

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

March 18, 2022

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TMB disciplines 31 physicians at March meeting

At its March 4, 2022 meeting, the Texas Medical Board disciplined 31 licensed physicians.

The disciplinary actions included: two orders related to quality of care violations, eight orders related to unprofessional conduct, four voluntary surrenders/revocations, one order related to improper prescribing, two orders related to peer review actions, eleven orders related to other states' actions, one order related to TXPHP violations, and two orders related to inadequate medical records. The Board also ratified eight cease and desist orders.

The Board issued 221 physician licenses at the March meeting, bringing the total number of physician licenses issued in Fiscal Year 2022 to 2,636.

DISCIPLINARY ACTIONS

QUALITY OF CARE

Legall, Michelle Evette, M.D., Lic. No. M6723, Humble

On March 4, 2022, the Board and Michelle Evette Legall, M.D., entered into an Agreed Order on Formal Filing publicly reprimanding Dr. Legall and requiring her to within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in diagnosis and treatment of thyroid disorders. The Board found Dr. Legall's medical records for a patient lacked appropriate documentation for medical visits and she did not document medical reasoning for her diagnosis or use of hormone replacement on the patient. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Small, Henry Norman, M.D., Lic. No. H3942, Houston

On March 4, 2022, the Board and Henry Norman Small, M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management with an emphasis in surgical decision making, four hours in informed consent and four hours in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Small did not properly assess a patient and document adequate medical rationale for a surgery, was issued a warning by the Food and Drug Administration for marketing of umbilical cord blood-developed cellular product not supported by evidence, and failed to document informed consent for procedures performed on a patient.

UNPROFESSIONAL CONDUCT

Aggarwal, Pankaj, M.D., Lic. No. BP20074041, San Antonio

On March 4, 2022, the Board and Pankaj Aggarwal, M.D., entered into an Agreed Order requiring him to complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: eight hours in ethics and four hours in risk management. The Board found Dr. Aggarwal was dismissed from his residency program due to his initial dishonesty when confronted about examining a patient without properly forming a physician patient relationship.

Cantu, Robert Edward, M.D., Lic. No. H4211, Austin

On March 4, 2022, the Board and Robert Edward Cantu, M.D., entered into an Agreed Order on Formal Filing prohibiting Dr. Cantu from seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine on female patients, including telemedicine with exception to cases where there is a Judicial Order for providing forensic psychiatric services and established patients who are medically and clinically compromised to undergo transfer without decompensation as they are in frail health. For these established patients, Dr. Cantu must ensure the patient receives a copy of this order, signs an approved waiver explaining the order and receipt of the order, and the patient or guardian consents to continued treatment. Further, Dr. Cantu is publicly reprimanded and required 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 complete at least 16 hours of CME, divided as follows: eight hours in ethics and eight hours in risk management. The Board found that on or about December of 2021, Dr. Cantu was indicted on a charge of Assault relating to a patient and is awaiting his first court appearance. The Board does not waive its right to take further disciplinary action in any related criminal matter. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Chaudry, Kanwal, M.D., Lic. No. P1530, Fort Leavenworth, KS

On March 4, 2022, the Board and Kanwal Chaudry, M.D., entered into a Waiver Order requiring her to comply with all terms of the probation agreement entered on or around October 31, 2019. The Board found that it was alleged Dr. Chaudry pled guilty to two counts of Battery, Class B Misdemeanors and was placed on probation.

Cibley, Laurence, M.D., Lic. No. K1398, Dallas

On March 4, 2022, the Board and Laurence Cibley, M.D., entered into a Waiver Order prohibiting him from treating female patients in Texas until he requests in writing and appears before the Board to provide evidence that he is safe to practice, including, at a minimum, completion of a Federation of State Medical Boards approved boundaries course and an independent medical evaluation. The Board found that it was alleged the Department of Veterans Affairs referred Dr. Cibley for failing to meet acceptable standards of clinical practice for female veteran patients.

Heinrich, John B., M.D., Lic. No. M4142, Dallas

On March 4, 2022, the Board and John B. Heinrich, M.D., entered into an Agreed Order restricting his practice to require a chaperone when seeing, examining, treating, prescribing to, providing consultation for, or otherwise practicing medicine, including telemedicine, on any patient pending the outcome of an independent medical evaluation. Within 30 days he must move forward to obtain an independent medical evaluation by a preapproved board certified psychiatrist and follow any and all recommendations for care and treatment; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in ethics; and he shall not be permitted to supervise or delegate prescriptive authority to physician assistants and advanced practice nurses or supervise surgical assistants. The Board found Dr. Heinrich engaged in unprofessional misconduct by inappropriately touching a female patient during the course of his medical care.

Rojas, Hugo Alonzo, M.D., Lic. No. J0650, San Antonio

On March 4, 2022, the Board and Hugo Alonzo Rojas, M.D., entered into an Agreed Order requiring him to comply with all terms of the three-year Memorandum of Agreement entered on or around March 1, 2021 with the U.S. Department of Justice, Drug Enforcement Administration – Houston Division; and within one year complete at least 12 hours of CME in supervision and delegation. The Board found Dr. Rojas was placed under a DEA Memorandum of Agreement, and admitted to pre-signing prescription pads for Schedule II controlled substances for his midlevel providers while he was on vacation.

Sabella, Vincenzo, M.D., Lic. No. H9005, San Antonio

On March 4, 2022, the Board and Vincenzo Sabella, M.D., entered into an Agreed Order publicly reprimanding Dr. Sabella and requiring him to within one year complete the Remedial Coaching Program at the University of Texas at Dallas School of Management; within one year and three attempts pass the Medical Jurisprudence Exam; complete the Clinician-Patient Communication course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; and within one year complete eight hours of CME in ethics. The Board found Dr.

Sabella made inappropriate remarks to a patient during a post-operative visit. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Wu, Guoxin, M.D., Lic. No. N4852, Beaumont

On March 4, 2022, the Board and Guoxin Wu, M.D., entered into an Agreed Order lifting his prior order restriction, and placing him under the following terms: within one year complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year and three attempts pass the Medical Jurisprudence Exam; and within one year complete at least six hours of CME in communications. The Board found Dr. Wu resigned his privileges prior to a hospital completing an investigation into nurse complaints concerning inappropriate behavior with a patient. Dr. Wu has gained insight and has a plan going forward to avoid incidents of perceived inappropriate behavior and works at other hospitals without any similar complaints. The order supersedes all prior board orders.

VOLUNTARY SURRENDER/REVOCAATION

Incalcaterra, James, Jr., M.D., Lic. No. E5795, Houston

On March 4, 2022, the Board and James Incalcaterra, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Incalcaterra agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Incalcaterra was under investigation for allegations related to his treatment of a patient for chronic pain.

Shaw, James Millard, M.D., Lic. No. E1128, Kingwood

On March 4, 2022, the Board and James Millard Shaw, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Shaw agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Shaw nontherapeutically prescribed controlled substances, including opioids or soma combinations in the absence of a valid medical purpose for at least 15 patients.

Spears, Robert Paul, M.D., Lic. No. J8136, San Antonio

On March 4, 2022, the Board and Robert Paul Spears, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Spears agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Spears was under investigation regarding allegations that he has an impairment that precludes him from practicing. Dr. Spears reported to the Board that he has retired from practice.

Sundrani, Shanker S., M.D., Lic. No. L2019, El Paso

On March 4, 2022, the Board and Shanker S. Sundrani, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sundrani agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Sundrani has a medical condition that prevents him from practicing at this time.

IMPROPER PRESCRIBING

Johnson, David Gary, M.D., Lic. No. F5243, San Antonio

On March 4, 2022, the Board and David Gary Johnson, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME in risk management, with a focus on maintaining professional boundaries. The Board found Dr. Johnson admitted to prescribing to one patient without conducting proper evaluations or maintaining adequate medical records.

PEER REVIEW ACTION

Madhav, Venkatesh Vasantha, M.D., Lic. No. L2436, Plano

On March 4, 2022, the Board and Venkatesh Vasantha Madhav, M.D., entered into an Agreed Order publicly reprimanding Dr. Madhav 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; within one year and

three attempts pass the Medical Jurisprudence Exam; and within one year complete at least eight hours of CME in ethics. The Board found Dr. Madhav resigned his hospital privileges after being placed on suspension following inappropriate communications with a patient and staff members.

Pedroza, Richard Andres, M.D., Lic. No. Q9001, Cypress

On March 4, 2022, the Board and Richard Andres Pedroza, M.D., entered into an Agreed Order requiring him to within one year complete at least 16 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in recognizing drug seeking behavior, four hours in ethics and four hours in risk management. The Board found Dr. Pedroza committed unprofessional conduct and was subject to disciplinary action by peers following an inappropriate personal relationship with a patient and inappropriately prescribing controlled substances to the patient without keeping adequate medical records.

OTHER STATES' ACTIONS

Berry, Grant Wilson, M.D., Lic. No. R5511, Riverton, WY

On March 4, 2022, the Board and Grant Wilson Berry, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program. The Board found Dr. Berry was disciplined by the Wyoming Board of Medicine based on his failure to safely practice due to alcohol use.

Best, Steven R., M.D., Lic. No. R7706, Deerfield, IL

On March 4, 2022, the Board and Steven R. Best, M.D., entered into a Waiver Order requiring him to comply with the terms of the Consent Order with the Illinois Department of Financial and Professional Regulation (IDFPR). The Board found that it was alleged Dr. Best was disciplined by the IDFPR for violating his fiduciary duty to members of a retirement plan he was responsible to administer and/or maintain.

Durrett, Lenard, M.D., Lic. No. G5008, Frisco

On March 4, 2022, the Board and Lenard Durrett, M.D., entered into a Waiver Order prohibiting him from practicing in Texas until he requests in writing and appears before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice. The Board found that it was alleged Dr. Durrett entered into an Agreed Order of Retirement in another state in lieu of disciplinary action or further investigative proceedings involving the inability to safely engage in the practice of medicine due to an impairment.

Henderson, Chance, M.D., Lic. No. N8660, Colorado Springs, CO

On March 4, 2022, the Board and Chance Henderson, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Henderson entered into an Order with the Colorado Medical Board in lieu of disciplinary action or further investigative proceedings based on a failure to timely respond to Board inquiries.

Hough, Bruce, M.D., Lic. No. R7763, Richmond, VA

On March 4, 2022, the Board and Bruce Hough, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Hough entered into a Consent Order with the Virginia Board of Medicine based on his failure to notify a patient of a blood clot following an echocardiogram.

Humayun, Adil, M.D., Lic. No. BP10076163, Marshfield, WI

On March 4, 2022, the Board and Adil Humayun, M.D., entered into a Waiver Order requiring him to within one year complete at least four hours of CME in risk management; and within 90 days pay an administrative penalty of \$462. The Board found that it was alleged Dr. Humayun entered into a Final Decision and Order with the Wisconsin Medical Examining Board for failing to practice in a manner consistent with the general health and public welfare.

Kirmani, Batool, M.D., Lic. No. Q3216, Bryan

On March 4, 2022, the Board and Batool Kirmani, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Kirmani entered into an agreed order in another state for allegations involving negligent recordkeeping.

Lesser, Robert, M.D., Lic. No. N1732, River Ridge, LA

On March 4, 2022, the Board and Robert Lesser, M.D., entered into a Waiver Order requiring him to within 90 days pay an administrative penalty of \$5,000; and comply with all terms of the Consent Order for Reprimand with the Louisiana State Board of Medical Examiners. The Board found that it was alleged Dr. Lesser was disciplined by the Louisiana State Board of Medical Examiners for prescribing controlled substances without appropriate medical justification and failing to comply with rules on treatment of chronic pain.

Marsteller, Scott, M.D., Lic. No. S5222, Richmond, IN

On March 4, 2022, the Board and Scott Marsteller, M.D., entered into a Waiver Order requiring him to within 90 days pay an administrative penalty of \$1,000; and comply with all terms of the Settlement Agreement with the Medical Licensing Board of Indiana. The Board found that it was alleged Dr. Marsteller was disciplined by the Licensing Board of Indiana based on improper prescribing of medications for a patient he did not physically examine.

Nakanishi, Kei, M.D., Lic. No. L5480, St. Louis, MO

On March 4, 2022, the Board and Kei Nakanishi, M.D., entered into a Waiver Order requiring her to comply with all terms of the State of Florida Board of Medicine Final Order entered in October 2021; and within 90 days pay an administrative penalty of \$5,000. The Board found that it was alleged Dr. Nakanishi entered into a Final Order with another state based on a failure to conform to the acceptable standard of care when treating a patient and that the conduct led to the death of the patient.

Regan, John, M.D., Lic. No. H0001, Beverly Hills, CA

On March 4, 2022, the Board and John Regan, M.D., entered into a Waiver Order publicly reprimanding him. The Board found that it was alleged Dr. Regan was publicly reprimanded in another state for failing to review a post-operative CT scan, revealing a misplacement of pedicle screws.

TXPHP VIOLATION

Hein, Robert Mathew, M.D., Lic. No. M6182, Argyle

On March 4, 2022, the Board and Robert Mathew Hein, M.D., entered into an Agreed Order publicly referring him to the Texas Physician Health Program (TXPHP). The Board found Dr. Hein was referred to the Board by TXPHP after testing positive for marijuana. Dr. Hein completed an inpatient treatment in January 2021. The order does not supersede prior orders, including the June 2021 Order.

INADEQUATE MEDICAL RECORDS

Afridi, Sah Nawaz, M.D., Lic. No. K7961, Victoria

On March 4, 2022, the Board and Sha Nawa Afridi, M.D., entered into a Mediated Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; within one year complete at least 20 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in prescribing controlled substances and four hours in risk management; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Afridi issued orders for narcotic medications without documenting adequate need, work-up, and did not document communications with patients about complaints of noncompliance with dosing regimens. The order resolves a formal complaint filed at the State Office of Administrative Hearings.

Loredo, Pedro Juan, III, M.D., Lic. No. N0228, Grapevine

On March 4, 2022, the Board and Pedro Juan Loredo, III, M.D., entered into an Agreed Order requiring him to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found Dr. Loredo's medical records lacked sufficient detail to determine a surgical procedure was indicated and operative reports lacked detail to support the billing that was submitted.

CEASE & DESISTS

Eleftherion, Nelly Beatriz, No License, Houston

On March 4, 2022, the Board and Nelly Beatriz Eleftherion entered into an Agreed Cease and Desist Order prohibiting Ms. Eleftherion from practicing medicine without a license issued by the Texas Medical Board. The Board found Ms. Eleftherion, who is a licensed cosmetologist-esthetician, performed cosmetic buttocks injections at the home of a patient which resulted in complications.

Kolker, Christopher, M.D., No TX License, Norwich, CT

On March 4, 2022, the Board and Christopher Kolker, M.D., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Dr. Kolker, who is licensed in Connecticut, but not Texas, was the subject of an investigation by a pharmacy benefits manager which determined Dr. Kolker was prescribing to Texas patients without a valid patient-prescriber relationship.

Lucido, Lacey, No License, Friendswood

On March 4, 2022, the Board and Lacey Lucido 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. Lucido was performing nonsurgical cosmetic procedures under the supervision of a physician without the qualifications or training to perform the procedures.

Murray, Brian L. "Bear", No License, Baytown

On March 4, 2022, the Board and Brian L. "Bear" Murray entered into an Agreed Cease and Desist Order prohibiting him from engaging in the practice of medicine both in and from the state of Texas. Mr. Murray is prohibited from acting as, or holding himself out to be, a licensed physician in the state of Texas and shall not refer to himself as "doctor," or "Dr.," unless he designates the authority under which the title issued or the college or honorary degree that gives rise to the use of the title. The Board found Mr. Murray, who is a licensed professional counselor, held himself out as a doctor in his dealings with the public and patients, promotional materials and web presence, including correspondence referring to himself as "Dr. B. L. Bear Murray," and "Dr. Bear Murray."

Patel, Vishal, No License, Houston

On March 4, 2022, the Board and Vishal Patel entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas without a license issued by the Texas Medical Board. The Board found Mr. Patel followed up with a patient via email about a sleep test to "discuss treatment plans and goals," and signed the email identifying himself as "Dr. Vishal Patel."

Pugh, Leslie Shea, No License, Friendswood

On March 4, 2022, the Board and Leslie Shea Pugh 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. Pugh, who is a licensed esthetician, saw several patients for multiple nonsurgical cosmetic procedures. In many cases, the provider and medical director signatures are illegible and written consent forms were missing from patient records and some do not adequately document protocols that were implemented for the procedures.

Tocco, Dena, No License, Friendswood

On March 4, 2022, the Board and Dena Tocco 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. Tocco, who is a licensed aesthetician, saw several patients multiple times for nonsurgical cosmetic procedures, though the medical records for the patients do not provide adequate documentation relating to the procedures performed and the signatures are in many cases illegible.

Villarreal, Horacia Rene, Jr., No License, Corpus Christi

On March 4, 2022, the Board and Horacia Rene Villarreal, Jr., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine without a license, to wit, identifying himself as a doctor or representing to customers that he can offer medical advice. The Board found Mr. Villarreal and his spouse operated a DNA and drug testing entity providing testing. Some customers believed Mr. Villarreal was a physician.

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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.