

**Texas Medical Board  
News Release  
FOR IMMEDIATE RELEASE  
Thursday, October 16, 2008**

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**Medical Board Disciplines 34 Doctors and Issues 276 Physician Licenses**

At its October 9-10 meeting, the Texas Medical Board took disciplinary action against 34 licensed physicians.

The actions included three violations based on quality of care; two actions based on unprofessional conduct; one action based on violation of probation or prior order; one action that terminated a prior suspension; two actions based on other states' actions; one action based on inadequate medical records violations; two actions based on impairment due to alcohol or drugs or mental/physical condition; five actions based on non-therapeutic prescribing; two actions based on failure to properly supervise or delegate; two actions based on criminal convictions; three voluntary surrenders; and 10 licensees agreed to enter into administrative orders with the Board for minimal statutory violations. In addition, the board issued two cease and desist orders against unlicensed individuals.

At its October 9-10 meeting, the Texas Medical Board issued 276 physician licenses.

**Rule Changes Adopted**

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

**Chapter 173, Physician Profile:** §173.1, *Profile Contents*. Amendment regarding publishing the name as the physician wishes it to be published; year of birth; mailing address.

**Chapter 185, Physician Assistants:** §185.2 *Physician Assistant Definitions*. Amendment regarding definition of supervising physician.

**Proposed Rule Changes**

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

**Chapter 163, Licensure:** amendment to §163.5 regarding licensure documentation.

**Chapter 166, Physician Registration:** proposed amendment to §166.1-166.6 regarding continuing medical education credits.

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

**Chapter 175, Fees, Penalties and Forms:** proposed amendment to §175.1 regarding surgical assistant fees; proposed amendment to §175.3 regarding penalties.

**Chapter 187, Procedural Rules:** proposed amendment to §187.18 will be published;

amendment to Section L, approved at the August board meeting, was withdrawn and will be returned to stakeholders for input prior to final publication.

## **DISCIPLINARY ACTIONS**

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

## **QUALITY OF CARE VIOLATIONS**

### **Agarwal, Virendra Kumar, M.D, Lic. #L7293, Gainesville, TX**

On October 10, 2008, the Board and Dr. Agarwal entered into an Agreed Order requiring that within one year Dr. Agarwal complete 10 hours of continuing medical education in medical record-keeping and at least three hours in treatment of orthopedic injuries for primary care physicians. The action was based on Dr. Agarwal's incomplete documentation in the medical record of one patient.

### **Harkins, Anna Marie Jr., D.O., Lic. #F7257, Pasadena, TX**

On October 10, 2008, the Board and Dr. Harkins entered into an Agreed Order requiring that she do the following: within one year of the order, obtain 10 hours of continuing medical education in medical record-keeping; within two years enroll in and successfully complete the physician-patient communications course offered by the University of California-San Diego Physician Assessment and Clinical Education (PACE) program or an equivalent course; within two years, obtain at least 50 hours of CME in the area of continuing cardiac care; perform 50 hours of non-medical community service; and pay an administrative penalty of \$2,500. The action was based on Dr. Harkins' failure to meet the standard of care in the treatment of a cardiac patient with regard to the patient's follow-up care and treatment plan.

### **Phillips, Gregory K., M.D., Lic. #H6511, Fort Worth, TX**

On October 10, 2008, the Board and Dr. Phillips entered into an Agreed Order requiring that he pay an administrative penalty of \$1,000 within 30 days. The action was based on Dr. Phillips' allowing the use of pre-signed prescriptions for controlled substances and failure to maintain control of those prescriptions.

## **UNPROFESSIONAL CONDUCT VIOLATIONS**

### **Dhiman, Nitin Paul, M.D., BP1-0027126, Lubbock, TX**

On October 10, 2008, the Board and Dr. Dhiman entered into an Agreed Order requiring Dr. Dhiman pay an administrative penalty of \$1,000 within 20 days. The action was based on Dr. Dhiman's altering and fabricating documents from his residency program at Texas Tech University sent to a University of Connecticut family residency program.

### **Patel, Vijesh, M.D., Lic. #K1616, Port Neches, TX**

On October 10, 2008, the Board and Dr. Patel entered into an Agreed Order requiring Dr. Patel to pay an administrative penalty of \$250 within 60 days. The action was based on Dr. Patel's inadequate communication with a patient regarding a dispute over the necessity of the patient's need for a seizure alert service animal.

## **VIOLATION OF PROBATION OR PRIOR ORDER**

**Derusha, Martin Allyn Jr., D.O., Lic. #K0454, Fort Worth, TX**

On October 10, 2008, the Board and Dr. Derusha entered into an Agreed Order of Revocation of his medical license. The action was based on Dr. Derusha's failure to comply with terms of 2004 and 2006 board orders following his DWI arrests.

**TERMINATION OF SUSPENSION**

**Michael Dean Smith, M.D., Lic. #F4545, Houston, TX**

On October 10, 2008, the Board and Dr. Smith entered into a Mediated Agreed Order that terminated the suspension of his license and placed him on probation, subject to the following terms, for 15 years: he shall abstain from consumption of prohibited substances; participate in the Board's drug testing program; continue treatment with his psychiatrist; continue to participate in AA and a county medical society physician health and rehabilitation committee; not treat his immediate family; limit his practice to his current employment setting; limit his practice to no more than 45 hours a week; and perform 60 hours of community service. The action was based on a provision in his suspension order allowing him to request termination of suspension provided he could present evidence that he is competent to safely practice medicine.

**ACTIONS BASED ON OTHER STATES' ACTIONS**

**Sridharan, Palur V., M.D., Lic. #H7236, Rawlins, WY**

On October 10, 2008, the Board and Dr. Sridharan entered into an Agreed Order requiring that he comply with all provisions of an order issued by the Wyoming Board of Medicine and report any modifications or termination of the order to the Texas board. The action was based on an order entered by the Wyoming board that found Dr. Sridharan failed to meet the standard of care in an aorta-femoral bypass graft surgery.

**Tiemann, William, M.D., Lic. #T-M00124, Houma, LA**

On October 10, 2008, the Board and Dr. Tiemann entered into an Agreed Order requiring that he comply with all provisions of orders issued by the Kentucky and Georgia licensing boards and report any other state board's action related to substance abuse, and requiring him to pay an administrative penalty of \$1,000 within 180 days. The action was based on actions taken in Kentucky, Georgia and Missouri based on his arrest for DUI and subsequent charges of reckless operation of a vehicle in New Orleans, LA.

**INADEQUATE MEDICAL RECORDS**

**Kareh, Victor, M.D., Lic. #H9023, Conroe, TX**

On October 10, 2008, the Board and Dr. Kareh entered into an Agreed Order requiring that he obtain eight hours of CME in medical record-keeping and eight hours in CPT coding. The action was based on his failure to sufficiently document the billing code for a procedure.

**IMPAIRMENT DUE TO ALCOHOL OR DRUGS OR MENTAL/PHYSICAL CONDITION**

**Cornette, Marvin Clifford, M.D., Lic. #F9328, Dallas, TX**

On October 10, 2008, the Board and Dr. Cornette entered into an Agreed Order suspending his

license for not less than one year, after which he may petition for reinstatement upon showing evidence, that at a minimum, must include: one year of sobriety; a report from a treating psychiatrist that he can safely practice; regular participation in AA and similar recovery programs; regular independent negative drug screens; and that he comply with deferred adjudication terms set out by the court. The action was based on his unlawfully obtaining a controlled substance from a pharmacy, for which he was arrested and for which he received deferred adjudication.

**Longmoor, Charles Erle, M.D., Lic. #J4307, Dallas, TX**

On October 10, 2008, the Board and Dr. Longmoor entered into an Agreed Order of Suspension. The action was based on Dr. Longmoor's violation of a previous order requiring that he abstain from the use of prohibited substances and his failure to disclose relevant information to the board.

## **NONTHERAPEUTIC PRESCRIBING**

**Dunn, David Todd, M.D., Lic. #M0709, Burleson, TX**

On October 10, 2008, the Board and Dr. Dunn entered into an Agreed Order requiring that, within one year of the order, he obtain 15 hours of continuing medical education in pain management and drug seeking behavior and 10 hours in medical record-keeping. The action was based on his writing a prescription for hydrocodone for a patient without a physical examination after the patient's four-month absence from a treatment program.

**Launius, John A., M.D., Lic. #H2149, Lewisville, TX**

On October 10, 2008, the Board and Dr. Launius entered into an Agreed Order requiring that he take and pass the Special Purpose Examination within one year; that he have a chart monitor; and that within one year, he take the physician prescribing course offered by the University of California-San Diego Physician Assessment and Clinical Education (PACE) program or an equivalent course. The action was based on Dr. Launius' prescribing Adipex, Adderal and Armour Thyroid to patients when such medications were not indicated.

**Le, Nhi P., M.D., Lic. #K9105, Port Lavaca, TX**

On October 10, 2008, the Board and Dr. Le entered into an Agreed Order requiring that, within one year of the order, she obtain 10 hours of CME in ADHD and 10 hours on chronic pain and that she have a physician monitor designated by the board who will review patient records. The action was based on violations regarding documentation and prescription of stimulants.

**Matwijiw, Igor, M.D., Lic. #J4910, Webster, TX**

On October 10, 2008, the Board and Dr. Matwijiw entered into an Agreed Order requiring that, within one year of the order, he obtain eight hours of CME in medical record-keeping or risk management. The action was based on Dr. Matwijiw's failure to document properly that he dispensed a sample of Apidra to a patient, and failure to document warnings and instructions that he gave the patient regarding its use.

**Shaughnessy, Dennis M., M.D., Lic. #F7913, Midland, TX**

On October 10, 2008, the Board and Dr. Shaughnessy entered into a five year Agreed Order of public reprimand requiring that Dr. Shaughnessy have a practice monitor and that, within one year, he obtain 25 hours of CME in assessing, diagnosing and treating substance abuse. The action was based on Dr. Shaughnessy's failure to take appropriate action in response to a patient's aberrant behavior related to pain medication prescribed by Dr. Shaughnessy.

## **FAILURE TO PROPERLY SUPERVISE OR DELEGATE**

### **Boecker, Anna Marie, M.D., Lic. #K1162, New Braunfels, TX**

On October 10, 2008, the Board and Dr. Boecker entered into an Agreed Order requiring that within one year Dr. Boecker take and pass the Medical Jurisprudence Examination within three attempts and pay an administrative penalty of \$2,000. The action was based on Dr. Boecker's allowing an unlicensed physician to practice medicine in her office.

### **Reddy, Srilatha A., M.D., Lic. #L3089, Grand Prairie, TX**

On October 10, 2008, the Board and Dr. Reddy entered into an Agreed Order requiring that she pay an administrative penalty of \$2,000 within 180 days. The action was based on Dr. Reddy's allowing a Women's Health Care Nurse Practitioner, whose license limited her treatment to women, to treat a male patient.

## **ACTIONS BASED ON CRIMINAL CONVICTIONS**

### **Kim, Michael D., M.D., Lic. #F0544, Houston, TX**

On October 10, 2008, the Board and Dr. Kim entered into an Agreed Order of Revocation of his medical license. The action was based on Dr. Kim's having been found guilty on 17 counts of healthcare fraud relating to false or fraudulent certificates for motorized wheelchairs.

### **Rothenberg, Gayle Anne, M.D., Lic. #F3341, Houston, TX**

On October 10, 2008, the Board and Dr. Rothenberg entered into an Agreed Order of Revocation of her medical license. The action was based on her felony convictions for conspiracy, mail fraud, misbranding a drug for sale and lying to federal agents.

## **VOLUNTARY SURRENDERS**

### **Cohen, Richard, M.D., Lic. #D3187, El Paso, TX**

On October 10, 2008, the Board and Dr. Cohen entered into an Agreed Order of Voluntary Surrender. The action was based on the board's finding that Dr. Cohen failed to properly interpret an abdominal computerized tomography scan, resulting in a significant delay in diagnosis and treatment of malignant fibrous histiocytoma.

### **Weiner, Benjamin, M.D., Lic. #C8018, Angleton, TX**

On October 10, 2008, the Board and Dr. Weiner entered into an Agreed Order of Voluntary Surrender. The action was based on health issues that preclude him from practicing medicine.

### **Werner, Peter W., M.D., Lic. #D6559, Austin, TX**

On October 10, 2008, the Board and Dr. Werner entered into an Agreed Order of Voluntary Surrender. The action was based on his failure follow pain guidelines in prescribing narcotics to several patients.

## **ADMINISTRATIVE ORDERS/MINIMAL STATUTORY VIOLATIONS**

Ten licensees agreed to enter into administrative orders with the Board for minimal statutory violations.

## **CEASE AND DESIST ORDERS**

**Brunken, Robert Byrt, M.D., Dallas, TX**

On October 10, 2008, the Board and Dr. Brunken, who voluntarily and permanently surrendered his medical license on May 8, 2007, entered into an Agreed Cease and Desist Order. The order was based on Dr. Brunken having written five prescriptions for controlled substances and two prescriptions for dangerous drugs between June 1 and June 27, 2007. Dr. Brunken also ordered a dangerous drug and syringes eight times between December 18, 2007, and July 11, 2008. Dr. Brunken agreed to the order, which required him to immediately halt all such activity.

**Osei, Joseph, Ph.D., Fort Worth, TX**

On October 10, 2008, the Board and Dr. Osei, who does not hold a license to practice medicine in Texas, entered into an Agreed Cease and Desist Order. The order was based on Dr. Osei's alleged representation of himself as a medical doctor in advertisements in the public domain, and his alleged treatment of patients as a physician in Fort Worth. Dr. Osei denied the allegations but agreed to the order, which requires him to immediately halt all such activity.