

## Texas Medical Board Press Release

### FOR IMMEDIATE RELEASE

September 2, 2022

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### **TMB disciplines 25 physicians at August meeting**

At its August 19, 2022 meeting, the Texas Medical Board disciplined 25 licensed physicians.

The disciplinary actions included: four orders related to quality of care violations, seven orders related to unprofessional conduct, two revocations, three voluntary surrenders/revocations, one order related to peer review action, three orders related to improper supervision/delegation, one order related to violation of board rules and four orders related to other states' actions. The Board also ratified five cease and desist orders.

The Board issued 256 physician licenses at the August meeting. The Board issued a total of 6,584 physician licenses in FY 2022.

### **DISCIPLINARY ACTIONS**

#### **QUALITY OF CARE**

##### **Bishai, Emad Mikhail Tewfik, M.D., Lic. No. N7224, Conroe**

On August 19, 2022, the Board and Emad Mikhail Tewfik Bishai, M.D., entered into an Agreed Order under the following terms for a period of three years: shall not prescribe or administer dangerous drugs or controlled substances for the treatment of pain, either acute or chronic, for a period of longer than 72 hours; within seven days request modification of his DEA controlled substances registration certificate to eliminate Schedule II and shall not reregister or otherwise obtain registrations for Schedule II controlled substances without prior authorization; shall not possess, administer, or prescribe Schedule II controlled substances; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 40 hours of CME, divided as follows: twelve hours in supervision and delegation, twelve hours in pain management, eight hours in medical recordkeeping and eight hours in risk management; 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. Bishai did not meet the standard of care and maintained inadequate medical records for three patients. Dr. Bishai also pled guilty to a misdemeanor count of violating the Medical Practice Act and was placed on deferred adjudication.

##### **Eads, Gregory, M.D., Lic. No. M4048, The Woodlands**

On August 19, 2022, the Board and Gregory Eads, M.D., entered into an Agreed Order requiring him to within 60 days complete at least 16 hours of CME, divided as follows: eight hours in managing high risk patients and eight hours in risk management. The Board found Dr. Eads failed to appropriately treat one patient and her infant by failing to deliver the patient's pregnancy a week prior to the delivery date after being informed the pregnancy was at full-term.

##### **Kapilivsky, Allan, M.D., Lic. No. J9120, McAllen**

On August 19, 2022, the Board and Allan Kapilivsky, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Kapilivsky and requiring him to within 60 days complete the medical recordkeeping course offered by the California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 24 hours of CME, divided as follows: 10 hours in general mammography, eight hours in risk management, four hours in mammography positioning and two hours in Mammography Quality Standards Act; and within 60 days pay an administrative penalty of \$5,000. The Board found Dr. Kapilivsky violated the standard of care by providing reports issued after a review of substandard mammography imaging studies for over 30 patients. On July 9, 2021, the Department of State Health Services issued an

order finding numerous violations and assessing a penalty. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Ortiz, Raynaldo R., Jr., M.D., Lic. No. H9000, Richardson**

On August 19, 2022, the Board and Raynaldo R. Ortiz, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; 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 medical recordkeeping and eight hours in resuscitation and intubation techniques; and within 30 days pay an administrative penalty of \$3,000. The Board found Dr. Ortiz failed to meet the standard of care for a patient during a procedure and was the subject of disciplinary action as a result of the incident.

**UNPROFESSIONAL CONDUCT**

**Fitzharris, Thomas Joseph, M.D., Lic. No. G9273, Dallas**

On August 19, 2022, the Board and Thomas Joseph Fitzharris, M.D., entered into an Agreed Order publicly reprimanding Dr. Fitzharris and requiring him to have a chaperone anytime he performs a physical examination on a female patient; within one year complete the boundaries 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 medical recordkeeping. The Board found Dr. Fitzharris engaged in unprofessional conduct when he performed a breast screening exam without documenting in the medical records and kissed the patient.

**Forbes, Tiffanni Dior, M.D., Lic. No. R9613, Fayetteville, GA**

On August 19, 2022, the Board and Tiffanni Dior Forbes, M.D., entered into an Agreed Order publicly reprimanding Dr. Forbes, revoking her license; however, the revocation is stayed and she is placed under the following terms for the term of her court mandated probation: 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 risk management and four hours in supervision or delegation. The Board found Dr. Forbes entered into a plea agreement in which she pleaded guilty to the charge of one count of conspiracy to engage in interstate travel or transportation in aid of a racketeering enterprise (commercial bribery and kickbacks) and was sentenced to three years of probation.

**Galindo, Eugenio G., M.D., Lic. No. J1667, McAllen**

On August 19, 2022, the Board and Eugenio G. Galindo, M.D., entered into an Agreed Order on Formal Filing requiring him to within 30 days obtain an independent medical evaluation from a board certified psychiatrist and follow all recommendations for care and treatment; shall be prohibited from caring for or treating any employee, subcontractor, or other subordinate as a physician, whether male or female; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Galindo engaged in unprofessional conduct by behaving in a sexually suggestive manner towards a female patient. Dr. Galindo agreed to participate in a pretrial intervention program in the 139<sup>th</sup> Judicial District Court in Hidalgo County after being indicted for sexual assault and attempted sexual assault. Dr. Galindo did not plead no contest or guilty and was not officially adjudicated by the Court. The misdemeanor charge was quashed by order of the Court on June 8, 2022. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Montoya, Steve Frank, Jr., M.D., Lic. No. E7202, San Angelo**

On August 19, 2022, the Board entered a Final Order regarding Steve Frank Montoya, Jr., M.D., 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 patient/physician communications and eight hours in anger management; and within one year complete the TMB Remedial Coaching Program and the University of Texas at Dallas School of Management. The Board found Dr. Montoya was the subject of peer review based on his unprofessional conduct or professional competence. Dr. Montoya was unprofessional in his treatment of two patients and one patient's wife, including abusive behavior and behaving disruptively in a manner that could impact the quality of care. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Reid, Robert Ryan, M.D., Lic. No. R2209, New Braunfels**

On August 19, 2022, the Board and Robert Ryan Reid, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for 10 consecutive monitoring cycles; 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 medical recordkeeping and eight hours in ethics; and within 30 days pay an administrative penalty of \$500. The Board found Dr. Reid was responsible for filing false claims that he conducted thousands of necessary patient visits when, in fact, he had not.

**Tran, Thomas Tung, M.D., Lic. No. J6043, Ennis**

On August 19, 2022, the Board and Thomas Tung Tran, M.D., entered into an Agreed Order publicly reprimanding Dr. Tran and requiring him to have a chaperone present anytime he performs a physical examination, including telemedicine, on a female patient; within seven days have his DEA controlled substances registration modified to eliminate Schedule II and shall not reregister without prior authorization; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 16 hours of CME, divided as follows: four hours in ethics, eight hours in chronic opioid use and drug-seeking behavior and four hours in risk management; within one year complete the professional boundaries course and the professional medical recordkeeping course offered by the California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Tran engaged in inappropriate sexual behavior with one patient and prescribed this patient multiple controlled substances without proper medical indication or monitoring and he prescribed controlled substances to eleven patients without proper medical indications and without proper monitoring.

**Wiser, Francis Thomas, D.O., Lic. No. N6103, Shreveport, LA**

On August 19, 2022, the Board and Francis Thomas Wisner, D.O., entered into a Waiver Order requiring him to comply with all terms of the agreement entered on or around April 29, 2022 with Tarrant County Criminal District Court No. 3. The Board found that it was alleged Dr. Wiser entered into a deferred adjudication for Class A Misdemeanor Assault Causing Bodily Injury to a Family Member.

**REVOCAION**

**Dutta, Suresh Venkayya, M.D., Lic. No. L1024, San Antonio**

On August 19, 2022, the Board entered a Default Order regarding Suresh Venkayya Dutta, M.D., which revoked his Texas medical license. On June 11, 2021, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. Dutta failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Dutta. The Board granted a Determination of Default and Dr. Dutta's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Dutta has 25 days from the service of the order to file a motion for rehearing.

**Niedermeyer, Valery Ann, M.D., Lic. No. K3930, Vero Beach, FL**

On August 19, 2022, the Board entered a Default Order regarding Valery Ann Niedermeyer, M.D., which revoked her Texas medical license. On June 10, 2022, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging a violation of the Act and Board rules. Dr. Niedermeyer failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. Niedermeyer. The Board granted a Determination of Default and Dr. Niedermeyer's license was revoked by Default Order. The order resolves a formal complaint filed at SOAH. Dr. Niedermeyer has 25 days from the service of the order to file a motion for rehearing.

**VOLUNTARY SURRENDER/REVOCAION**

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

On August 19, 2022, the Board and David Tanksley Butler, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Butler agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Butler indicated his desire to surrender his license in order to resolve complaints related to his arrest on or about April 15, 2022. Dr. Butler had been suspended following his arrest and being charged with possession of child

pornography, a 3rd degree felony. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

**Lin, Jay, M.D., Lic. No. N5809, Houston**

On August 19, 2022, the Board and Jay Lin, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lin agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Lin indicated his desire to surrender his license after pleading guilty to the felony offense of online solicitation of a minor.

**Lipscomb, Larry Bernard, M.D., Lic. No. G5303, Conroe**

On August 19, 2022, the Board and Larry Bernard Lipscomb, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Lipscomb agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. Dr. Lipscomb was under investigation for allegations of nontherapeutic prescribing of controlled substances.

**PEER REVIEW ACTION**

**Andujo, Oscar R., M.D., Lic. No. G0605, Dallas**

On August 19, 2022, the Board and Oscar R. Andujo, M.D., entered into an Agreed Order publicly reprimanding Dr. Andujo and requiring him to within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year and three attempts pass the Medical Jurisprudence Exam. The Board found Dr. Andujo voluntarily resigned his privileges following his suspension related to complaints of boundary violations.

**IMPROPER SUPERVISION OR DELEGATION**

**Agarwal, Ajai, M.D., Lic. No. J9610, El Paso**

On August 19, 2022, the Board and Ajai Agarwal, M.D., entered into an Agreed Order requiring him to within 60 days complete at least 16 hours of CME, divided as follows: 12 hours in supervision and delegation and four hours in risk management. The Board found Dr. Agarwal failed to adequately supervise the activities of those acting under his supervision.

**Hung, Scott Houson, M.D., Lic. No. J6496, Houston**

On August 19, 2022, the Board and Scott Houson Hung, M.D., entered into an Agreed Order publicly reprimanding Dr. Hung and requiring him to within 45 days furnish copies of his delegation orders to the Board; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 28 hours of CME, divided as follows: 12 hours in supervision and delegation, 8 hours in medical ethics and 8 hours in risk management; within 60 days pay an administrative penalty of \$10,000; and shall not supervise and delegate prescriptive authority of a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Hung was the contracted medical director at a spa where an unlicensed person performed non-surgical cosmetic procedures, including injecting patients with silicone to the hips and buttocks, without any physician or midlevel evaluation or supervision.

**Shukan, Michael Robert, M.D., Lic. No. F8674, Livingston**

On August 19, 2022, the Board and Michael Robert Shukan, M.D., entered into an Agreed Order requiring him to within 60 days surrender his DEA controlled substances registration certificate and shall not reregister without prior approval; within 90 days complete all deficient CME required for maintaining his license; within one year complete at least 40 additional hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in supervision or delegation, eight hours in medical ethics, eight hours in risk management and eight hours in prescribing controlled substances; within one year and three attempts pass the Medical Jurisprudence Exam; within 60 days pay an administrative penalty of \$5,000; and shall not supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant. The Board found Dr. Shukan authorized the prescribing/dispensing of controlled substances and dangerous drugs to multiple patients by health care providers

without delegating prescribing authority to these providers, who were not midlevel practitioners, and without first performing proper medical evaluations on the patients. Dr. Shukan also had not completed the required 48 hours of CME credits during the past two-year license renewal period.

#### **VIOLATION OF BOARD RULES**

##### **Moran, William, M.D., Lic. No. E4547, Austin**

On August 19, 2022, the Board and William Moran, M.D., entered into a Consent Order publicly reprimanding Dr. Moran and requiring him to within 90 days fully respond to all requests from patients for their records, including by making sure a plan is in place to timely provide records in response to all patient requests; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least 8 hours of CME in risk management; and within 60 days pay an administrative penalty of \$2,000. Board staff charged that Dr. Moran failed to notify at least one patient of the termination of his practice without providing the patient reasonable opportunity to obtain their medical records.

#### **OTHER STATES' ACTIONS**

##### **Ambati, Balamurali K., M.D., Lic. No. R0180, Eugene, OR**

On August 19, 2022, the Board and Balamurali K. Ambati, M.D., entered into an Agreed Order requiring him to comply with the terms imposed by the Stipulation and Order entered by the State of Utah. All restrictions that apply to Dr. Ambati's licenses to practice as a physician and surgeon in the state of Utah, apply in the state of Texas. The Board found Dr. Ambati was disciplined by the State of Utah for failing to obtain adequate informed consent to patients in five surgical procedures and engaged in off-label and/or cutting-edge procedures/surgeries that led to problematic results for patients.

##### **Chappell, Edward, M.D., Lic. No. M7906, Santa Clara, CA**

On August 19, 2022, the Board and Edward Chappell, M.D., entered into a Waiver Order requiring him to comply with all terms of the agreement entered on or around March 10, 2022 with the Medical Board of California. The Board found that it was alleged Dr. Chappell entered into an Order with the Medical Board of California, in lieu of disciplinary action or further investigative proceedings, based on standard of care violations, inadequate recordkeeping and failure to obtain informed consent.

##### **Matrisciano, James, M.D., Lic. No. H8748, Covington, LA**

On August 19, 2022, the Board and James Matrisciano, M.D., entered into a Waiver Order publicly reprimanding Dr. Matrisciano and requiring him to within one year complete at least four hours of CME in prescribing controlled substances and within 90 days pay an administrative penalty of \$2,500. The Board found that it was alleged Dr. Matrisciano had a disciplinary action entered by the Louisiana State Board of Medical Examiners based on a failure to comply with the state's chronic pain rules, failure in performing the required search of the Prescription Monitoring Program, and the need to correct prescribing practices under Louisiana's statutes and Board Rules.

##### **Stears, Robert L., M.D., Lic. No. R4904, Houston**

On August 19, 2022, the Board and Robert L. Stears, M.D., entered into a Waiver Order publicly reprimanding him and requiring him to within one year complete at least six hours of CME in ethics/risk management; and within 90 days pay an administrative penalty of \$789. The Board found that it was alleged Dr. Stears entered into a Final Decision and Order with the Wisconsin Medical Examining Board, a disciplinary action, based on a failure to identify a central line that did not follow the course of any anatomic vein.

#### **CEASE & DESISTS**

##### **Acosta, Diana Morin, No License, San Antonio**

On August 19, 2022, the Board and Diana Morin Acosta entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Acosta

advertised herself as a physician with an M.D. degree, as an Obstetrician-Gynecologist, and as a Plastic Surgeon on Instagram where she accepted payments for various procedures.

**Chappel, Mary, No License, Dallas**

On August 19, 2022, the Board and Mary Chappel entered into an Agreed Cease and Desist Order prohibiting her from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Chappel posted advertisements offering lip injections without supervision by a physician or authorized midlevel practitioner.

**Chu, Amber, D.D.S, Houston**

On August 19, 2022, the Board and Amber Chu, D.D.S., entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Chu, who is a licensed dentist, advertised, and she and her staff performed, Hyperbaric Oxygen Therapy without a licensed medical professional or without consulting a prescribing physician for treatment, and beyond the scope of FDA approval.

**Greene, Krista, No License, Belton**

On August 19, 2022, the Board and Krista Greene entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Greene administered B12 injections without a standing medical delegation order in place.

**Steller, Kielani, No License, Spring**

On August 19, 2022, the Board and Keilani Steller entered into an Agreed Cease and Desist Order prohibiting her from practicing medicine in the state of Texas and from acting as, or holding herself out to be, a licensed physician in the state of Texas. The Board found Ms. Steller offered and performed nonsurgical medical cosmetic procedures without delegated authority by a supervising physician or having a physician or midlevel onsite, or with a physician available for emergency consultation.

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*To view disciplinary orders and Board action history, 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 "Current Board Action."*

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