

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE Wednesday, April 21, 2010

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Medical Board Disciplines 59 Doctors and Issues 634 Licenses

Since its February 4-5 board meeting, the Texas Medical Board has taken disciplinary action against 59 licensed physicians.

The actions included 10 violations based on quality of care; five actions based on unprofessional conduct; two nontherapeutic prescribing violations; five actions based on inadequate medical records violations; two actions based on advertising violations; two voluntary surrenders; one revocation; two actions based on failure to properly supervise or delegate; three actions based on violation of probation or prior order; two actions based on actions by another state or entity; two orders modifying a prior order; one action based on a criminal conviction; two cease and desist orders; action against one surgical assistant; and five corrective orders. The board issued 17 orders for minor statutory violations.

At its April 7-8 meeting, the board also issued **634** physician licenses.

RULE CHANGES ADOPTED

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

Chapter 183, Acupuncture: amendments to §183.4, Licensure, which increases number of attempts on Acupuncture JP exam upon showing of good cause; §183.9, Impaired Acupuncturists, regarding procedures for probable cause hearings for mental and physical examinations, implementation of Physician Health Program for Impaired Acupuncturists.

Chapter 187, Procedural Rules: amendments to §187.43, Procedures for the Modification/Termination of Agreed and Disciplinary Orders, will prohibit probationers from requesting modification/termination of an order if the probationer is under investigation for alleged noncompliance with the order, and clarifies that modification/termination requests may be made yearly since the effective date of an order; proposed new Subchapter I Proceedings for Cease and Desist Orders, subchapter based on passage of HB2256 passed during the 81st Legislative session; §187.83, Proceedings for Cease and Desist Orders, establishes the procedures for cease and desist orders to be issued by the executive director after the opportunity for participation in an informal settlement conference; §187.84, Violation of Cease and Desist Orders, establishes the penalties for violation of cease and desist orders; proposed new Subchapter J, Procedures Related to Out of Network Health Benefit Claim Dispute Resolution, subchapter based on passage of HB2256 passed during the 81st Legislative session; §187.85,

Purpose and Construction; §187.86, Scope; §187.87, Definitions; §187.88, Complaint Process and Resolution; and §187.89, Notice of Availability of Mandatory Mediation.

Chapter 189, Compliance Program: amendments to §189.2, Definitions amends the title "chief of compliance" to "compliance manager"; §189.3, Responsibilities of Probationers, sets out the requirements for third party reports submitted to the Board in relation to a probationer's order with the Board; §189.8, Procedures Relating to Non-compliance, amends the title "chief of compliance" to "compliance manager."

Chapter 190, Disciplinary Guidelines: proposed amendments to §190.14, Disciplinary Sanction Guidelines, provides that if a physician is determined to have negotiated in bad faith in relation to an out-of-network health benefit claim, the licensee may be fined up to \$2,000 by the Board.

Chapter 192, Office-Based Anesthesia Services and Pain Management Clinics: amendments delete references to Pain Management Clinics; §192.1, Definitions; §192.2, Provision of Anesthesia Services in Outpatient Settings, require that anesthesia services and equipment provided in an outpatient setting remain available until the patient is discharged; §192.4, Registration, excludes Level I services from registration requirements and deletes languages relating to pain management clinics; §192.5, Inspections; repeal §192.7, Operation of Pain Management Clinics.

Chapter 195, Pain Management Clinics: new chapter with language from Chapter 192 moved into this chapter; §195.1, Definitions; §195.2, Certification of Pain Management Clinics; §195.3, Inspections; §195.4, Operation of Pain Management Clinics, adds language about minimum requirements for quality assurance procedures.

Chapter 198, Unlicensed Practice: amendments delete language regarding cease and desist orders which is moved to Chapter 187; amends §198.3, Investigation of Complaints; repeals §198.4, Cease and Desist Order; repeals §198.5, Contested Cease and Desist Proceeding; and repeals §198.6, Violation of Cease and Desist Order.

PROPOSED RULE CHANGES

The following proposed rule changes will be published in the April 30th *Texas Register*:

Chapter 164, Physician Advertising: §164.6, Required Disclosures on Websites. Moves language to Chapter 164 that was previously in Chapter 174.

Chapter 172, Temporary and Limited Licenses: Subchapter C. Limited Licenses, § 172.12, Out-of-State Telemedicine License. Renames Special-Purpose Telemedicine licenses to Out-of-State Telemedicine licenses and limits their scope to the interpretation of diagnostic testing and reporting results to a physician fully licensed and located in Texas or for the follow-up of patients where the majority of patient care was rendered in another state.

Chapter 174, Telemedicine: § 174.1, Purpose. Adds statutory authority for the chapter and exempts out-of-state telemedicine license holders, federally qualified health centers, and health insurance help-lines from the chapter; § 174.2, Definitions. Defines distant site provider, established medical site, face-to-face visit, patient site location, patient site presenter; amend the definitions for physician-patient e-mail, telemedicine medical services; and deletes the definition for telepresenter; § 174.3, Telemedicine Medical Services. Deletes reference to the Telecommunications Infrastructure Fund Board (TIFB); § 174.4, Use of the Internet in Medical Practice. Repeal of section and moves it to Chapter 164 as a new Section 164.6; § 174.5, Notice of Privacy Practices. Provides that physicians who communicate electronically with patients and provide telemedicine medical services, must provide notice to patients of privacy practices, limitations of telemedicine, when in-person evaluations are necessary, and how to file complaints with the Board; § 174.6, Delegation to and Supervision of Telepresenters. Repeals Section 174.6 and add new language for rules relating to Telemedicine Medical Services Provided at an Established Medical Site; § 174.7, Telemedicine Medical Services Provided at Sites other than an Established Medical Site. Establishes under what conditions a distant site provider may provide telemedicine medical services at sites other than an established medical site, such as a patient's home; § 174.8, Evaluation and Treatment of the Patient. Establishes standards for physicians who use telemedicine medical services for the evaluation and treatment of patients; § 174.9, Technology and Security Requirements. Establishes requirements relating to technology and security regarding the provision of telemedicine medical services and physician-patient communications through e-mail; § 174.10, Medical Records for Telemedicine Medical Services. Establishes the requirements for the maintenance of medical records for telemedicine medical services and what documents are considered part of the medical records; § 174.11, On-call Services. Establishes that physicians in the same specialty who provide reciprocal services may provide on-call telemedicine medical services for each other's patients; § 174.12, State Licensure. Provides that persons who treat and prescribe through advanced communications technology are engaged in the practice of medicine and must have appropriate licensure unless otherwise exempt.

DISCIPLINARY ACTIONS

Open records requests for orders may be made to openrecords@tmb.state.tx.us. **Media contact:** Leigh Hopper at (512) 305-7018 or leigh.hopper@tmb.state.tx.us. Orders are posted on the TMB web site at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp about 10 days after the board meeting.

QUALITY OF CARE VIOLATIONS

Clark, Robert Dwight, D.O., Lic. #K7696, Fort Worth TX

On April 9, 2010, the Board and Robert Dwight Clark, D.O., entered into an Agreed Order publicly reprimanding Dr. Clark and requiring him to complete 15 hours of CME, including 10 hours in the topic of anesthesia for the high-risk patient and five hours in medical record-keeping. The Board's action was based on Dr. Clark's failure to meet the standard of care by failing to adequately evaluate a patient pre-operatively, which resulted in an unsafe anesthesia plan, which may have caused or contributed to his death.

Gibson, Donald, II, M.D., Lic. #H5209, Houston TX

On April 9, 2010, the Board and Donald Gibson, II, M.D., entered into an Agreed Order requiring Dr. Gibson to complete within one year eight hours of CME in risk management and eight hours of CME in ethics; and pay an administrative penalty of \$2,500 within 180 days. The basis for action was Dr. Gibson's failure to meet the standard of care, non-therapeutic prescribing, inadequate supervision and failing to maintain adequate medical records for four weight management patients.

Johnson, Alfred Raymond, D.O., Lic. #F8525, Richardson TX

On April 9, 2010, the Board and Alfred Raymond Johnson, D.O., entered into a Mediated Agreed Order requiring Dr. Johnson to use a revised informed consent form and special medical chart tracking system with patients undergoing a non-commercial, non-FDA approved desensitization therapy for chemical sensitivity. In addition, Dr. Johnson is required to complete 10 hours of CME in allergy/immunology and 8 hours of CME in medical record-keeping within one year; complete a 14-hour certification board review course in allergy/immunology within two years; submit within 60 days a list of therapies and extracts used in his practice; and pay an administrative penalty of \$4,500 within 90 days. The action was based on the board's finding that Dr. Johnson failed to obtain informed consent regarding intradermal injection of extract from diesel exhaust or maintain adequate medical records.

Laurora, Kenneth Joseph, M.D., Lic. #L6237, Livingston TX

On April 9, 2010, the Board and Kenneth Joseph Laurora, M.D., entered into an Agreed Order that requires Dr. Laurora to be monitored by a physician for two years; complete within one year eight hours of CME in medical record-keeping and eight hours in nephrology; and pay an administrative penalty of \$3,000 within 180 days. The basis for action was Dr. Laurora's failure to meet the standard of care and safeguard against potential complications when he transfused a large amount of blood within a short timeframe to a patient who subsequently died. Dr. Laurora failed to document a cardiologist's recommendation, a crucial factor in Dr. Laurora's treatment decision.

Nasser, George Alan, M.D., Lic. #J7601, The Woodlands TX

On April 9, 2010, the Board and George Alan Nasser, M.D., entered into an Agreed Order publicly reprimanding Dr. Nasser and requiring him to have another physician monitor his practice for one year; complete within one year 10 hours of CME in risk management, 10 hours in medical record-keeping and 10 hours in anti-coagulation issues in cardiology; and pay an administrative penalty of \$5,000 within 180 days. The action was based on the Board's finding that Dr. Nasser failed to meet the standard of care when he performed a non-emergent pacemaker placement procedure on a patient who had an increased risk of bleeding, who later died.

Nepper, Leonard Gaylon, D.O., Lic. #J9240, Brownwood TX

On April 9, 2010, the Board and Leonard Gaylon Nepper, D.O., entered into an Agreed Order requiring Dr. Nepper to have another physician monitor his practice for one year and provide to the Board's Compliance Division selected patient medical and billing records. The action was based on the Board's finding that Dr. Nepper failed to meet the standard of care for two patients because he was not diligent in obtaining the patients' previous medical records or tests to confirm a diagnosis prior to treating and prescribing pain medication.

Perry, John Edward, III, M.D., Lic. #L1430, Houston TX

On April 9, 2010, the Board and John Edward Perry, III, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Perry and placing him under certain terms and conditions that remain in effect until modified by a subsequent order of the Board. The order prohibits Dr. Perry from possessing, administering or prescribing any schedule II or III controlled substances except as medically necessary in approved settings; prohibits Dr. Perry from the practice of chronic pain management and limits his medical practice to a group or institutional setting; and requires that Dr. Perry's practice be monitored by another physician. In addition, Dr. Perry must pay an administrative penalty of \$15,000 within 18 months; complete 16 hours of CME, including eight in ethics and eight in pain management; and may not delegate prescriptive authority to physician extenders. The basis for action was Dr. Perry's failure to meet the standard of care in his treatment of a patient, failure to safeguard against potential complications, nontherapeutic prescribing and providing medically unnecessary services to a patient.

Pham, Roger C., M.D., Lic. #H4614, Arlington TX

On April 9, 2010, the Board and Roger C. Pham, M.D., entered into an Agreed Order requiring Dr. Pham to have a physician monitor his practice for three years; complete within one year the medical record-keeping and controlled substance management courses offered by Case Western Reserve University School of Medicine; and pay an administrative penalty of \$1,000 within 60 days. The basis for action was Dr. Pham's failure to adequately document or treat a patient's chronic pain and anxiety.

Reyes, Ramon Gilberto Almodovar, M.D., Lic. #J1367, Helotes TX

On April 9, 2010, the Board and Ramon Gilberto Reyes Almodovar, M.D., entered into an Agreed Order requiring Dr. Almodovar to complete 24 hours of CME in risk management, medical record-keeping and pain management within one year; have a physician monitor his practice for eight consecutive reporting periods of three months each; and pay an administrative penalty of \$5,000 within 60 days. The basis for action was Dr. Almodovar's failure to meet the standard of care, non-therapeutic prescribing and violation of Board rules related to pain management.

Sorokolit, Walter Theodore, M.D., Lic. #F2456, Fort Worth TX

On April 9, 2010, the Board and Walter Theodore Sorokolit, M.D., entered into an Agreed Order requiring Dr. Sorokolit to complete eight hours of CME in medical record-keeping and eight hours in hand surgery; and pay an administrative penalty of \$3,000 within 180 days. The Board's action was based on Dr. Sorokolit's failure to meet the standard of care with one hand surgery patient when he did not appropriately examine the patient, causing him to make a questionable diagnosis, resulting in the patient's need for further surgery.

NONTHERAPEUTIC PRESCRIBING VIOLATIONS

Atkinson, William Hudson, M.D., Lic. #E2448, Wills Point TX

On April 9, 2010, the Board and William Hudson Atkinson, M.D., entered into a Mediated Agreed Order subjecting Dr. Atkinson to the following terms and conditions for two years. Within one year from the date of mediation, February 18, 2010, Dr. Atkinson must complete the University of California San Diego PACE course in physician-prescribing and medical record-

keeping for a minimum of 39.5 hours, complete 16 hours of CME in chronic pain management and complete eight hours of CME in addiction. In addition, for one year Dr. Atkinson must submit to the Board's Compliance Department a log book documenting all prescribed controlled substances each month. The basis for disciplinary action was Dr. Atkinson's non-therapeutic prescribing for four patients.

Xiques, Pablo L., M.D., Lic. #E3823, Grand Prairie TX

On April 9, 2010, the Board and Pablo L. Xiques, M.D., entered into a Mediated Agreed Order requiring Dr. Xiques to limit the hours of his medical practice; refrain from prescribing or authorizing refills of any Schedule I or Schedule II drugs; and surrender his license by December 15, 2010 to avoid further legal action. The action was based on the Board's finding that Dr. Xiques failed to meet the standard of care in his prescription of narcotics, benzodiazepines and muscle relaxants without adequate documentation and treatment plans for two patients.

UNPROFESSIONAL CONDUCT

Apostolakis, Louis William, M.D., Lic. #L2104, West Lake Hills TX

On April 9, 2010, the Board and Louis William Apostolakis, M.D., entered into an Agreed Order requiring Dr. Apostolakis to pay an administrative penalty of \$1,000 within 30 days. The basis for action was Dr. Apostolakis' violation of a Board rule prohibiting physicians from providing, dispensing or distributing a drug for a fee.

Armstrong, Kenneth Lee, M.D., Lic. #F6396, Round Rock TX

On April 9, 2010, the Board and Kenneth Lee Armstrong, M.D., entered into an Agreed Order requiring Dr. Armstrong to complete within one year 30 hours of CME, including 20 hours in physician-patient boundaries and 10 hours in treatment of psychiatric disorders in family practice. The action was based on Dr. Armstrong's unprofessional or dishonorable conduct toward a patient whom he telephoned repeatedly to suggest and arrange meetings outside of the professional practice site.

Martinez, Jorge, M.D., Lic. #H1801, McAllen TX

On April 9, 2010, the Board and Jorge Martinez, M.D., entered into an Agreed Order requiring Dr. Martinez to submit within six months a new report from La Hacienda regarding his compliance with his substance abuse rehabilitation program; maintain a log of all "energy" drinks he consumes along with any alcohol content for six months; and pay an administrative penalty of \$2,000 within 60 days. The basis for the Board's action was Dr. Martinez's unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public through his intemperate use of alcohol or drugs.

Milam, Mary, M.D., Lic. #E4529, Fort Worth TX

On April 9, 2010, the Board and Mary Milam, M.D., entered into an Agreed Order requiring Dr. Milam to complete eight hours of CME in patient-physician communication and eight hours in risk management within one year; and pay an administrative penalty of \$1,000 within 60 days. The Board's action was based on Dr. Milam's unprofessional conduct when she made insensitive remarks to a patient diagnosed with metastatic cancer.

Woodward, John Reagan, M.D., Lic. #D4884, Dallas TX

On April 9, 2010, the Board and John Reagan Woodward, M.D., entered into an Agreed Order that requires Dr. Woodward to complete within one year 10 hours of CME in the area of prescribing controlled substances and/or risk management. The basis for action was Dr. Woodward's violation of a Board rule that prohibits the use of pre-signed prescriptions for controlled substances.

INADEQUATE MEDICAL RECORDS

Allen, Mark Lee, M.D., Lic. #J1610, Plano TX

On April 9, 2010, the Board and Mark Lee Allen, M.D., entered into an Agreed Order that requires Dr. Allen to complete 10 hours of CME in medical record-keeping within one year and pay an administrative penalty of \$1,000 within 60 days. The Board's action was based on Dr. Allen's inadequate medical records for a patient which were "disorganized and difficult to decipher."

Barlow, Lloyd Hammon, M.D., Lic. #M0988, Eldorado TX

On April 9, 2010, the Board and Lloyd Hammon Barlow, M.D., entered into an Agreed Order that requires Dr. Barlow to pass the Texas Medical Jurisprudence Examination within three attempts, within one year; complete within one year eight hours of CME in medical record-keeping and eight in ethics; and pay an administrative penalty of \$3,000. The Board based its action on Dr. Barlow's failure to use diligence and maintain adequate medical records.

Brashear, Doyle Hubbard, M.D., Lic. #C4954, Lufkin TX

On April 9, 2010, the Board and Doyle Hubbard Brashear, M.D., entered into an Agreed Order that requires Dr. Brashear, a psychiatrist, to cease treatment of chronic pain patients and complete eight hours of CME in medical record-keeping. The basis for action was Dr. Brashear's failure to maintain adequate medical records, and his failure to follow Board rules on the treatment of pain management.

Faulkner, Marvin Lynn, D.O., Lic. #K4423, Fort Worth TX

On April 9, 2010, the Board and Marvin Lynn Faulkner, D.O., entered into an Agreed Order requiring Dr. Faulkner to pay an administrative penalty of \$3,000, and complete eight hours of CME in both medical record-keeping and risk management. The basis for action was Dr. Faulkner's failure to maintain adequate medical records for eight chronic pain patients.

Shivshanker, Krishnamurthy, M.D., Lic. #F3611, Houston TX

On April 9, 2010, the Board and Krishnamurthy Shivshanker, M.D., entered into an Agreed Order requiring Dr. Shivshanker to complete within one year eight hours of CME in medical record-keeping and eight hours in risk management. The basis for action was the Board's finding that Dr. Shivshanker failed to maintain adequate medical records documenting gastrointestinal consultations provided to one patient.

ADVERTISING VIOLATIONS

Shah, Pankajkumar G., M.D., Lic. #J9336, Mission TX

On April 9, 2010, the Board and Pankajkumar Shah, M.D., entered into an Agreed Order requiring Dr. Shah to pay an administrative penalty of \$2,000 within 60 days. The Board's action was based on Dr. Shah's misleading advertising in a television commercial. Producers aired the commercial without Dr. Shah's approval of the final version and Dr. Shah canceled the commercial after learning of the problem.

Sheridan, David Paul, M.D., Lic. #L3820, Katy TX

On April 9, 2010, the Board and David Paul Sheridan, M.D., entered into an Agreed Order requiring Dr. Sheridan to present within 90 days a revised patient consent form containing information about bio-identical hormone therapy to the Texas Medical Board Executive Director for review; disclose to patients, in writing, the business interrelationship between the wellness center, which employs Dr. Sheridan, a financially-related pharmacy and a financially-related nutritional supplement formulation. In addition, Dr. Sheridan must pay an administrative penalty of \$2,000 within 60 days. The Board's action was based on the finding that Dr. Sheridan violated advertising rules by using the terms "natural" and "bio-identical" interchangeably when the terms are not medically equivalent.

VOLUNTARY SURRENDERS

Burke, Gene, M.D., Lic. #C5619, Houston TX

On April 9, 2010, the Board and Gene Burke, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Burke agreed to permanently surrender his Texas medical license due to physical health problems.

Horn, Joseph Jack, M.D., Lic. #C4371, Plainview TX

On April 9, 2010, the Board and Joseph Jack Horn, M.D., entered into an Agreed Voluntary Surrender Order in which Dr. Horn permanently surrendered his Texas license in lieu of further legal proceedings.

REVOCAION

Olmsted, William Robert, M.D., Lic. #J1550, Georgetown TX

On April 9, 2010, the Board and William Robert Olmsted, M.D., entered into an Agreed Order of Revocation, terminating his Texas medical license. Dr. Olmsted is not licensed in any other state. The Order was based on Dr. Olmsted's failure to comply with a 2009 Agreed Order.

FAILURE TO PROPERLY SUPERVISE OR DELEGATE

Sheikh, Mansoor A., M.D., Lic. #M2097, Houston TX

On April 9, 2010, the Board and Mansoor A. Sheikh, M.D., entered into an Agreed Order requiring Dr. Sheikh to complete the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program at Texas A&M within one year; complete 10 hours of CME in medical record-keeping and 10 hours in managing medical emergencies within one year. The basis for action was Dr. Sheikh's failure to adequately supervise an advanced practice nurse in the care of a patient with a ruptured appendix.

Watson, Stephen Wayne, M.D., Lic. #G6115, Plano TX

On April 9, 2010, the Board and Stephen Wayne Watson, M.D., entered into an Agreed Order requiring Dr. Watson to complete within one year eight hours of CME in risk management; and pay an administrative penalty of \$500 within 60 days. The basis for action was the Board's finding that Dr. Watson violated the Board's advertising rules, and failed to properly supervise nurses administering "Lipo Dissolve" treatments at his office.

VIOLATION OF PROBATION OR PRIOR ORDER

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

On April 9, 2010, the Board and Bernard D. Kornell, M.D., entered into an Agreed Order Modifying a Prior Order, modifying a 2009 Order that was based upon Dr. Kornell's unprofessional conduct. The new Order gives Dr. Kornell an additional year to complete the SPEX and JP exams and allows for no further time extensions. In addition, the Order institutes a practice restriction that restricts Dr. Kornell from having any physical contact with any patient in any venue, including any research area where he may practice.

McCall, Norman Joel, M.D., Lic. #E6137, Southlake TX

On April 9, 2010, the Board and Norman Joel McCall, M.D., entered into an Agreed Order Modifying a Prior Order that extends Dr. McCall's five-year probation set forth in a 2009 Order for an additional five years, and requires Dr. McCall to pay an administrative penalty of \$2,000 within 90 days. The action was based on Dr. McCall's failure to comply with the 2009 order: specifically, his arrest for calling in false prescriptions for controlled substances; failure to submit letters from psychiatrists proposing to treat him; and diverting prescriptions written for family members to himself.

Weldon, Bill E., D.O., Lic. #F4669, Fort Worth TX

On April 9, 2010, the Board and Bill E. Weldon, D.O., entered into a Mediated Agreed Order placing Dr. Weldon under the following terms and conditions for five years. Dr. Weldon must comply with all recommendations of his chart monitors and pay all outstanding chart monitor bills; have a physician monitor his practice related to chronic pain patients; contact within 30 days a practice evaluation program such as Texas A&M's KSTAR program; and complete 10 hours of CME in medical record-keeping and 10 hours in prescribing for pain management. The basis for action was Dr. Weldon's failure to pay chart monitoring fees and complete CME as required by a 2005 Board Order.

ORDER MODIFYING A PRIOR ORDER

Anderson, Eli T., M.D., Lic. #E6214, Houston TX

On April 9, 2010, the Board and Eli T. Anderson, M.D., entered into an Agreed Order lifting Dr. Anderson's Temporary Suspension and placing him on probation for 10 years. The order requires Dr. Anderson to limit his practice to an approved group or institutional setting; abstain from the consumption of prohibited substances; participate in the Board's drug testing program; continue participating in Alcoholics Anonymous; submit to the Board the names of board-certified psychiatrists who agreed to treat Dr. Anderson; and refrain from treating his immediate

family. The basis for action was Dr. Anderson's compliance with a previous Board Order related to Dr. Anderson's substance abuse.

Lee, Sung, M.D., Lic. #E6473, Sugar Land TX

On April 9, 2010, the Board and Sung Lee, M.D., entered into an Agreed Order Modifying a Prior Order that requires Dr. Lee to complete 14.5 hours of CME in medical record-keeping, most of it completed by "in person" attendance, no later than July 1, 2010. All other terms and conditions of the 2007 Order remain in effect.

ACTION BY ANOTHER STATE OR ENTITY

Murray, Conrad, M.D., Lic. #M0502, Houston TX

On April 9, 2010, the Board and Conrad Murray, M.D., entered into an Agreed Order of Restriction that prohibits Dr. Murray from using or administering any anesthetic agent that is normally administered by an anesthesiologist, including Propofol or any other heavy sedatives; or prescribing or administering any form of general sedation to a patient. Dr. Murray is prohibited from supervising or delegating prescriptive authority to physician assistants and other physician extenders. The agreed order does not prohibit Dr. Murray from prescribing or utilizing other medications, including pain medication, anti-anxiety medication or local or topical anesthetics. In addition, Dr. Murray is allowed to be part of a medical team providing Propofol or other heavy or general anesthetic as long as Dr. Murray does not personally administer or prescribe them. The action is based on the board's finding that Dr. Murray is subject to criminal charges in California related to possible non-therapeutic prescribing that resulted in the death of a patient. Dr. Murray had his medical license temporarily restricted in California as a condition of bond. The license restrictions remain in effect until the criminal allegations in California are resolved and the board has adequate evidence to show that Dr. Murray is competent to safely practice medicine.

Nguyen, Manh Hai Hoang, M.D., Lic. #M7474, Sugar Land TX

On April 9, 2010, the Board and Manh Hai Hoang Nguyen, M.D., entered into an Agreed Order publicly reprimanding Dr. Nguyen and requiring him to complete eight hours of CME in ethics and pay an administrative penalty of \$1,000 within 60 days. The Board's action was based on Dr. Nguyen's termination from a residency program in Dallas, due to his attempted fraud with a co-worker to recover insurance proceeds from a lost cell phone.

CRIMINAL CONVICTION

Mallou, Fernando, M.D., Lic. #D1711, Rockwall TX

On April 9, 2010, the Board entered a final order regarding Fernando Mallou, M.D., suspending Dr. Mallou's medical practice license for an indefinite period. The action was based on a Proposal for Decision (PFD) that issued following the Board's filing of a complaint, and subsequent motion for summary disposition, at the State Office of Administrative Hearings (SOAH) in docket no. 503-09-4217. The Board brought this action as the result of Dr. Mallou being convicted by a Dallas County jury in cause no. F-07-71821 for the second-degree felony offense of sexual assault, and his placement on 10 years probation. On the basis of the Board's showing that this initial felony conviction was a fact of record, the SOAH court granted the

board's motion for summary disposition and issued the PFD, allowing for this final order. Dr. Mallou 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.

CEASE AND DESIST

Mayer, Roxana Mercedes, (no license) Houston, TX

On April 9, 2010, the Board and Roxana Mercedes Mayer, who does not hold a current license to practice medicine in the State of Texas, entered into an Agreed Cease and Desist Order. The Order was based on Ms. Mayer having engaged in the unlicensed practice of medicine, or having engaged in representing herself as a doctor or physician, in Houston, Harris County, Texas, by: holding herself out as a physician in a public place; introducing herself at a public forum on health care reform as a "general practitioner" who has practiced for "four years"; and in the guise of a physician, publicly presenting opinions on health care reform that were intended to be viewed as issuing from one segment of the profession, primary care physicians. Though Ms. Mayer specifically denied she engaged in the unlicensed practice of medicine, the Order requires her to immediately halt all such activity.

Webster, Bennie, Ph.D., (no license) Tyler, TX

On April 9, 2010, the Board and Bennie Webster, Ph.D., who does not hold a current license to practice medicine in the State of Texas, entered into an Agreed Cease and Desist Order. The Order was based on Dr. Webster having engaged in the unlicensed practice of medicine, or having engaged in representing herself as a doctor or physician, in Tyler, Smith County, Texas, at the Community Health Clinic of Northeast Texas, by: representing that she was a doctor in a medical clinic; constructively practicing medicine by directing one or more physicians as to how and when to practice medicine; ordering the dispensation of narcotics from the clinic pharmacy to clinic patients; ordering clinic staff to write prescriptions for clinic patients; and referring to herself in the presence of one or more patients as "Dr. Bennie Webster," resulting in one or more patients believing her to be a medical doctor, all of which has been denied by Dr. Webster. The order requires Dr. Webster to immediately halt all such activity.

SURGICAL ASSISTANT

Flores, David, S.A., Lic. #SA-0069, Houston TX

On April 1, 2010, the Board entered an Order of Automatic Suspension for an indefinite period against David Flores, S.A., and it will remain in effect until such time as Mr. Flores provides evidence and information that satisfies the Board that he is eligible to have his license reinstated. Authorized by a statutory mandate, the 2010 Order was issued as the result of Mr. Flores' being convicted, and subsequently sentenced in September 2009 in Harris County, Texas, to 15 years in state prison for the felony offense of aggravated sexual assault of a child under 14 years of age. Mr. Flores is currently incarcerated and may not submit evidence to the Board until he has been released from prison.

CORRECTIVE ORDERS

Corrective orders are for violations that do not warrant restricting a physician's license but may include requirements such as administrative penalties, continuing medical education or chart monitoring.

Haider, Munawar, M.D., Lic. # L3325

Hine, Peter William, M.D., Lic. #H9995

Kowalczyk, Teresa Danuta, M.D., Lic. #K4932

Lopez, Ramona Griffith, M.D., Lic. #H4500

Rosenthal, Jon Evan, M.D., Lic. #M4489