

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

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TMB disciplines 30 physicians at December meeting, adopts rule changes

At its December 6, 2019 meeting, the Texas Medical Board disciplined 30 licensed physicians.

The disciplinary actions included: seven orders related to quality of care violations, three orders related to unprofessional conduct, two voluntary surrenders/revocations, one revocation, one suspension, one restriction, one order related to nontherapeutic prescribing, three orders related to improper prescribing, two orders related to peer review action, two orders related to other states' actions, two orders related to violation of prior order, two orders related to violation of Board rules, and three orders related to inadequate medical records

The Board issued 187 physician licenses at the December meeting, bringing the total number of physician licenses issued in FY20 to 1,001.

RULE CHANGES ADOPTED

CHAPTER 163. LICENSURE

The amendments to **§163.13**, concerning Expedited Licensure, allows the Board to develop an expedited licensing process for certain applicants who also hold an out-of-state license in good standing. The amendments implement a legislative mandate in H.B. 1504 (86th Regular Legislative Session).

CHAPTER 182. USE OF EXPERTS

The amendments to Chapter 182, Use of Experts, 22 TAC **§§182.1, 182.3, 182.5, and 182.8**. The Board repealed §§182.2, 182.4, 182.6, and 182.7, for the purpose of restructuring Chapter 182.

The amendments to **§182.1**, relating to Purpose, is amended to clarify the scope of the rule and its applicability.

The amendments to **§182.3**, relating to Definitions, is amended to clarify definitions relating to role, purpose, and scope of various professionals utilized by the board.

The amendments to **§182.5**, relating to Expert Panel, is renamed "Expert Reviewer Qualifications" and amended to delete obsolete language and to change the order of identified certifying boards.

The amendments to **§182.8**, relating to Expert Physician Reviewers, deletes obsolete language regarding the processes and procedures applicable to the expert physician reviewers. The amendments to §182.8 implement the legislative mandate passed in HB 1504 (86th Regular Legislative Session) relating to expert panel reports and providing each reviewer report to the affected licensee and the content of each report. This amendment also adds language requiring notice to the panel when a case involves Complementary and Alternative Medicine.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Peel, Garrett Keith, M.D., Lic. No. N3987, Houston

On December 6, 2019, the Board and Garrett Keith Peel, M.D., entered into an Agreed Order lifting the restriction on Dr. Peel's medical license and placing him under the following terms: he shall have his practice as it relates to any and all breast procedures and associated billing/coding monitored by two physicians for 12 consecutive monitoring cycles; within one year complete at least 12 hours of CME, divided as follows: four hours in risk management and eight hours in billing and coding medical procedures; and within 60 days pay an administrative penalty of \$10,000. The Board found Dr. Peel violated the applicable standard of care in his treatment of two patients and the Board panel found evidence of a pattern of billing/coding violations.

Rao, Seshagiri, M.D., Lic. No. G0803, Plano

On December 6, 2019, the Board and Seshagiri Rao, M.D., entered into a Mediated Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; and within one year complete at least four hours of CME in identifying and treating pediatric fungal infections. The Board found Dr. Rao failed to meet the standard of care by using antimicrobial agents for inappropriate indications and in an excessive and undisciplined manner. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Sami, Shehzad, M.D., Lic. No. M7590, Baytown

On December 6, 2019, the Board and Shehzad Sami, M.D., entered into a Mediated Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in cardiac asthenia/management of complicated cardiac cases. The Board found Dr. Sami failed to document alternative diagnostic tests and less invasive treatments offered to a patient who was diagnosed with a rare genetic ailment. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Strickland, James Leland, M.D., Lic. No. L3490, The Woodlands

On December 6, 2019, the Board and James Leland Strickland, M.D., entered into a Mediated Agreed Order requiring him within one year to complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME in cardiac asthenia/management of complicated cardiac cases. The Board found Dr. Strickland did not document in his medical records the recommendations and counseling efforts he made to a patient prior to an implantable cardioverter defibrillator (ICD) implantation. The patient refused the additional diagnostic testing and elected instead to treat the suspected ailment with implantation of an ICD. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Umair, Sonober, M.D., Lic. No. N7363, Houston

On December 6, 2019, the Board and Sonober Umair, M.D., entered into an Agreed Order publicly reprimanding Dr. Umair and requiring her to within one year complete 24 hours of CME, divided as follows: eight hours in recognizing/identifying child abuse, eight hours in medical recordkeeping, four hours in risk management and four hours in ethics; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Umair failed to appropriately address concerns of possible child abuse and referred a patient to a child psychologist for an interview, rather than reporting to CPS on the day the patient was examined.

Velasquez, Michael A., M.D., Lic. No. L2726, El Paso

On December 6, 2019, the Board and Michael A. Velasquez, D.O., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in medical professionalism. The Board found Dr. Velasquez did not see a patient for three days following their admission to a hospital.

Watson, Michael Q., M.D., Lic. No. G6770, Seminole

On December 6, 2019, the Board and Michael Q. Watson, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in drug-seeking behavior and eight hours in prescribing controlled substances; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr.

Watson prescribed stimulants with depressants to patients and failed to properly document the rationale, risks, and benefits of these medications.

UNPROFESSIONAL CONDUCT

Butler, David Tanksley, M.D., Lic. No. K4866, Austin

On December 6, 2019, the Board and David Tanksley Butler, M.D., entered into an Agreed Order, lifting the suspension of Dr. Butler's license, and placing him under the following terms: shall not see, examine, treat, prescribe to, provide consultation for, or otherwise practice medicine on female patients, including telemedicine; shall not see, examine, treat, prescribe to, provide consultation for, or otherwise practice medicine on male patients under the age of 18, including telemedicine; within seven days surrender his DEA controlled substances registration certificates and shall not reregister without prior Board approval; shall not possess, administer, or prescribe controlled substances in Texas other than those written to him by a licensed provider for personal use; obtain an independent medical evaluation by an approved Board-certified psychiatrist and follow all recommendations for care and treatment; have his practice monitored by another physician for four consecutive monitoring cycles; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Butler displayed unprofessional conduct by engaging in inappropriate personal relationships with several female patients, failed to maintain confidentiality, prescribed medications, including controlled substances, to patients with whom he was personally involved and nontherapeutically prescribed controlled substances and/or dangerous drugs to several patients without medical justification.

Morrow, Joe Wayne, D.O., Lic. No. H4566, Cedar Park

On December 6, 2019, the Board and Joe Wayne Morrow, D.O., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management; and within 60 days pay an administrative penalty of \$500. The Board found Dr. Morrow failed to respond to the Board's request for information within 10 days. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Ruiz, Roberto, Jr., M.D., Lic. No. P7199, Odessa

On December 6, 2019, the Board and Roberto Ruiz, Jr., M.D., entered into an Agreed Order requiring him to for a period of five years, abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; within 30 days obtain an independent medical evaluation by a board certified psychiatrist approved in advance and follow all recommendations made for care and treatment; within one year complete the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete at least eight hours of CME, divided as follows: four hours in ethics and four hours in risk management. The Board found Dr. Ruiz pled guilty to three misdemeanor charges: resisting arrest, interfering with emergency request for assistance and assault cause bodily injury and was given two years of community service.

VOLUNTARY SURRENDER/REVOCAION

Bringewald, Peter Robert, M.D., Lic. No. D9088, Fredericksburg

On December 6, 2019, the Board and Peter Robert Bringewald, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Bringewald agreed to voluntarily surrender his Texas medical licensure in lieu of further disciplinary proceedings. Dr. Bringewald was under investigation for allegations of self-prescribing. Dr. Bringewald indicated that he wishes to retire from the practice of medicine.

Pena, Francisco I., M.D., Lic. No. F9107, Laredo

On December 6, 2019, the Board and Francisco I. Pena, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Pena agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Pena was found guilty on six felony counts of criminal charges relating to health care fraud. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

REVOCACTION

Johnson, Annelle R., M.D., Lic. No. N8798, Van Alstyne

On December 6, 2019, the Board entered a Default Order regarding Annelle R. Johnson, M.D., which revoked her Texas medical license. On May 22, 2019, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Johnson failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Johnson. The Board granted a Determination of Default and Dr. Johnson's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. Johnson has 25 days from the service of the order to file a motion for rehearing.

SUSPENSION

Husby, Richard Todd, M.D., Lic. No. J4862, Liberty

On December 6, 2019, the Board and Richard Todd Husby, M.D., entered into an Agreed Order under the following terms: shall remain suspended until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice medicine. Evidence shall include, at a minimum, but not limited to the following: urine testing results, Alcoholics Anonymous attendance and psychological treatment reports; publicly referred to the Texas Physician Health Program; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Husby, who was previously under temporary suspension, was summarily suspended from his workplace after testing positive for alcohol after exhibiting signs of being impaired.

RESTRICTION

Avila, Fernando, M.D., Lic. No. G2899, San Antonio

On December 6, 2019, the Board and Fernando T. Avila, M.D., entered into an Agreed Order restricting his practice under the following terms: within 90 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and shall be restricted from performing invasive procedures until after successful completion of KSTAR assessment and recommendations; have his practice monitored by another physician for 12 consecutive monitoring cycles; have his billing practices monitored for two years of consecutive monitoring cycles; and within one year complete at least 24 hours of CME, divided as follows: four hours in risk management, four hours in ethics, eight hours in billing and coding and eight hours in indications for interventional treatment. The Board found Dr. Avila violated the standard of care by engaging in a pattern of overutilization and inappropriate billing for procedures that were not performed and others that were performed without adequate indication.

NONTHERAPEUTIC PRESCRIBING

Kushwaha, Alok Pratap, M.D., Lic. No. K1232, Grapevine

On December 6, 2019, the Board and Alok Pratap Kushwaha, M.D., entered into an Agreed Order under the following terms: shall not engage in the treatment of any chronic pain as defined by Board rule; shall immediately surrender DEA controlled substances registration certificates and not reregister without prior Board approval; publicly reprimanded; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the prescribing and medical recordkeeping courses offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in supervising and delegating to advanced practice nurses or physician assistants; within one year pay an administrative penalty of \$10,000; and shall not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Kushwaha engaged in a pattern of nontherapeutic prescribing, failing to meet the standard of care with respect to 15 patients and failed to properly

supervise midlevels who, along with Dr. Kushwaha, engaged in the illegal operation of a pain management clinic. The order supersedes any prior orders of the Board.

IMPROPER PRESCRIBING

Khan, Nadeem Ahmed, M.D., Lic. No. K8777, Willow Park

On December 6, 2019, the Board and Nadeem Ahmed Khan, M.D., entered into an Agreed Order prohibiting Dr. Khan from treating or otherwise serving as a physician for his immediate family, and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to himself or his immediate family; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME, divided as follows: four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Khan improperly treated a family member beyond the 72-hour period of immediate need and failed to maintain adequate medical records during his treatment of three patients.

Rogers, Mark Randall, M.D., Lic. No. H0770, Houston

On December 6, 2019, the Board and Mark Randall Rogers, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in prescribing controlled substances; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Rogers prescribed medications, including controlled substances, to himself over a period of five years. Dr. Rogers admits to the self-prescribing and not keeping proper medical records, but maintained that he was prescribing himself medications previously prescribed by his PCP.

Stocks, James M., M.D., Lic. No. F4568, Tyler

On December 6, 2019, the Board and James M. Stocks, M.D., entered into an Agreed Order lifting Dr. Stock's temporary restriction and placing him under the following terms: shall not prescribe to himself, his family or anyone else in which he has a close personal relationship; prior to reapplying for DEA authority to possess, prescribe, administer, or distribute controlled substances, Dr. Stocks shall complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within 60 days pay an administrative penalty of \$2,000; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Stocks inappropriately prescribed controlled substances to a work associate and was arrested for a felony charge for diversion of controlled substances, and surrendered his DEA registration to prescribe in Texas.

PEER REVIEW ACTION

Hamid-Kundi, Monira, M.D., Lic. No. L9226, Baytown

On December 6, 2019, the Board and Monira Hamid-Kundi, M.D., entered into an Agreed Order requiring her to have her practice monitored by another physician for eight consecutive monitoring cycles; within 30 days schedule an assessment with the Texas A&M Health Science Center Knowledge, Skills, Training, Assessment, and Research (KSTAR) program and follow any recommendations made by KSTAR; and within one year complete at least eight hours of CME in laparoscopic surgeries. The Board found Dr. Hamid-Kundi violated the standard of care in her treatment of multiple patients over a two-year period, and was subject to peer review action when her hospital privileges were summarily suspended.

Nicol, David Andrew, M.D., Lic. No. G6749, Spicewood

On December 6, 2019, the Board and David Andrew Nicol, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in interpreting MRI. The Board found Dr. Nicol was the subject of a focused clinical care review by the Veterans' Administration that determined Dr. Nicol failed to properly interpret imaging for several patients.

OTHER STATES' ACTIONS

McCorkle, Elizabeth Jean, M.D., Lic. No. R0906, Eugene, OR

On December 6, 2019, the Board and Elizabeth Jean McCorkle, M.D., entered into an Agreed Order requiring her to comply with all terms of the Stipulated Order entered by the Oregon Medical Board (OMB) on July 11, 2019. The Board found Dr. McCorkle was issued an order from the OMB which arose from her unprofessional or dishonorable conduct and gross or repeated acts of negligence.

Vora, Shailesh Chhotalal, M.D., Lic. No. L6703, Southlake

On December 6, 2019, the Board and Shailesh Chhotalal Vora, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 12 hours of CME, divided as follows: eight hours in ethics and four hours in boundaries; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Vora was the subject of disciplinary action taken by the Arkansas Medical Board related to allegations of engaging in sexual misconduct with two patients.

VIOLATION OF PRIOR ORDER

Fuentes, Rosa, M.D., Lic. No. K1817, San Antonio

On December 6, 2019, the Board and Rosa Fuentes, M.D., entered into an Agreed Order on Formal Filing requiring her to within seven days surrender her DEA controlled substances registration certificates to eliminate Schedules II and III. Any prescribing of controlled substances under this order shall be carried out in accordance with the 2018 Final Order, which remains in full force and effect. Additionally, Dr. Fuentes shall not possess, administer, or prescribe controlled substances in Texas except as set forth in the order; beginning February 1, 2020, limit her medical practice, including any office and inpatient practice, to a Board-approved group or institutional setting; have her practice monitored by another physician for eight consecutive monitoring cycles; and shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Fuentes violated the terms of her 2018 Final Order by issuing several prescriptions for controlled substances that allowed patients to obtain refills of those controlled substances or obtain more than a 30-day supply. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Klem, Jeffrey Alan, M.D., Lic. No. L2379, Cleveland

On December 6, 2019, the Board and Jeffrey Alan Klem, M.D., entered into an Order Denying Termination and Modifying Prior Agreed Order, modifying Dr. Klem's 2018 Order. The modification requires the signed chaperone documentation to be present within the medical records and all copies thereof; and within 60 days Dr. Klem shall pay an administrative penalty of \$1,000. The Board found Dr. Klem failed to document the presence of a chaperone while treating female patients. All other terms of the 2018 Order shall remain in full effect.

VIOLATION OF BOARD RULES

Hay, Joshua, M.D., Lic. No. N5718, North Richland Hills

On December 6, 2019, the Board and Joshua Hay, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Hay failed to comply with the Board's guidelines and requirements relating to documenting his prescribing and monitoring of chronic pain patients and failed to maintain adequate medical records. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Nieves, Luis Escalante, M.D., Lic. No. M7476, Hurst

On December 6, 2019, the Board and Luis Escalante Nieves, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Nieves' medical records failed to meet the Board's guidelines for pain management and the Board's rules for documentation.

INADEQUATE MEDICAL RECORDS

Khan, Naeem Ullah, M.D., Lic. No. L6235, Amarillo

On December 6, 2019, the Board and Naeem Ullah Khan, M.D., entered into an Agreed Order on Formal Filing requiring him to within one year complete at least eight hours of CME in medical documentation. The Board found Dr. Khan failed to implement an adequate process to maintain medications kept in his office and failed to adequately document injections administered to patients. This order resolves a formal complaint filed at the State Office of Administrative Hearings.

Patel, Ashokkumar Gordhanbhai, M.D., Lic. No. F7367, Cedar Hill

On December 6, 2019, the Board and Ashokkumar Gordhanbhai Patel, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; and within one year complete at least eight hours of CME in medical recordkeeping. The Board found Dr. Patel provided treatment to a patient without documenting rational and efficacy or the patient's status prior to or after the treatment.

Pearce, David Earl, M.D., Lic. No. G9510, Corpus Christi

On December 6, 2019, the Board and David Earl Pearce, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete at least four hours of CME in risk management; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Pearce failed to adequately document that he assessed and made a treatment plan for a mass on a patient's thigh that was later found to be cancerous. Dr. Pearce stated he asked the patient to return following an appointment but no documentation was noted in records or in the letter to the referring physician.

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

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