

2003 Press Releases

Tuesday, October 21, 2003

49 Doctors Disciplined

During its October 9-10 Board meeting, the Texas State Board of Medical Examiners took disciplinary action against 47 licensed physicians, who received one or more of the following actions: six surrenders/revocations, with two stayed under certain terms and conditions; eight suspensions, with three stayed under certain terms and conditions; 14 restrictions; six public reprimands; and 18 administrative penalties, totaling \$49,000. The Board temporarily suspended the license of two physicians since the last Board meeting.

New Licenses Issued

During its October 9-10 Board meeting, the Board approved the licensure applications of 343 physicians.

Rule Changes

The Board adopted the following rule changes that were published in the Texas Register:
Chapter 162, Supervision of Medical School Students. Rule review, repeal of §§162.1-162.3, and new §162.1 regarding the requirements for Texas physicians who supervise medical school students in Texas. Chapter 163, Licensure. Amendments to §§163.1, 163.5, 163.6, 163.10, 163.13 regarding general cleanup of the sections; and changes relating to relicensure and the expedited licensure process consistent with the mandates of Senate Bill 104 and Senate Bill 558 of the 78th Legislature. Chapter 166, Physician Registration. Amendments to §§166.1-166.6 regarding biennial registration as mandated by Senate Bill 104. Chapter 168, Persons with Criminal Backgrounds: Rule review and repeal of §168.1. The text of the repeal will be incorporated into the new Chapter 190. Chapter 171, Postgraduate Training Permits. Amendments to §171.2 regarding qualifications for postgraduate permit holders and temporary permits. Chapter 173, Physician Profiles. Amendments to §§173.1, 173.3, and 173.4 that will make the sections consistent with the requirements of Senate Bill 104 to remove the 10-year limitation in §173.1(b)(18)-(21) and add paragraph (25) regarding malpractice information, and outline the timeline for updating the profile following the filing of formal complaints.

Chapter 175, Fees, Penalties, and Applications. Amendments to §§175.1, 175.2, and 175.4 regarding biennial registration fees for physicians; increased penalty fees for late physician registration; surcharges for physician assistant, acupuncture, and acudetox renewal; registration and penalty fees for surgical assistants; and fees for approval of continuing acupuncture education

providers. Chapter 178, Complaints. New §§178.1-178.8 concerning procedures for initiation, filing, and appeals of complaints. In addition, Chapter 188 of this title (relating to Complaint Procedure Notification) will be repealed and the text regarding the process for complaint procedure notification will be incorporated into this new chapter. Chapter 179, Investigations. Repeal of §§179.1-179.5 and new §§179.1-179.7 regarding a system of procedures for the investigation of jurisdictional complaints. Chapter 182, Use of Experts. New §§182.1-182.6 regarding the use of experts consistent with the requirements of Senate Bill 104. The new sections will establish procedures, qualifications and duties of these professionals serving as expert panel members, consultants and expert witnesses to the board. Chapter 184, Surgical Assistants. Amendments to §§184.8 and 184.25 regarding biennial registration and annual continuing education requirements and repeal of §§184.10 and 184.11 regarding fees related to the renewal of expired licenses and schedule of fees. The repealed sections will be moved to Chapter 175 relating to Fees, Penalties, and Applications.

Chapter 185, Physician Assistants. Amendments to §185.7 regarding the Physician Assistant Board's designee being allowed to issue temporary licenses. Chapter 187, Procedural Rules. Amendments to §§187.2, 187.9, 187.13, 187.16, 187.18, 187.24, 187.44, 187.56, 187.57, 187.60, and the repeal of §§187.5 and 187.40 concerning the timeline for scheduling informal settlement conferences; temporary suspension or restriction of licenses; required suspension or revocation of licenses for certain offenses; and ineligibility determinations for licensure applicants. Chapter 190, Disciplinary Guidelines. Repeal of §190.1; and new Subchapter A, §§190.1-190.2; new Subchapter B, §190.8; and new Subchapter C, §§190.14-190.16 regarding disciplinary guidelines in licensure and disciplinary matters. Chapter 192, Office-Based Anesthesia. Amendments to §§192.2-192.4 and 192.6 regarding general cleanup of the sections and to create a process for biennial registration consistent with Senate Bill 104. Chapter 196, Voluntary Surrender of a Medical License. Amendments to §§196.1-196.3 for general cleanup of the chapter.

Proposed Rule Changes

The Board proposed the following rule changes for publication in the Texas Register and comment: Chapter 173, Physician Profiles. Rule review with no changes. Chapter 176, Health Care Liability Lawsuits and Settlements. Proposed new chapter consistent with Senate Bill 104. Chapter 184, Surgical Assistants. Proposed amendment to §184.4 regarding examination requirements for licensure. Chapter 185, Physician Assistants. Proposed changes to §185.15 concerning supervising physician requirements. Chapter 192, Office-Based Anesthesia. Rule review with no changes. Chapter 193, Standing Delegation Orders. Proposed changes to §193.6 concerning applications for waiver and meetings of the Prescriptive Delegation Waiver Advisory Committee. Chapter 194, Non-Certified Radiologic Technicians. Proposed rule review of Chapter 194 and changes to §§194.1-194.11 regarding general cleanup and reorganization of the chapter.

For copies of rule changes or proposed rules, write the Board at MC 901, P.O. Box 2018, Austin, TX 78768-2018, or e-mail jill.wiggins@tmb.state.tx.us .

BENNETT, JOHN SCOTT, D.O., LULING, TX, Lic. #G4820

On 9-17-03, a panel of the Board temporarily suspended the physician's license without notice. The action was based on allegations that Dr. Bennett, with an expired DPS registration, had improperly and nontherapeutically prescribed controlled substances and dangerous drugs to patients.

BROWN, CAROL ANN, M.D., KAILUA-KONA, HI, Lic. #D9372

On 10-10-03, the Board and Dr. Brown entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Brown failed to provide documentation that she completed one hour of medical ethics during the period September 1, 2001 to August 31, 2002.

BUI, THIEU, M.D., AUSTIN, TX, Lic. #G1620

On 10-10-03, the Board and Dr. Bui entered into an Agreed Order restricting the physician's license for three years and assessing an administrative fine of \$5,000. The action was based on allegations that Dr. Bui failed to maintain adequate medical records and did not properly refer a patient to another physician for appropriate psychiatric care.

CAMMACK, JAMES THOMAS, M.D., KERRVILLE, TX, Lic. #H5696

On 10-10-03, the Board and Dr. Cammack entered into an Agreed Order whereby the Board accepted Dr. Cammack's voluntary surrender of his license in lieu of a hearing. The action was based on allegations that Dr. Cammack violated his September 2002 order that prohibited Dr. Cammack from self-prescribing controlled substances with addictive potential.

CANTU, ERNESTO ALFONSO, M.D., SAN ANTONIO, TX, Lic. #F7416

On 10-10-03, the Board and Dr. Cantu entered into an Agreed Order revoking the physician's license. Action based on allegations of indecency with a child, obtaining prescriptions by fraud, and Dr. Cantu's plea agreement with the U.S. Attorney's office whereby Dr. Cantu agreed to permanently surrender his medical license.

CHENG, CHENG-SHUNG, M.D., STATEN ISLAND, NY, Lic. #F8051

On 10-10-03, the Board and Dr. Cheng entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Cheng failed to provide documentation that he completed one hour of medical ethics during the period September 1, 2001 to August 31, 2002.

CHILDRESS, JACK RICHARD, M.D., BELTON, TX, Lic. #H5535

On 10-10-03, the Board and Dr. Childress entered into an Agreed Order public reprimanding Dr. Childress, assessing an administrative penalty of \$1,000, and requiring CME in medical record keeping. The action was based on allegations that Dr. Childress failed to timely release copies of medical records to his patients and failed to inform the Board of his change of practice address.

CUNADO, CARLOS DOMINGO, M.D., BEAUMONT, TX, Lic. #K6556

On 10-10-03, the Board and Dr. Cunado entered into a three-year Agreed Order that included monitoring of practice, CME in record keeping, and an

administrative penalty of \$5,000. The action was based on allegations that Dr. Cunado failed to properly diagnose a patient and altered medical records without properly dating and initialing the additions.

DAGGUBATI, SUBBARAO, M.D., ABILENE, TX, Lic. #G2678

On 10-10-03, the Board and Dr. Daggubati entered into an Agreed Order assessing administrative penalty of \$1,000. The action was based on allegations that Dr. Daggubati failed to release medical records in a timely manner.

EVANS, CAROLYN A., M.D., DALLAS, TX, Lic. #F3941

On 10-10-03, the Board and Dr. Evans entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Evans failed to adequately supervise the activities of those acting under her supervision.

FLEWELLEN, EUGENE H., III, M.D., DALLAS, TX, Lic. #D5990

On 10-10-03, the Board and Dr. Flewellen entered into an Agreed Order publicly reprimanding the physician. The action was based on allegations that Dr. Flewellen failed to prevent a patient's hypoxia during a surgical procedure.

GIBSON, MICHAEL LOUIS, M.D., DALLAS, TX, Lic. #E7409

On 10-10-03, the Board and Dr. Gibson entered into an Agreed Order publicly reprimanding the physician and restricting his license for three years. The action was based on allegations that Dr. Gibson failed to prevent a patient's hypoxia during a surgical procedure and failed to fully inform the patient's family of his actions.

GROTTI, LYDIA H, M.D., MIDLAND, TX, Lic. #J6122

On 10-10-03, the Board revoked the physician's license, assessed an administrative penalty of \$10,000, and assessed a fee of \$7,729.80 for the recovery of costs of the administrative hearing at the State Office of Administrative Hearings. The action was based on failure to meet the standard of care by improperly pronouncing a patient dead and occluding that patient's endotracheal tube to stop respirations. The physician may file a Motion for Rehearing within 20 days of the Order. If a Motion for Rehearing is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

HALLDORSSON, ARI OMAR, M.D., LUBBOCK, TX, Lic. #L2300

On 10-10-03, the Board and Dr. Halldorsson entered into a ten-year Agreed Order, suspending the physician's license for 10 years; however, the suspension was stayed and the physician was placed on probation under certain terms and conditions. The action was based on allegations of physician's abuse of hydrocodone and his requests of residents under his supervision to write him prescriptions.

HANKINS, DAVID L, D.O., ARLINGTON, TX, Lic. #H3391

On 10-10-03, the Board and Dr. Hankins entered into an Agreed Order publicly reprimanding the physician and requiring completion of a course on patient boundaries. The action based on allegations that Dr. Hankins

prescribed medications without properly documenting indications and justifications, and that he entered a romantic relationship with a patient without first properly terminating the physician-patient relationship.

HUGHES, CHARLES VON ODEN, III, M.D., LEVELLAND, TX, Lic. #G2997

On 10-10-03, the Board and Dr. Hughes entered into a three-year Agreed Order restricting the physician's license. The action was based on allegations that Dr. Hughes failed to keep adequate medical records and engaged in nontherapeutic prescribing of medications in relation to his pain management practice.

HUGHES, LARRY CHARLES, D.O., GROESBECK, TX, Lic. #J1692

On 10-10-03, the Board and Dr. Hughes entered into an Agreed Order assessing an administrative penalty of \$2,500 and requiring CME in obesity management and medical record keeping. The action was based on allegations that Dr. Hughes prescribed phentermine for weight loss without maintaining an adequate medical record.

JONES, LILLIAN MARTIN, M.D., SAN ANTONIO, TX, Lic. #F3226

On 10-10-03, the Board and Dr. Jones entered into an Agreed Order restricting the physician's license to only gynecological medicine. The action was based on allegations that Dr. Jones failed to meet the standard of care when delivering an infant through trial labor when there was evidence that the infant was in distress.

KAUFFMAN, ROBERT P., M.D., AMARILLO, TX, Lic. #F4147

On 10-10-03, the Board and Dr. Kauffman entered into an Agreed Order assessing an administrative penalty of \$3,500. The action was based on allegations that Dr. Kauffman violated his 1997 Agreed Order by failing to call Drug Testing Services as required as part of his compliance with the Order.

LEVISON, LIONEL, M.D., ODESSA, TX, Lic. #F7512

On 10-10-03, the Board and Dr. Levison entered into an Agreed Order publicly reprimanding the physician, assessing an administrative penalty of \$5,000, and requiring completion of a CME course on patient boundaries. The action was based on allegations that Dr. Levison made sexually inappropriate remarks and acted inappropriately toward female coworkers and had his staff privileges terminated as a result.

LIGHT, KEVIN D., D.O., WEATHERFORD, TX, Lic. #J9162

On 10-10-03, the Board and Dr. Light entered into a seven-year Agreed Order suspending the physician's license, however the suspension was stayed and the physician was placed on probation under certain terms and conditions. The action was based on allegations that Dr. Light violated his December 2002 Agreed Order that was entered into based on allegations of intemperate use of alcohol and/or controlled substances.

LIM, JAIME CHUNG, M.D., WICHITA FALLS, TX, Lic. #G9147

On 10-10-03, the Board and Dr. Lim entered into a three-year Agreed Order restricting the physician's license. The action was based on allegations that Dr. Lim ordered medications and treatments without documented medical indications.

MADIEDO, EDUARDO, JR, M.D., SAN ANTONIO, TX, Lic. #D5091

On 10-10-03, the Board and Dr. Madiedo entered into an Agreed Order suspending the physician's license. The action was based on allegations that Dr. Madiedo violated his December 2000 Agreed Order by violating his probation with the Bexar County Probation Department and by failing to call Drug Testing Services as required as part of his compliance with the 2000 Order.

MALDONADO, CESAR E., M.D., EL PASO, TX, Lic. #K4494

On 10-10-03, the Board and Dr. Maldonado entered into an Agreed Order suspending the physician's license for at least nine months after which time the physician may petition the Board for reinstatement of his license. The action was based on allegations that Dr. Maldonado violated his September 2001 Order by failing to abstain from the consumption of alcohol as required under the Order.

MCNEILL, SCOTT SHAW, M.D., SAN ANTONIO, TX, Lic. #K7058

On 10-10-03, the Board and Dr. McNeill entered into an Agreed Order suspending the physician's license. The action was based on allegations that Dr. McNeill has been arrested three times for alcohol-related offenses and that Dr. McNeill violated his 1998 Agreed Order by failing to abstain from the consumption of alcohol.

MONTANO-MARTINEZ, PEDRO S., M.D., MCALLEN, TX, Lic. #F7849

On 10-10-03, the Board and Dr. Montano-Martinez entered into an Agreed Order restricting the physician's license for four years. The action was based on allegations that Dr. Montano-Martinez failed to maintain adequate medical records and failed to meet the standard of care when performing a breast augmentation, brachioplasty and thigh lift at one sitting on a single patient.

MORRIS, DARELD RAY, D.O., AMARILLO, TX, Lic. #C8589

On 10-10-03, the Board and Dr. Morris entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Morris failed to retain medical records a minimum of seven years from the date of last treatment of the adult patient.

MOSS, JENNIFER MICHELE, M.D., GEORGETOWN, TX, Lic. #K7835

On 10-10-03, the Board and Dr. Moss entered into an Agreed Order suspending the physician's license. The action was based on allegations that Dr. Moss has intemperately used alcohol in a manner that could endanger a patient's life.

NAIR, BASKARAN C K, M.D., HOUSTON, TX, Lic. #F6440

On 10-10-03, the Board and Dr. Nair entered into an Agreed Order assessing an administrative penalty of \$3,000. The action was based on allegations that Dr. Nair violated Board rule 190.1(c)(2)(G).

NOVAK, YVONNE BIEDERMANN, M.D., SAN ANGELO, TX, Lic. #H4580

On 10-10-03, the Board and Dr. Novak entered into a three-year Agreed Order restricting the physician's license. The action was based on allegations

that Dr. Novak failed to adequately monitor a patient's labor and perform a timely cesarean section.

OLIVARES, OLGA M, M.D., SAN ANTONIO, TX, PIT #BP10000972

On 10-10-03, an Agreed Order was entered into assessing an administrative penalty of \$500. The action was based on allegations that Dr. Olivares had inappropriately accessed the medical records of a person who was not her patient and that she had subsequently been suspended by her residency program for 28 days.

PETERS, ALONZO, III, M.D., HOUSTON, TX, Lic. #F5696

On 10-10-03, the Board and Dr. Peters entered into a 10-year Agreed Order revoking the physician's license; however, the revocation was stayed and the physician was placed on probation under certain terms and conditions. The action was based on allegations that Dr. Peters engaged in non-therapeutic prescribing, failed to keep adequate medical records, and failed to document proper examinations prior to providing pain medication.

PHILLIPS, MICHAEL STEPHEN, M.D., CUERO, TX, Lic. #E4598

On 10-10-03, the Board and Dr. Phillips entered into a 10-year Agreed Order revoking the physician's license; however, the revocation was stayed and the physician was placed on probation under certain terms and conditions that include refraining from the practice of obstetrical medicine, receiving remedial education, and having his practice monitored. The action was based on allegations that Dr. Phillips failed to meet the standard of care in his performance of obstetrical medicine. Specifically, Dr. Phillips failed to timely perform cesarean sections in three deliveries that resulted in severe birth injuries and subsequent infant deaths.

PRIESTLEY, JOHN FARISH, D.O., RICHARDSON, TX, Lic. #H4627

On 9-9-03, the Board suspended Dr. Priestley's license. The action was based on allegations that Dr. Priestley violated his August 2002 Agreed Order by self-prescribing controlled substances and failing to call Drug Testing Services as required as part of his compliance with the Order.

QUENNEVILLE, KENNETH BRUCE, M.D., EAGLE LAKE, TX, Lic. #H1404

On 10-10-03, the Board and Dr. Quenneville entered into an Agreed Order assessing an administrative penalty of \$1,000. The action was based on allegations that Dr. Quenneville violated his April 1998 order by failing to call Drug Testing Services as required as part of his compliance with the Order.

RANDALL, GARY MILTON, D.O., LUFKIN, TX, Lic. #F7577

On 10-10-03, the Board and Dr. Randall entered into an Agreed Order whereby the physician was publicly reprimanded, assessed an administrative penalty of \$4,000, and agreed to other terms and conditions. The action was based on allegations that Dr. Randall aided and abetted the unlicensed practice of medicine by having staff perform nerve conduction studies and sending the data to an out-of-state neurologist not licensed in Texas for consultation and interpretation purposes.

ROSALES, ANNA MARIE, M.D., SAN ANTONIO, TX, Lic. #H7346

On 10-10-03, the Board and Dr. Rosales entered into an Agreed Order

whereby the physician was publicly reprimanded, assessed an administrative penalty of \$1,000, and required to take and pass the Texas Medical Jurisprudence Examination. The action was based on allegations that Dr. Rosales defaulted on a student loan and practiced with an expired license for six months.

SCHEFFEY, ERIC HESTON, M.D., HOUSTON, TX, Lic. #E6607

On 8-29-03, a panel of the Board temporarily suspended Dr. Scheffey's license due to the Board's finding that his continued practice constituted a real danger to the health of his patients. The action was based on allegations that Dr. Scheffey repeatedly failed to meet the standard of care in his performance of orthopedic surgery, failed to maintain adequate medical records, prescribed medications and treatments in a nontherapeutic manner, and has been subject to 18 meritorious medical malpractice claims in which payments were made.

SCHULTZ, RICHARD BENTON, M.D., GEORGETOWN, TX, Lic. #J2314

On 10-10-03, the Board and Dr. Schultz entered into an Agreed Order assessing an administrative penalty of \$500. The action was based on allegations that Dr. Schultz violated Board rule 164.4; to wit, an unintentional omission in an advertisement.

SILVERTHORN, ANDREW CHARLES, M.D., AUSTIN, TX, Lic. #F3339

On 10-10-03, the Board and Dr. Silverthorn entered into a ten-year Agreed Order suspending the physician's license, however the suspension was stayed and the physician was placed on probation under certain terms and conditions. The action was based on allegations that Dr. Silverthorn exceeded physician/patient boundaries with a patient by initiating a gynecological examination without the presence of a chaperone.

SLATER, DAVID ALAN, M.D., DALLAS, TX, Lic. #L1202

On 10-10-03, the Board and Dr. Slater entered into an Agreed Order restricting the physician's license. The action was based on allegations that Dr. Slater was arrested twice for driving under the influence and that he suffers from benzodiazepine and opioid dependence.

SNEED, DAVID LEE, D.O., AUSTIN, TX, Lic. #F4549

On 10-10-03, the Board and Dr. Sneed entered into an Agreed Order assessing administrative penalty of \$2,000. The action was based on allegations that Dr. Sneed failed to maintain adequate medical records.

SPAW, JEFF, M.D., COLLEGE STATION, TX, Lic. #J6735

On 10-10-03, the Board and Dr. Spaw entered into a three-year Agreed Order publicly reprimanding him and restricting Dr. Spaw's license. The action was based on allegations that Dr. Spaw pled guilty to the felony offense of committing injury to a child by striking or pulling the hair of a boy and was sentenced to 10 years of community supervision.

SPEAK, KENNETH EDWIN, D.O., KERENS, TX, Lic. #C4555

On 10-10-03, the Board and Dr. Speak entered into an Agreed Order whereby the physician elected to voluntarily and permanently surrender his Texas medical license. The action was based on Dr. Speak's prescribing dangerous

drugs and controlled substances via the Internet to patients that he had not seen or examined

TIMM, DAVID MARTINDALE, M.D., AMARILLO, TX, Lic. #K3024

On 10-10-03, the Board and Dr. Timm entered into an Agreed Order whereby Dr. Timm agreed to not practice medicine in Texas until such time as he requests the reinstatement of his license. The action was based on allegations that Dr. Timm exhibited poor patient selection, technical difficulties, and impaired judgment.

TORRES, RICHARD R., M.D., MESQUITE, TX, Lic. #K6943

On 10-10-03, the Board and Dr. Torres entered into an Agreed Order requiring the physician to complete 25 hours of CME in pulmonary medicine and passage of the Special Purpose Examination within three attempts in one year. The action was based on allegations that Dr. Torres failed to recognize the severity of a patient's acute respiratory failure and that he was subsequently subject to peer review action by the hospital where the procedure was performed.

VESELKA, JAMES EDWARD, M.D., ANGLETON, TX, Lic. #G5732

On 10-10-03, the Board and Dr. Veselka entered into an Agreed Order requiring the physician to complete CME in chronic pain and treatment of migraine headaches. The action was based on allegations that Dr. Veselka failed to comply with the Board's rules on pain management, specifically that he failed to properly manage the amounts of Stadol prescribed to a patient.

WARD, ROBERT LEO, D.O., KERRVILLE, TX, Lic. #H8496

On 10-10-03, the Board and Dr. Ward entered into an Agreed Order publicly reprimanding the physician. The action was based on allegations that Dr. Ward was placed on deferred adjudication by Kerr County in July 2002 for prescription fraud.

ZOBAL, KIMBERLY A., M.D., MONTGOMERY, TX, Lic. #J4636

On 10-10-03, the Board and Dr. Zobal entered into an Agreed Order publicly reprimanding the physician and restricting her license for three years. The action was based on allegations that Dr. Zobal received undocumented prescriptions for Vicoprofin.

The Texas State Board of Medical Examiners is the state agency that regulates physicians, providing consumer protection through licensure, investigation and disciplinary action. The Board, under President Lee S. Anderson, M.D., and Executive Director Donald W. Patrick, M.D., J.D., is strengthening and accelerating the disciplinary process for physicians who fail to meet the required standards of professional competency and behavior.

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