

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

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TMB disciplines 33 physicians at October meeting, adopts rule changes

At its October 18, 2019 meeting, the Texas Medical Board disciplined 33 licensed physicians.

The disciplinary actions included: three orders related to quality of care violations, five orders related to unprofessional conduct, four voluntary surrenders/revocations, one revocation, two suspensions, two orders related to nontherapeutic prescribing, one order related to improper prescribing, one order related to inadequate supervision or delegation, one order related to peer review action, six orders related to other states' actions, one order related to violation of prior order, one order related to violation of Board rules, four orders related to inadequate medical records, and one order related to impairment. The Board also ratified four cease and desist orders.

The Board issued 51 physician licenses at the October meeting, bringing the total number of physician licenses issued in FY20 to 483. The Board closed FY19 with a total of 4,869 physician licenses issued.

RULE CHANGES ADOPTED

CHAPTER 160. MEDICAL PHYSICISTS

New Rule **§160.31** relating to Exemption from Licensure for Certain Military Spouses (Medical Physicists), allows qualified military spouses to practice medical physics without obtaining a medical physicist license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

CHAPTER 163. LICENSURE

New Rule **§163.3**, relating to Exemption from Licensure for Certain Military Spouses (Physicians), allows qualified military spouses to practice medicine without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

CHAPTER 165. MEDICAL RECORDS

The amendments to **§165.1**, relating to Medical Records, adds a requirement that physicians must retain forensic medical examination records of a sexual assault victim in accordance with Section 153.003 of the Texas Occupations Code and pursuant to the passage of HB531 (86th Regular Session) which amended Section 153.003 of the Texas Occupations Code.

CHAPTER 172. TEMPORARY AND LIMITED LICENSES

The amendments to **§172.21**, relating to Other Health Care Providers Practice and Limited License for Disasters and Emergencies, adds Advance Practice Nurses (APRN) as being exempt from the requirement for a written Prescriptive Authority Agreement during a disaster, as the APRNs were inadvertently omitted from the rule when it was initially adopted and deletes the word "onsite". These amendments are consistent with the practice in previous disasters.

CHAPTER 175. FEES AND PENALTIES

The amendments to **§175.1**, relating to Application and Administrative Fees, and **§175.2**, relating to Registration and Renewal Fees, reinstates fees for initial and renewal approval for instructor and medical radiologic technology and non-certified technician (NCT) training programs, in anticipation for approval processes to be implemented in accordance with recently adopted rules by the Texas Board of Medical Radiologic Technology. The fees overall represent a decrease in cost for NCT training programs, as renewal of approval will be required triennially, rather than annually.

CHAPTER 183. ACUPUNCTURE

New Rule **§183.27**, relating to Exemption from Licensure for Certain Military Spouses (Acupuncturists), allows qualified military spouses to practice acupuncture without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

CHAPTER 185. PHYSICIAN ASSISTANTS

New Rule **§185.33**, relating to Exemption from Licensure for Certain Military Spouses (Physician Assistants), allows qualified military spouses to practice as a physician assistant without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

CHAPTER 186. RESPIRATORY CARE PRACTITIONERS

New Rule **§186.30**, relating to Exemption from Licensure for Certain Military Spouses (Respiratory Care Practitioners), allows qualified military spouses to practice as a respiratory care practitioner without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

CHAPTER 188. PERFUSIONIST

New Rule **§188.30**, relating to Exemption from Licensure for Certain Military Spouses (Perfusionists), allows qualified military spouses to practice as a perfusionist without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY

The amendments to **§194.2**, relating to Definitions, adds new definitions for "Certification Board for Radiology Practitioner Assistants", "radiologist", and "radiologist assistant", and amends the definition for "podiatrist."

The amendments to **§194.6**, relating to Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry, establishes eligibility requirements that must be met in order for an applicant to obtain a temporary or regular radiologist assistant certificate, pursuant to HB 1504 (86th Regular Legislative Session), and eliminate registration requirements for individuals performing radiologic procedures under the supervision of a podiatrist, pursuant to HB 2847 (86th Legislature). Other amendments delete references to the NCT "general" registry, a distinction no longer required after the passage of SB 674 (85th Regular Session), which eliminated the NCT secondary registry with the Texas Medical Board. Finally, the amendments represent changes necessitated by the new language to maintain consistency and clarity throughout the section.

The amendments to **§194.7**, relating to Biennial Renewal of Certificate or Placement on the Board's General Registry for Non-Certified Technicians Generally, establishes continuing education requirements that must be met in order for a radiologist assistant certificate holder to renew a certificate, in accordance with HB 1504 (86th Regular Session). Other amendments clarify that certificate holders and NCTs are required to "complete activities" meeting the RCEEM or RCEEM+ designation, as opposed to "attendance and participation in formal activities", reflecting that web-based courses are formats that comply with the continuing education requirements. Repealing language mandating the denial of an application for renewal of a certificate or NCT registration upon notice of a Texas Guaranteed Student Loan Corporation guaranteed student loan, in accordance with SB 37 (86th Regular Session). Other amendments delete references to the NCT "general" registry, a distinction no longer required after the passage of SB 674 (85th Regular Session), which eliminated the NCT secondary registry with the Texas Medical Board. Remaining amendments represent changes necessitated by the new language related to radiologist assistant certificates, to maintain consistency and clarity throughout the section.

The amendments to **§194.10**, relating to Retired Certificate or NCT General Registration Permit, deletes references to the NCT "general" registry, a distinction no longer required after the passage of SB 674 (85th Regular Session). Language is added with a reference to the Certification Board for Radiology Practitioner Assistants (CBRPA) related to possible certification renewal requirements for a radiologist assistant with a retired certificate, who desires to return to active practice and who had initially obtained eligibility for a Texas certificate through CBRPA national certification. The language reflects the new radiologist assistant eligibility requirements established by HB 1504 (86th Regular Session).

The amendments to **§194.21**, relating to Scope of Practice, adds language to more precisely outline the allowed scope of practice for an individual holding a limited certificate.

The amendments to **§194.34**, relating to Exemption from Licensure for Certain Military Spouses (Medical Radiologic Technologists), allows qualified military spouses to practice medical radiological technology without obtaining a license during the time the military service member to whom the military spouse is married is stationed at a military installation in Texas. The exemption cannot exceed three years, and practice must be authorized by the Board after verifying that the military spouse holds an active license in good standing in another state with substantially equivalent requirements for licensure as Texas. The new rule is mandated by the passage of SB 1200 (86th Regular Legislative Session).

DISCIPLINARY ACTIONS

QUALITY OF CARE

Berastain, Miguel Arturo, Jr., M.D., Lic. No. M2902, Corpus Christi

On October 18, 2019, the Board and Miguel Arturo Berastain, Jr., M.D., entered into an Agreed Order requiring him to have his practice monitored by another physician for four consecutive monitoring cycles; and within one year complete at least eight hours of CME, divided as follows: four hours in post-operative infections and four hours in risk management. The Board found Dr. Berastain failed to safeguard against complications despite receiving a radiology report which noted an infection at a patient's surgical site, failed to timely address and respond to the post-operative infection, and failed to adequately document the initial visit and exam of the patient.

Rodriguez, Gabriel Angel, M.D., Lic. No. N6976, Plano

On October 18, 2019, the Board entered a Final Order regarding Gabriel Angel Rodriguez, M.D., placing him under the following terms: have his practice monitored by a billing monitor for 6 consecutive monitoring cycles; within 30 days submit to the Board for review and approval, a form identifying ownership interest related to Dr. Rodriguez' medical practice which shall be provided to every patient receiving medical care; within 30 days obtain a forensic accountant to provide forensic accountancy analysis within 90 days to the Board; within 30 days submit informed consent forms to be used by the practice to the Board for review and approval and provide to every patient receiving medical care; within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete the medical recordkeeping course offered by the PACE program; within one year complete at least 16 hours, divided as follows: eight hours in risk management and hour hours in ethics; and within 60 days pay an administrative penalty of \$14,296.40. The Board found

Dr. Rodriguez failed to meet the standard of care by ordering unnecessary diagnostic testing, failed to obtain proper informed consent, failed to disclose his interest in a facility to which he referred a patient and failed to maintain adequate medical records. The action was based on the findings of two administrative law judges at the State Office of Administrative Hearings (SOAH). The order resolves a formal complaint filed at SOAH.

Yarrozu, Aruna L., M.D., Lic. No. Q7516, Muskogee, OK

On October 18, 2019, the Board and Aruna L. Yarrozu, M.D., entered into an Agreed Order requiring her to within one year complete at least eight hours of CME, divided as follows: four hours in risk management, to include patient-physician communications and four hours in ethics; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Yarrozu prescribed Lidocaine cream to a patient without performing an appropriate telemedicine evaluation prior to prescribing and without explaining the risks and benefits. Dr. Yarrozu did not have a contemporaneous video evaluation and/or an audio connection with the patient.

UNPROFESSIONAL CONDUCT

Armstrong, Henry Rhinehart, M.D., Lic. No. G4795, Dallas

On October 18, 2019, the Board and Henry Rhinehart Armstrong, M.D., entered into an Agreed Order requiring him to within one year and three attempts pass the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Armstrong failed to comply with Board subpoenas requesting medical and billing records for two patients.

Davis, Dustin Wayne, D.O., Permit No. BP10055359, Fort Worth

On October 18, 2019, the Board and Dustin Wayne Davis, D.O., entered into an Agreed Order publicly reprimanding Dr. Davis. The Board found Dr. Davis failed to timely report an arrest for DWI to his residency program and did not inform the Board of his arrest and plea.

Tedford, Dennis D., M.D., Lic. No. J3632, Brownfield

On October 18, 2019, the Board and Dennis D. Tedford, M.D., entered into an Agreed Order revoking his Texas license; however the revocation is stayed and he is placed on probation under the following terms: publicly reprimanded; within one year complete at least 12 hours of CME, divided as follows: four hours in proper prescribing practices of controlled substances, four hours in drug-seeking behavior and four hours in risk management; and as Dr. Tedford is restricted from prescribing controlled substances, he 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. Tedford entered a guilty plea to providing Schedule IV Controlled Substances without a legitimate medical purpose and awaits sentencing.

Tyler, Barbara Petrini, M.D., Lic. No. G8997, College Station

On October 18, 2019, the Board and Barbara Petrini Tyler, M.D., entered into an Agreed Order publicly reprimanding Dr. Tyler and requiring her to within one year and three attempts to pass the Medical Jurisprudence Exam; and within one year complete at least 12 hours of CME, divided as follows: eight hours in medical ethics and four hours in risk management. The Board found Dr. Tyler failed to maintain the confidentiality of patients at a student health center by accessing medical records without consent, resulting in her termination.

Whisenant, Stanley Wayne, M.D., Lic. No. J7725, Rowlett

On October 18, 2019, the Board and Stanley Wayne Whisenant, M.D., entered into an Agreed Order publicly reprimanding Dr. Whisenant and requiring him to within six months complete the TMB Remedial Coaching Program at the University of Texas at Southwestern. The Board found Dr. Whisenant engaged in a verbal disagreement with a patient and their caregiver in front of patients and other staff.

VOLUNTARY SURRENDER/REVOICATION

Bean-Lijewski, Jolene D., M.D., Lic. No. G1326, Temple

On October 18, 2019, the Board and Jolene D. Bean-Lijewski, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Bean-Lijewski agreed to voluntarily surrender her Texas medical licensure in lieu of further disciplinary proceedings. The Board found Dr. Bean-Lijewski has self-reported to the Board that she has a medical/physical condition that precludes her from practicing medicine at this time.

Ho, Dennis, D.O., Lic. No. P0066, El Paso

On October 18, 2019, the Board and Dennis Ho, D.O., entered into an Agreed Order of Voluntary Surrender in which Dr. Ho agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Ho was under investigation for allegations that he is impaired.

Milligan, Don, M.D., Lic. No. F5309, Cleburne

On October 18, 2019, the Board and Don Milligan, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Milligan agreed to voluntarily surrender his Texas medical license in lieu of further disciplinary proceedings. The Board found Dr. Milligan was under investigation based on allegations that he failed to meet the standard of care in his treatment of several patients.

Smith, William John, IV, M.D., Permit No. BP10061209, Birmingham, MI

On October 18, 2019, the Board and William John Smith, IV, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Smith agreed to voluntarily surrender his Texas physician in training permit in lieu of further disciplinary proceedings. The Board found Dr. Smith was dismissed from his residency program due to a failure to comply with a peer review and assistance agreement. Dr. Smith was referred to the Texas Physician Health Program on July 23, 2018, for mental impairment, but was non-responsive, and his file was referred back to the Board.

REVOCAATION

McKay, Kristopher, M.D., Lic. No. N9907, Fort Collins, CO

On October 18, 2019, the Board entered a Default Order regarding Kristopher McKay, M.D., which revoked his Texas medical license. On July 20, 2018, the Board filed a Complaint with the State Office of Administrative Hearings (SOAH), alleging unprofessional conduct. Dr. McKay failed to appear at the SOAH hearing and no responsive pleading was ever filed by Dr. McKay. The Board granted a Determination of Default and Dr. McKay's license was revoked by Default Order. This order resolves a formal complaint filed at SOAH. Dr. McKay has 25 days for the service of the order to file a motion for rehearing.

SUSPENSION

Canchola, Daniel Ramiro, M.D., Lic. No. K7137, Flower Mound

On October 18, 2019, the Board and Daniel Ramiro Canchola, M.D., entered into an Agreed Order of Suspension, suspending Dr. Canchola's Texas medical license until such a time as he requests in writing to have the suspension stayed or lifted and appears before the Board to provide evidence that he is physically, mentally and otherwise competent to practice medicine. Such evidence shall include, but not limited to, documentation that the criminal charges related to his alleged participate in Medicare fraud are fully and finally resolved. The Board found Dr. Canchola in or around September 2019, was charged by the federal government with Medicare fraud related to genetic testing. The order remains in place until superseded by further action of the Board.

Martinez, Jose De Jesus, M.D., Lic. No. M3636, McAllen

On October 18, 2019, the Board entered a Final Order regarding Jose De Jesus Martinez, M.D., suspending his license. Dr. Martinez shall not practice in Texas until authorized to do so by the Board. The Board found Dr. Martinez pleaded guilty to a felony for conspiracy to solicit or receive illegal remunerations. The action was based on the findings of an administrative law judge at the State Office of Administrative Hearings (SOAH). The order remains in effect until superseded by subsequent order of the Board. The order resolves a formal complaint filed at SOAH.

NONTHERAPEUTIC PRESCRIBING

Rohm, Fred Werner, D.O., Lic. No. J1565, Fort Worth

On October 18, 2019, the Board and Fred Werner Rohm, D.O., 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 12 hours of CME, divided as follows: eight hours in medical record keeping and four hours in risk management; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Rohm failed to properly evaluate, treat, and monitor 15 chronic pain patients who were prescribed controlled substances and failed to maintain adequate medical records.

Vermedahl, Nathan Arthur, M.D., Lic. No. M3105, Dalhart

On October 18, 2019, the Board and Nathan Arthur Vermedahl, M.D., entered into an Agreed Order Upon Formal Filing under the following terms: shall not treat patients for chronic pain as defined by Board rule; within one year complete the prescribing course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; have his practice monitored by another physician for 12 consecutive monitoring cycles; within one year complete at least 24 hours of CME, divided as follows: 8 hours in opioid prescribing, 8 hours in risk management and 8 hours in pain management; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$10,000. The Board found Dr. Vermedahl failed to meet the standard of care and provide appropriate treatment by nontherapeutically prescribing and failing to monitor several patients he treated for chronic pain.

IMPROPER PRESCRIBING

Carranza, Jose, M.D., Lic. No. G0608, Houston

On October 18, 2019, the Board and Jose Carranza, M.D., entered into an Agreed Order under the following terms: shall not possess, administer, dispense, or prescribe any controlled substances or dangerous drugs with addictive potential, except as is medically necessary for treatment of inpatients in a hospital setting where Dr. Carranza has privileges or practices medicine; shall not treat or otherwise serve as a physician for his immediate family and shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential to himself or his immediate family; and within a year complete at least four hours of CME in risk management. The Board found Dr. Carranza prescribed controlled substances to an out-of-state family member with a long history of mental illness and failed to monitor the family member's compliance and maintain adequate medical records of the treatment.

INADEQUATE SUPERVISION OR DELEGATION

Anderson, C. Lynn, M.D., Lic. No. F6390, Brownsville

On October 18, 2019, the Board and C. Lynn Anderson, M.D., entered into an Agreed Order requiring him to within 180 days submit a written protocol for supervision of delegates working in his clinic for approval by the Medical Director of the Board; and within one year complete at least eight hours of CME, divided as follows: four hours in supervision of delegates and four hours in risk management. The Board found Dr. Anderson failed to adequately supervise his delegates who treated a patient and did not confer with any of his midlevels about treatment of the patient and did not review the chart.

PEER REVIEW ACTION

Harrison, Emmanuel Elmo, M.D., L1879, Plano

On October 18, 2019, the Board and Emmanuel Elmo Harrison, M.D., entered into an Agreed Order publicly reprimanding Dr. Harrison; publicly referring him to the Texas Physician Health Program; requiring him to have his practice monitored by another physician for eight consecutive monitoring cycles; comply with the terms of his September 20, 2018, Community Supervision Order and report compliance to the Board; and within one year complete at least 16 hours of CME, divided as follows: eight hours in risk management and eight hours in post-operative procedure. The Board found Dr. Harrison was the subject of peer review action still subject to appeal. The Board found Dr. Harrison failed to meet the standard of care with respect to two anesthesia patients, failed to keep adequate

medical records for both patients, and engaged in unprofessional conduct when he was arrested for DUI and possession of a firearm on October 17, 2017.

OTHER STATES' ACTIONS

Bacon, Jeffrey Kyle, D.O., Lic. No. M6029, Bakersfield, CA

On October 18, 2019, the Board and Jeffrey Kyle Bacon, D.O., entered into an Agreed Order requiring him to comply with all terms and conditions of the Stipulated Settlement and Disciplinary Order entered by the Osteopathic Medical Board of California (COMB) on March 26, 2019; and shall not practice in Texas until requesting permission in writing and appearing before the Board to provide evidence that he is physically, mentally, and otherwise competent to safely practice. The Board found Dr. Bacon was issued an order by the COMB in relation to substance abuse issues which included license revocation, which was stayed, with alternate probation for a period of five years.

Betts, William B., M.D., Lic. No. H6049, Austin

On October 18, 2019, the Board and William B. Betts, M.D., entered into an Agreed Order publicly reprimanding Dr. Betts. The Board found Dr. Betts entered into a disciplinary Consent Order with the Alaska Medical Board on August 5, 2016. This order resolves a Formal Complaint filed at the State Office of Administrative Hearings.

Cox, Paul Andrew, M.D., Lic. No. Q0031, Mount Pleasant

On October 18, 2019, the Board and Paul Andrew Cox, M.D., entered into an Agreed Order publicly reprimanding Dr. Cox; publicly referring him to the Texas Physician Health Program; requiring him to comply with all terms of the Order entered by the Medical Board of California (MBC); with respect to complying with the MBC Order, within 60 days obtain an approved psychotherapist and follow all recommendations for treatment, participate in the activities of Alcoholics Anonymous no less than one time per week, limit his medical practice, including any office and inpatient practice, to a group or institutional setting approved by the Board in advance; and shall not delegate prescriptive authority to any midlevel with the exception of administering anesthesia in a perioperative setting in accordance with the MBC Order. The Board found Dr. Cox was disciplined by the MBC through a disciplinary order due to his substance abuse history.

Kelemen, John Joseph, III, M.D., Lic. No. P8925, Waukesha, WI

On October 18, 2019, the Board and John Joseph Kelemen, III, M.D., entered into an Agreed Order requiring him to comply with all terms of the Order entered by the Wisconsin Medical Examining Board (WMEB) effective December 19, 2018. The Board found Dr. Kelemen was reprimanded by the WMEB through an order which arose from unprofessional conduct.

Petrovich, Linda M., M.D., Lic. No. TM00085, Eden Prairie, MN

On October 18, 2019, the Board and Linda M. Petrovich, M.D., entered into an Agreed Order requiring her to comply with all terms of the Agreed Order entered by the Kentucky Board of Medical Licensure (KBML) on or about December 7, 2018. The Board found Dr. Petrovich was issued an Agreed Order by the KBML related to her failure to conform to the acceptable standards of medical practice.

Towbin, Nancy Andes, M.D., Lic. No. P5899, Yorba Linda, CA

On October 18, 2019, the Board and Nancy Andes Towbin, M.D., entered into an Agreed Order requiring her to comply with all terms of the Stipulated Settlement and Disciplinary Order entered by the California Medical Board (CMB) on April 5, 2019. The Board found Dr. Towbin was issued an order by the CMB which arose from medical gross negligence and failure to maintain adequate medical records in the care of a patient.

VIOLATION OF PRIOR ORDER

Jenks, Michael Jeffrey, M.D., Lic. No. L1083, Dallas

On October 18, 2019, the Board and Michael Jeffrey Jenks, M.D., entered into an Agreed Order publicly reprimanding Dr. Jenks and within 90 days gain access to his patient records and contact information held by AllScripts and provide proof that he has complied with this requirement. The Board found Dr. Jenks violated his June Order by failing to provide

patients with a means to access their medical records. Dr. Jenks is in arrears on his AllScripts account which manages and provides access to patient records and therefore was unable to notify his patients of his practice closure.

VIOLATION OF BOARD RULES

Aguilar, Oscar Manuel, M.D., Lic. No. K6979, El Paso

On October 18, 2019, the Board and Oscar Manuel Aguilar, M.D., entered into an Agreed Order Upon Formal Filing requiring him to within one year complete at least 18 hours of CME, divided as follows: four hours in billing, four hours in risk management, six hours in complementary and alternative medicine and four hours in ethics; within one year and three attempts pass the Medical Jurisprudence Exam; and within 60 days pay an administrative penalty of \$1,000. The Board found Dr. Aguilar violated Board rules in providing Complementary and Alternative Medicine without adequately documenting that he consented a patient to CAM.

INADEQUATE MEDICAL RECORDS

Lee, Kenneth J., M.D., Lic. No. M2377, Sugar Land

On October 18, 2019, the Board and Kenneth J. Lee, M.D., entered into an Agreed Order requiring him to within one year complete at least eight hours of CME, divided as follows: four hours in medical recordkeeping and four hours in risk management. The Board found Dr. Lee prescribed compound medications that were not reasonable and/or medically necessary to five injured employees reviewed, failed to document rationale or justification for the use of multiple classes of agents contained in the compound medications, and failed to document the use or efficacy of the compound medications in improving the injured employee's symptoms.

Lyford, Lawrence Duane, M.D., Lic. No. F2334, Wichita Falls

On October 18, 2019, the Board and Lawrence Duane Lyford, M.D., entered into an Agreed Order requiring him to within one year complete at least 14 hours of CME, divided as follows: eight hours in medical recordkeeping, four hours in risk management and one hour in difficult patient relationships. The Board found Dr. Lyford failed to create and maintain adequate medical records for a patient by not documenting the patient's response to increasing dosages of Ritalin.

Nguyen, Long Phan, M.D., Lic. No. G7293, Bellaire

On October 18, 2019, the Board and Long Phan Nguyen, M.D., entered into an Agreed Order requiring him to within one year complete at least 12 hours of CME, divided as follows: four hours in medical recordkeeping, four hours in risk management and four hours in treating and managing pain. The Board found Dr. Nguyen failed to maintain adequate medical records during his treatment of 19 pain patients.

Terneny, Orlando, M.D., Lic. No. D7896, Houston

On October 18, 2019, the Board and Orlando Julio Terneny, 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 12 hours of CME in medical recordkeeping; and within 60 days pay an administrative penalty of \$3,000. The Board found Dr. Terneny's medical records did not adequately reflect or reference the justification for prescribing B-12 for two patients and testosterone to another patient.

IMPAIRMENT

Gibson, Gerald Patrick, Jr., M.D., Lic. No. L6050, Dallas

On October 18, 2019, the Board and Gerald Patrick Gibson, M.D., entered into a Modified Agreed Order under the following terms for a period of 15 years: shall abstain from the consumption of prohibited substances as defined in the Order; participate in the Board's drug testing program; and continue care and treatment with an addiction medicine specialist. Dr. Gibson's practice had been temporarily restricted for issues related to impairment. He has since been under an interim drug screening order and remains under the care of his addiction psychiatrist who supports his return to practice.

CEASE AND DESIST

Belloso, Mariel, No License, Houston

On October 18, 2019, the Board and Mariel Belloso 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. Belloso injected Botox into a patient without the patient having a physical examination or other medical examination by a physician, physician assistant, or advanced practice nurse prior to these injections as required by Board rules.

Garcia, Sary, No License, Rowlett

On October 18, 2019, the Board and Sary Garcia entered into a Cease and Desist Order prohibiting her from identifying herself as a Cosmetic Dermatologist practicing in the United States. The Board found that Ms. Garcia's business website for Sary Eyebrows and Skin Care listed herself as a Cosmetic Dermatologist in Venezuela, and stated that she was continuing in her field in the United States.

Martiz, Jamie, No License, Houston

On October 18, 2019, the Board and Jaime Martiz entered into an Agreed Cease and Desist Order prohibiting him from acting as, or holding himself out to be, a licensed physician in the state of Texas. The Board found Mr. Martiz was advertising ophthalmology services to the general public online and websites listed Mr. Martiz as an "M.D." even though Mr. Martiz does not practice medicine in Texas.

Pait, Theodore, M.D., No License, Stafford, PA

On October 18, 2019, the Board and Theodore Pait, M.D., entered into an Agreed Cease and Desist Order prohibiting him from practicing medicine in the state of Texas, which includes, but is not limited to, providing stem cell treatment in Texas or to Texas patients. The Board found Dr. Pait, who is licensed in other states but does not have an active Texas license, prescribed and billed for stem cell treatment for a Texas patient.

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To view disciplinary orders, 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 "View Board Actions."

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