman submit to random alcohol and drug screenings to ensure abstinence. The immediate suspension of Dr. Coleman's license was based on his violation of the 2008 order as evidenced by positive tests, some of which were at

extremely high levels, for EtG (an alcohol metabolite) on eight occasions within an approximate six-week period from December 2008 through early January 2009.

ADVERTISING VIOLATION

Carter, Richard Alan, D.O., Lic. #G6913, Arlington TX

On February 6, 2009, the board and Dr. Carter entered into an agreed order requiring that Dr. Carter revise and clarify his advertising to remove false, misleading, unsubstantiated or exaggerated claims, and pay an administrative penalty of \$5,000. The action was based on Dr. Carter's deceptive advertisements for a weight-loss product and claims that he is "America's weight-loss doctor" and one of the most "successful bariatric surgeons in the nation."

VOLUNTARY SURRENDERS/REVOCATIONS

Crandall, Dora Busby, M.D., Lic. #G5884, New Braunfels TX

On February 6, 2009, the board and Dr. Candall entered into an agreed order of voluntary surrender of her license. The action was based on Dr. Crandall's desire to avoid further investigations, hearings, and the expense and inconvenience of litigation.

Pope, Donald Delmer, M.D., Lic. #F4386, Brownwood TX

On February 6, 2009, the board and Dr. Pope entered into an agreed order of voluntary revocation of Dr. Pope's license. The action was based on Dr. Pope's plea of guilty to felony charges of aggravated sexual assault of a child.

Rao, Narasimha S., M.D., Lic. #E7716, Marion IL

On February 6, 2009, the board and Dr. Rao entered into an agreed order of voluntary surrender of his Texas medical license. The action was based on adverse action reports to the National Practitioner Data Bank based on the Veteran's Affairs Medical Center in Marion, IL, revoking Dr. Rao's medical privileges.

Wheeler, Douglas Wayne, M.D., Lic. #F8731, Glenmora LA

On February 6, 2009, the board and Dr. Wheeler entered into an agreed order in which he permanently and voluntarily surrendered his Texas medical license. The action was based on Dr. Wheeler's noncompliance with previous orders and findings that he is unable to practice medicine with reasonable skill and safety due to his medical condition.

SURGICAL ASSISTANT

Cassles, David Dale, SA Lic. #00112

On February 6, 2009, the board and Mr. Cassles entered into an agreed order of voluntary surrender of his surgical assistant's license. The action was based on Mr. Cassles' desire to avoid further investigations, hearings, and the expense and inconvenience of litigation.