

**Texas Medical Board
News Release
FOR IMMEDIATE RELEASE
Friday, April 10, 2009***

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Texas licensing doctors in a month

**Medical Board Reduces Licensing Time to 30 Days, Issues 575 Licenses
Board Disciplines 70 Doctors**

At its April 2-3 board meeting, the Texas Medical Board issued 575 physician licenses and announced that the average time to issue a Texas medical license has gone down to about 30 days. When the average time to license a Texas physician reached a peak of 100 days in September, 2007, the Legislature mandated that TMB reduce licensing time to 51 days. The addition of staff and resources, along with implementation of the LIST system, which improves communications between applicants and TMB staff, enabled TMB to meet and then exceed the legislative mandate. By June of last year the average was 44 days. The average time has steadily decreased so that now it's possible for a physician to receive a Texas medical license in one month after submitting a fully completed application.

Since its February meeting, the Texas Medical Board has taken disciplinary action against 70 licensed physicians and one surgical assistant.

The actions included 12 violations based on quality of care; six actions based on unprofessional conduct; six nontherapeutic prescribing violations; one agreed order modifying a prior order; six actions based on other states' or entity's actions; nine actions based on inadequate medical records violations; two actions based on impairment due to alcohol or drugs or mental/physical condition; four actions based on violation of probation or prior order; one action based on failure to properly supervise or delegate; two actions based on peer review actions; five actions based on criminal convictions; one voluntary surrender; one reinstatement after termination; one violation of a board rule; one administrative order; three temporary suspensions and one action against a surgical assistant. Nine physicians entered into administrative orders for minor statutory violations. The Board issued one Cease and Desist order against an unlicensed practitioner.

Correction:

The February 10, 2009, TMB release included a summary of an order for Rick Allen Boyles, M.D., Lic. #J6345, of Jasper TX, in the wrong category. The summary should have been listed as a modification of a previous order.

Rule Changes Adopted

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

Chapter 166, Physician Registration: amendment to §166.2, Continuing Medical Education.

Chapter 183, Acupuncture: rule review with amendments to §183.2, Definitions; §183.4, Licensure; §183.10, Patient Records; §183.20, Continuing Acupuncture Education.

Chapter 189, Compliance: amendment to §189.4, Limitations on Physician Probationer's Practice.

Proposed Rule Changes

Proposed rule review and changes to the following chapters in Title 22 of the Texas Administrative Code will be published in the *Texas Register* for comment:

Chapter 162, Supervision of Medical School Students: proposed amendments to § 162.1.

Chapter 165, Medical Records: proposed amendments to §165.3: Patient Access to Diagnostic Imaging Studies in Physician's Office.

Chapter 173, Physician Profiles: proposed amendments to §173.1: Profile Contents.

Chapter 174, Telemedicine: Proposed rule review and amendments to §174.1-174.6.

Chapter 190, Disciplinary Guidelines: Emergency posting of amendment to §190.8 (1) (L) relating to the prescribing of controlled substances/dangerous drugs for the partners of patients who have been diagnosed with sexually transmitted diseases.

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

Arnold, Lloyd E., M.D., Lic. #D0031, Austin TX

On April 3, 2009, the Board and Dr. Arnold entered into an Agreed Order requiring that, within one year, Dr. Arnold take 10 hours of continuing medical education in medical recordkeeping, five hours of CME in prescribing psychopharmacological drugs, and five hours in the evaluation and treatment of psychiatric disorders. The action was based on Dr. Arnold's prescribing Xanax and Miralax to a 10-year-old without proper exam, history or assessment.

Carroll, Lance, M.D., Lic. #K6448, Bastrop TX

On April 3, 2009, the Board and Dr. Carroll entered into an Agreed Order requiring that he pay an administrative penalty of \$500 within 60 days. The action was based on Dr. Carroll's allowing technicians to perform colonic hydrotherapy on two patients without providing complete orders.

Gutierrez, Carlos Abraham, M.D., Lic, #F8501, El Paso TX

On February 19, 2009, the Board and Dr. Gutierrez entered into a Waiver of Informal Settlement Conference and Agreed Order which requires that Dr. Gutierrez pay an administrative penalty of \$1,000 within 60 days. The action was based on Dr. Gutierrez having prescribed two controlled substances for a family member for a period of 30 days when that person's regular physician was temporarily unavailable.

Hancock, Joseph E., M.D., Lic. #H8676, Lubbock TX

On April 3, 2009, the Board and Dr. Hancock entered into a mediated agreed order requiring that, within one year, he obtain 10 hours of continuing medical education in medical recordkeeping. The action as based on Dr. Hancock's inadvertently placing a PEG tube in a patient who was not scheduled for one.

Iglehart, Sharon L., M.D., Lic. #H4832, Houston TX

On April 3, 2009, the Board and Dr. Iglehart entered into an Agreed Order of public reprimand requiring the she have a practice monitor for two years; that, within one year, she take and pass the Texas Medical Jurisprudence Examination; and within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The action was based on Dr. Iglehart's recreating medical records for psychiatric patients significantly later than the time she had provided examination, diagnosis and treatment to the patients.

Nix, Darryl D., D.O., Lic. #F9883, Fort Worth TX

On April 3, 2009, the Board and Dr. Nix entered into an Agreed Order requiring that, within one year, Dr. Nix obtain eight hours of continuing medical education in ophthalmic emergencies/trauma. The action was based on Dr. Nix's failure to perform a complete eye examination on a patient with an eye injury or, alternatively, refer the patient to an ophthalmologist.

Rivera, Antonio F., M.D., Lic. #M4475, Dallas TX

On April 3, 2009, the Board and Dr. Rivera entered into an Agreed Order requiring that, within one year, he obtain 40 hours of continuing medical education, including 20 hours in the management of pediatric emergencies, 10 hours in the approach and management of seizures in infants and children, and 10 hours in pediatric resuscitation. The action was based on Dr. Rivera's intubating an 18-month-old patient 48 minutes after paramedics had sedated the child with Versed, which was not warranted at the time he performed the intubation.

Rogoff, Thomas M., M.D., Lic. #E7724, Dallas TX

On April 3, 2009, the Board and Dr. Rogoff entered into an Agreed Order requiring that he pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Rogoff's delay in the performance of an endoscopic procedure in a patient who required the removal of a piece of food tightly impacted in her esophagus.

Ross, John M., M.D., Lic. #J7169, Palestine TX

On April 3, 2009, the Board and Dr. Ross entered into an Agreed Order requiring that he pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Ross' prescribing narcotics, pain medications and other dangerous drugs to a family member.

Vu, Tammy, M.D., Lic. #L9537, Houston TX

On April 3, 2009, the Board and Dr. Vu entered into a two-year agreed order requiring that, for each year of the order, Dr. Vu obtain 20 hours of continuing medical education in high-risk obstetrics and that she pay an administrative penalty of \$2,000 within 90 days. The action was based on Dr. Vu's failure to follow up on tests ordered and to review tests results for an obstetrical patient whose ultrasound demonstrated intrauterine fetal growth retardation and whose fetus ultimately expired.

Wells, Terry L., M.D., Lic. #J1587, Lufkin TX

On April 3, 2009, the Board and Dr. Wells entered into an Agreed Order requiring that she have

a chart monitor for one year. The action was based on Dr. Wells' failure to properly treat and document care of a diabetic patient over nine years.

Zertuche, Benjamin S., M.D., Lic. #L2066, Denton TX

On February 6, 2009, the Board and Dr. Zertuche entered into a three-year Agreed Order requiring that, for any high-risk obstetric patients, Dr. Zertuche obtain a consultation from a licensed Texas physician who is board certified in obstetrics and gynecology; that for one year he have a chart monitor with expertise in obstetrics; and that within one year he obtain 10 hours of continuing medical education in high-risk obstetrics. The action was based on Dr. Zertuche's failure to meet the standard of care in treatment of a pre-term labor obstetrical patient who ultimately suffered placental abruption and resulting fetal demise. The order was effective March 30, 2009

UNPROFESSIONAL CONDUCT VIOLATIONS

Baird, Kenneth E., M.D., Lic. #H5658, Plano TX

On April 3, 2009, the Board and Dr. Baird entered into an Agreed Order requiring that, within one year, he complete the professional boundaries course offered by Vanderbilt University or the University of California San Diego Physician Assessment and Clinical Education (PACE) program; that for each of the next two years he obtain 10 hours of continuing medical education in ethics; and that within 180 days he pay an administrative penalty of \$10,000. The action was based on Dr. Baird's having had a sexual relationship with a patient.

Campbell, Odette L., M.D., Lic. #H9609, Denton TX

On April 3, 2009, the Board and Dr. Campbell entered into an Agreed Order requiring that, within 60 days, she pay an administrative penalty of \$1,000. The action was based on her responsibility in securing a cabinet from which 15 boxes of Fentanyl sublingual tablets were taken.

Gross, Rickey L., M.D., Lic. #H1096, Brownsville TX

On April 3, 2009, the Board and Dr. Gross entered into an Agreed Order requiring that, within one year, Dr. Gross obtain 10 hours of continuing medical education in risk management; take and pass the Texas Medical Jurisprudence Examination; and pay an administrative penalty of \$1,000 within 180 days. The action was based on Dr. Gross' failure to respond to board requests for medical records and his failure to notify the board of his change of address.

Hamilton, Timothy T., M.D., Lic. #L2921, Las Vegas NV

On February 6, 2009, the Board and Dr. Hamilton entered into an Agreed Order requiring that he pay an administrative penalty of \$1,000 within 90 days. The action was based on Dr. Hamilton's writing a prescription for a co-worker in the name of someone he had never met or treated.

Price, Clinton C., M.D., Lic. #L4657, Seguin TX

On February 19, 2009, the board and Dr. Price entered into an Agreed Order requiring that within one year Dr. Price enroll in an anger management course and a Prevention and Management of Aggressive Behavior course and pay an administrative penalty of \$500 within 180 days. The action was based on Dr. Price's striking an adolescent psychiatric patient who had

spit on him and kicked him.

Torres, Richard R., M.D., Lic. #K6943, Rockwall TX

On April 3, 2009, the Board and Dr. Torres entered into an Agreed Order requiring that, within 180 days, he take the anger management course of the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The action was based on Dr. Torres' verbal abuse and physical intimidation towards hospital personnel in the Dallas Regional Medical Center Emergency Room in March, 2008.

NONTHERAPEUTIC PRESCRIBING VIOLATIONS

Anderson, Charles P., M.D., Lic. #E1801, San Marcos TX

On April 3, 2009, the Board and Dr. Anderson entered into an Agreed Order requiring that he have a practice monitor for three years; prohibiting him from prescribing drugs with potential for abuse unless medically indicated; requiring that he obtain five hours of continuing medical education in medical recordkeeping and 10 hours of CME in pain management; that he take and pass the Texas Medical Jurisprudence Examination; and that he pay an administrative penalty of \$1,000 within 180 days. The action was based on his lack of adequate medical records and overlooking indications of drug-seeking behavior in a patient.

Bui, Tony T., M.D., Lic. #K2314, Dallas TX

On April 3, 2009, the Board and Dr. Bui entered into an Agreed Order requiring that, within one year, Dr. Bui take and pass the Texas Medical Jurisprudence Examination; within two years he take 10 hours of continuing medical education in ethics; that he have a practice monitor for two years; and that he pay an administrative penalty of \$4,000 by September 15. The action was based on Dr. Bui's prescribing Jinotropin, a non-FDA approved human growth hormone, and on a disputed positive drug screen while Dr. Bui was under a previous agreed order.

Esparza, Gina M., M.D., Lic. #L2237, San Antonio TX

On April 3, 2009, the Board and Dr. Esparza entered into an Agreed Order requiring that, within one year, she complete five hours of continuing medical education in medical recordkeeping at the University of California San Diego Physician Assessment and Clinical Education (PACE) program and 10 hours of the PACE professional boundaries CME. The action was based on Dr. Esparza's prescribing anabolic steroids and other controlled substances to a patient with whom she was in a personal relationship.

Kloeris, Steven P., M.D., Lic. #F6828, Webster TX

On April 3, 2009, the Board and Dr. Kloeris entered into a three-year agreed order of public reprimand requiring that his practice be monitored; that within one year he obtain 24 hours of continuing medical education, including at least eight hours each in medical recordkeeping, pain management and risk management; and that he pay an administrative penalty of \$15,000 within 60 days. The action was based on his failure to meet the standard of care with regard to pain management prescribing for three patients.

McCall, Norman J., M.D., Lic. #E6137, Fort Worth TX

On April 3, 2009, the Board and Dr. McCall entered into an Agreed Order requiring that, within

30 days, Dr. McCall submit names of treating psychiatrists for himself and begin recommended care and treatment within 60 days after approval of a treating psychiatrist; surrender his DPS and DEA controlled substances registration for five years; and not treat his immediate family members or prescribe dangerous drugs or controlled substances with addictive potential to his immediate family. The action was based on Dr. McCall's fraudulently prescribing controlled substances for a family member without legitimate medical purpose.

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

On April 3, 2009, the Board and Dr. Shaughnessy entered into an Agreed Order of public reprimand restricting him from supervising or delegating to physician assistants or advanced practice nurses or supervise a surgical assistant; prohibiting him from treating chronic pain patients; requiring that he surrender his DEA and DPS controlled substances registration; provide a copy of the order to any employer; and pay an administrative penalty of \$5,000 within 180 days. The action was based on Dr. Shaughnessy's nontherapeutic prescribing of Lortab, methadone, Soma, Oxycontin and other drugs to multiple patients.

AGREED ORDER MODIFYING PRIOR ORDER

Sauceda, Francisco B., M.D., Lic. #H8375, Benavides TX

On April 3, 2009, the Board and Dr. Saucedo entered into an Agreed Order allowing Dr. Saucedo to reapply for DEA and DPS controlled substances registration and requiring that he maintain a logbook of all dangerous drugs and controlled substances that he prescribes. The action was based on Dr. Saucedo's employment in a rural, federally funded clinic, and his being able to bill Medicare and receive drug samples would be a benefit to patients and the public.

ACTIONS BASED ON ACTION BY ANOTHER STATE OR ENTITY

Alhassan, Abdul-Aziz, M.D., Lic. #K6794, Texas City TX

On April 3, 2009, the Board and Dr. Alhassan entered into a five-year agreed order requiring a chart monitor and requiring Dr. Alhassan to obtain 10 hours of continuing medical education in recognizing, diagnosing and treating substance abuse. The action was based on Dr. Alhassan's entering into a Consent Order with the Louisiana Board of Medicine based on allegations of nontherapeutic prescribing.

Hyman, Miles D., M.D., Lic. #D0920, Franklin NC

On April 3, 2009, the Board and Dr. Hyman entered into an Agreed Order requiring that, within one month, Dr. Hyman request in writing that the North Carolina Medical Board provide a report regarding his compliance with the terms of a 2008 Consent Order. The action was based on action by the North Carolina Medical Board.

Liu, James H., M.D., Lic. #K0898, San Gabriel CA

On April 3, 2009, the Board and Dr. Liu entered into an Agreed Order of public reprimand requiring that, within 30 days, he pay an administrative penalty of \$1,000 and that he provide written notice to the board 90 days beforehand if he decides to return to Texas to practice.

Newman, Robert C., M.D., Lic. #G6979, Gainesville FL

On April 3, 2009, the Board and Dr. Newman entered into an Agreed Order requiring that, within 60 days, he pay an administrative penalty of \$1,000. The action was based on action by the Florida Department of Health after he failed to remove a portion of a stent during a nephrectomy, resulting in the patient's second surgery. The problem was recognized while the patient was in the recovery room, and it was immediately addressed.

Starkey, Thomas David, M.D., Lic. #G3814, Christiansted VI

On March 9, 2009, the Board and Dr. Starkey entered into an Agreed Order of indefinite term which requires that Dr. Starkey not practice medicine in Texas until such time as he can provide clear and convincing evidence to the Board that he can safely resume the practice of medicine in this state. The evidence must include, at minimum, documents and records related to any surgical patients and/or surgeries performed within the two-year period prior to the request. The action was based on an adverse malpractice verdict in a Wisconsin surgery case involving a patient who died. As a result of the decision, Dr. Starkey agreed to a voluntary surrender of his Wisconsin license to resolve pending disciplinary proceedings before the Wisconsin Medical Board.

Thompson, Marcel D., D.O., Lic. #L7220, Round Rock TX

On April 3, 2009, the Board and Dr. Thompson entered into an Agreed Order requiring that within one year he take the professional boundaries course of the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The action was based on action taken by the military.

INADEQUATE MEDICAL RECORDS

Callahan, Robert G., M.D., Lic. #K8046, Carthage TX

On April 3, 2009, the Board and Dr. Callahan entered into an Agreed Order requiring that, within one year, he obtain 10 hours each of continuing medical education in physician-patient communication and medical recordkeeping. The action was based on poor documentation and communications regarding treatment of several members of a family injured in an automobile accident.

Crowder, Janice R., M.D., Lic. #H9059, Webster TX

On April 3, 2009, the Board and Dr. Crowder entered into a one-year agreed order requiring that she maintain accurate and adequate medical records; that her practice be monitored for one year; and that she obtain five hours of continuing medical education in ethics and 10 hours in medical recordkeeping. The action was based on her incomplete and untimely medical records and her suspension from one hospital because of her delinquent records.

Geralde, Renato A., D.O., Lic. #M0728, San Antonio TX

On April 3, 2009, the Board and Dr. Geralde entered into an Agreed Order requiring that, within one year, Dr. Geralde obtain 10 hours of continuing medical education in medical recordkeeping. The action was based on medical records that were inadequate regarding documentation of patient evaluations and treatment for allergic rhinitis in two patients.

Khan, Rashid, M.D., Lic. #K4470, Houston TX

On April 3, 2009, the Board and Dr. Khan entered into an Agreed Order requiring that, within

one year, Dr. Khan obtain 10 hours of continuing medical education in medical recordkeeping. The action was based on Dr. Khan's failure to document an abdominal examination and a cervical spine x-ray in a patient who had been in an auto accident.

Leytham, Thomas J., M.D., Lic. #J9161, San Antonio TX

On April 3, 2009, the Board and Dr. Leytham entered into an Agreed Order requiring that, within one year, he obtain 10 hours of continuing medical education in psychiatric evaluations for the family practitioner and five hours of CME in medical recordkeeping. The action was based on Dr. Leytham's failure to document histories, physicals, follow-ups, diagnoses, treatment plans and justification for use of pain medicines and other drugs.

Nolen, Ann H., D.O., Lic. #G1494, Georgetown TX

On April 3, 2009, the Board and Dr. Nolen entered into an Agreed Order requiring that she have a practice monitor for one year; that within one year she obtain 15 hours of continuing medical education in medical recordkeeping; and that within 60 days she pay an administrative penalty of \$500. The action was based on insufficient office records, proper evaluation, physical examination, cranial nerve examination, history, diagnosis, imaging studies, or consideration of alternative treatments relating to headaches for which a patient required long-term daily Bupap therapy.

Pallares, Victor, M.D., Lic. #J3867, Harlingen TX

On April 3, 2009, the Board and Dr. Pallares entered into a mediated agreed order requiring that, within one year, he obtain 10 hours each of continuing medical education in risk management/ethics, treatment of chronic pain, and medical recordkeeping; and that within 180 days he pay an administrative penalty of \$5,000. The action was based on inadequate documentation of multiple injections administered for pain treatment.

Pittard, Carlton D., M.D., Lic. #C6476, Grapevine TX

On April 3, 2009, the Board and Dr. Pittard entered into an Agreed Order requiring that, within one year, Dr. Pittard obtain eight hours of continuing medical education in medical recordkeeping and that he pay an administrative penalty of \$500 within 60 days. The action was based on inadequate medical records regarding increasing the dose of Adderall prescribed for a patient.

Zarcone, Gregory S., D.O., Lic. #L8252, Pittsburg TX

On April 3, 2009, the Board and Dr. Zarcone entered into an Agreed Order requiring that, within one year, he obtain eight hours each of continuing medical education in management of chronic pain and medical recordkeeping. The action was based on Dr. Zarcone's prescribing excessive amounts of pain medication without adequate review of previous records and treatment and on his failure to adequately track quantities of narcotics he was prescribing.

IMPAIRMENT DUE TO ALCOHOL OR DRUGS

Bowers, Robert M., M.D., Lic. #H9808, Tyler TX

On April 3, 2009, the Board and Dr. Bowers entered into a 15-year agreed order requiring that Dr. Bowers abstain from consuming prohibited substances and participate in the board's drug-

testing program. The action as based on his abuse of hydrocodone and other drugs.

Henderson, Harold C., M.D., Lic. #G3937, Dallas TX

On April 3, 2009, the Board and Dr. Henderson entered into an Agreed Order of voluntary revocation of Dr. Henderson's Texas medical license. The action was based on his inability to practice medicine safely due to his mental and physical condition.

VIOLATION OF PROBATION OR PRIOR ORDER

Green, Demetris A., M.D., Lic. #J4168, Houston TX

On April 3, 2009, the Board and Dr. Green entered into an Agreed Order requiring that, within 30 days, he begin paying drug testing company First Advantage at least \$300 per month. All other provisions of his August 16, 2002, agreed order remain in effect. The action was based on Dr. Green's violation of a 2007 modification order requiring him to pay his debt to First Advantage down to zero by September 1, 2008.

King, Clarence G. Jr, M.D., Lic. #E1883, San Antonio TX

On April 3, 2009, the Board and Dr. King entered into a mediated agreed order extending his June 6, 2006, agreed order for an additional three years, to June 6, 2015, without opportunity to request early termination. The action was based on Dr. King's testing positive for a banned substance in a drug screen.

Kornell, Bernard, M.D., Lic. #F2308, Duncanville TX

On April 3, 2009, the Board and Dr. Kornell entered into a mediated agreed order by which his license is revoked for 90 days, after which the revocation will be stayed and probated; that within 90 days Dr. Kornell enroll in the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and that within one year he take and pass the Texas Medical Jurisprudence Examination. The action was based on Dr. Kornell's failure to implement practice improvements recommended by a chart monitor required in his previous order.

Williams, Michael D., D.O., Lic. #H2907, Midlothian TX

On April 3, 2009, the Board and Dr. Williams entered into a two-year mediated agreed order requiring that he pay outstanding billing owed to his chart monitor; that he limit procedures in his office or performed on an outpatient basis to those requiring only local anesthesia and no IV anesthesia; that he not perform surgical cosmetic procedures until he has completed a surgical resident training program approved by the American College of Graduate Medical Education; that he obtain at least 10 hours of continuing medical education in management of outpatient sedation and anesthetic drugs, at least 20 hours in any combination of medical recordkeeping, professional boundaries and medical ethics with at least five hours taken in each category; that he maintain adequate medical records and continue to have a chart monitor. The action was based on Dr. Williams' noncompliance with a February 3, 2006, agreed order.

FAILURE TO PROPERLY SUPERVISE OR DELEGATE

Blais, Robert E., M.D., Lic. #J5080, Austin TX

On April 3, 2009, the Board and Dr. Blais entered into an Agreed Order requiring that, within

one year, he take and pass the Texas Medical Jurisprudence Examination and that he pay an administrative penalty of \$3,000 within 90 days. The action was based on Dr. Blais' failure to adequately supervise clinical staff of a laser tattoo removal business acting under his supervision.

PEER REVIEW ACTIONS

Rodriguez-Salinas, Filiberto, M.D., Lic. #G4201, McAllen TX

On April 3, 2009, the Board and Dr. Rodriguez-Salinas entered into an Agreed Order requiring that within 60 days he write a letter of apology to "C.M."; that within one year he take the anger management course of the University of California San Diego Physician Assessment and Clinical Education (PACE) program; that he notify the board of any complaint against him about his behavior at any hospital where he has privileges; and that within 90 days he pay an administrative penalty of \$5,000. The action was based on his disruptive behavior toward hospital personnel.

Santos, Alejandro, M.D., Lic. #H1725, Dallas TX

On April 3, 2009, the Board and Dr. Santos entered into an Agreed Order requiring that, within one year, he obtain 10 hours of continuing medical education in risk management and 10 hours CME in managing surgical complications; and pay an administrative penalty of \$1,000 within 60 days. The action was based on Methodist Health System's decision not to renew his clinical privileges.

VOLUNTARY SURRENDERS/REVOCATIONS

McIntosh, Alice. M., D.O., Lic. #H2071, San Antonio TX

On April 3, 2009, the Board and Dr. McIntosh entered into an Agreed Order of voluntary surrender of her medical license. The action was based on her surrendering her DPS controlled substance registration, her physical impairment and her wish to no longer practice medicine.

CRIMINAL CONVICTIONS

De Carvalho, Guaracy, M.D., Lic. #E3677, Corpus Christi TX

On April 3, 2009, the Board and Dr. De Carvalho entered into an Agreed Order revoking Dr. Carvalho's Texas medical license. The action was based on Dr. Carvalho's conviction of a Class D federal felony.

Maynard, Daniel, D.O., Lic. #E1669, Dallas TX

On April 3, 2009, the Board entered a final order revoking Dr. Maynard's license. The action was based on his plea of no contest to a second-degree felony of delivery of a prescription or a prescription form without a valid medical purpose. The physician may file a motion for rehearing within 20 days of the order. If a motion 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.

Patel, Jayshree H., M.D., Lic. #F6300, Sugar Land TX

On April 3, 2009, the Board and Dr. Patel entered into an Agreed Order of voluntary revocation

of her Texas medical license. The action was based on her felony conviction on 10 counts of healthcare fraud.

Van Wormer, Mark Edward, M.D., Lic. #H5986, Clayton NM

On February 6, 2009, the Board issued a Final Order revoking Dr. Van Wormer's license. The action was based on findings by an Administrative Law Judge at the State Office of Administrative Hearings that Dr. Van Wormer was found guilty of a felony, misbranding a drug, and he was incarcerated in a federal correction facility. Dr. Van Wormer had 20 days to file a Motion for Rehearing. He did not file a Motion for Rehearing. Therefore, the order is final and Dr. Van Wormer's license is revoked effective March 3, 2009.

Winkler, David C., M.D., Lic. #L3876, Kerrville TX

On April 3, 2009, the Board and Dr. Winkler entered into an Agreed Order of voluntary surrender of his Texas medical license. The action was based on Dr. Winkler's conviction of a federal felony for possession of child pornography.

REINSTATEMENT AFTER TERMINATION

Golden, Mitchell K., M.D., Lic. #H7151, Mount Vernon TX

On April 3, 2009, the Board and Dr. Golden entered into an Agreed Order requiring that, for an indefinite period, Dr. Golden not be involved in practice that includes direct patient care or the prescription of drugs and that he limit his practice to non-clinical administrative medicine; that he surrender his DEA and DPS controlled substances registration certifications; and that he not supervise physician assistants, advanced nurse practitioners or surgical assistants. The action was based on Dr. Golden's not having practiced medicine since July 2005 because of a medical disability.

VIOLATION OF A BOARD RULE

Pandya, Rajanikant P., M.D., Lic. #J7619, Midland TX

On April 3, 2009, the Board and Dr. Pandya entered into a one-year agreed order in which Dr. Pandya will have a practice monitor. The action was based on Dr. Pandya's providing free samples of hydrocodone to a new patient in quantities beyond the patient's immediate needs. Dr. Pandya purchased and repackaged the hydrocodone; it was not provided to him free of charge nor repackaged by the original manufacturer. Dr. Pandya is not authorized to operate a pharmacy in Texas.

ADMINISTRATIVE ORDER

Hammerick, John M., M.D., Lic. #D7073, Corpus Christi TX

On April 3, 2009, the Board and Dr. Hammerick entered into an Agreed Order requiring that, within 60 days, he pay an administrative penalty of \$1,000. The action was based on his failure to provide a patient with contact information for the board upon request, while instead providing the number of the local county medical society, and his failure to display the proper Texas Medical Board complaint procedure notification in his office as required by law.

TEMPORARY SUSPENSIONS

McFarland, Bruce, M.D., Lic. #H3353, Corpus Christi TX

On March 16, 2009, the Board entered an Automatic Suspension Order against Dr. McFarland after determining that he had violated a previous disciplinary order by testing positive for the consumption of alcohol in late December 2008. The November 30, 2007, Agreed Order required, among other provisions, that Dr. McFarland submit to random alcohol and drug screenings to ensure abstinence from alcohol and other prohibited substances, and provided that any violation could result in an automatic suspension of his license. The automatic suspension will remain in effect until the board takes further action.

Pigott, Shirley, M.D., Lic. #F7054, Victoria TX

On March 24, 2009, the Board temporarily suspended Dr. Pigott's license. The action was based on Dr. Pigott's failure to comply with a previous board order, unprofessional and dishonorable conduct, and impaired mental status. The suspension remains in effect until the board takes further action.

Ramahi, Randy, D.O., Lic. #J4462, Arlington TX

On March 11, 2009, the Board suspended Dr. Ramahi's license without notice, and on March 23, 2009, the board entered an order of temporary suspension with notice. The actions were based on evidence that Dr. Ramahi—who has a history of prescribing controlled substances to himself and/or family members; being under psychiatric care for addiction-related issues; and having been disciplined by the Board—had prescribed narcotics for himself and/or family members in September 2008. In January 2009, Dr. Ramahi again prescribed controlled substances for a family member, and without a valid DEA or DPS certifications for prescribing such drugs. The suspension remains in effect until the board takes further action.

MINOR ADMINISTRATIVE VIOLATIONS

Nine physicians entered into administrative agreed orders with the board for minor statutory violations.

CEASE AND DESIST

Yollo, Agnes V., M.D., Humble, Tx

On February 6, 2009, the Board and Dr. Yollo, who does not hold any current license to practice medicine or practice as a physician assistant in Texas, entered into an Agreed Cease and Desist Order. The order was based on Dr. Yollo having engaged in the unlicensed practice of medicine and/or the unlicensed practice of a physician assistant, as an employee of Superior Wellness, P.A., located in Houston, where she performed physical examinations and filled out prescriptions for patients and provided medical services that are only authorized to be performed by a person properly licensed by the State of Texas.

SURGICAL ASSISTANT

Kellett, Richard, Lic. #SA00126, Burleson TX

On April 3, 2009, the Board and Mr. Kellett entered into an Agreed Order requiring that, within one year, Mr. Kellet enroll in and successfully complete the Vanderbilt University professional boundaries course. The action was based on Mr. Kellett's touching and inappropriate behavior toward a female coworker.

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* Corrected April 22, 2009, moving Victor Pallares to Inadequate Medical Records.