



Medical Board Report

Newsletter of the Texas State Board of Medical Examiners

Fall 2001

Volume 23, Number 1

Governor Appoints New Board Member

Governor George W. Bush appointed Elvira Pascua-Lim, M.D., of Lubbock to the board, replacing Paul G. Meyer, M.D., who resigned. Dr. Pascua-Lim is a native of the Philippines and a graduate of the University of the Philippines, College of Medicine. She completed her general psychiatry residency training at Texas Tech University Health Sciences Center



Dr. Pascua-Lim

and her forensic fellowship training at the University of California, Davis. She is the medical director of Lubbock Regional Mental Health Mental Retardation and maintains a private practice in clinical and forensic psychiatry.

New Executive Director Named

The Board has selected Donald W. Patrick, M.D., J.D., as Executive Director of the Texas State Board of Medical Examiners. He began working at the Board on September 17.

Dr. Patrick, 63, graduated from Baylor College of Medicine in 1962 and trained in neurosurgery at Baylor and the University of Washington.

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Profiles Mandatory September 1

Texas Physician Profiles, enacted by the Legislature in 1999, became mandatory on September 1. Beginning with annual registration applications mailed in September with an expiration date of November 30, 2001, physicians must provide all profile information as specified by the legislation and TSBME rule. Profile information was collected on a voluntary basis during the past year as a pilot project.

At least 12 other states have passed physician profile legislation

with content similar to the Texas profile. Legislation passed by the Texas legislature this spring created profile requirements for other professions including attorneys, chiropractors, podiatrists, optometrists, physical therapists, occupational therapists, dentists, psychologists and pharmacists.

Many Texas physicians have already provided all of their profile data during the voluntary pilot period. The first profiles became available to the public in September as required by the legislation.

Much of the information in the profile was already available to the public through license verifications. Profiles provide additional information about education and training, along with new information about patient services such as Medicaid acceptance, accessibility for persons with disabilities, hospital privileges and any language translation services offered. The legislation also requires that physicians provide a description of any criminal charges and discipline taken by another state licensing board. Profile reports must also include any disciplinary actions taken by TSBME and the results of any investigations the Board conducted as a result of malpractice claims.

Some physicians expressed concerns about publication of their mailing address in the profile. In response, the board has proposed

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Update on Opinions from the Office of the Attorney General

Opinion No. OR 2001-0355 (1-30-01)

Question: Whether certain information included in the TSBME compliance and monitoring file on a licensee under a board order is excepted from public disclosure.

Response: The exceptions to disclosure under the Open Government Act do not apply to certain information included in the TSBME compliance and monitoring file.

Follow-up: During the recent Legislative session, HB 3600 amended the Medical Practice Act to provide that the identity and reports made to the TSBME by a physician performing or supervising compliance of a licensee under a board order are confidential.

Opinion No. JC-0342 (2-20-01)

Question: Whether TSBME is authorized to adopt rules that prohibit all physician advertising containing testimonials.

Response: The Texas Legislature enacted Sections 101.201 of the Texas Occupations Code, which prohibits health profession advertising that is false, misleading, deceptive, or not readily subject to verification. The statutory language specifically includes "testimonials" in the list of prohibited categories. This statute authorizes TSBME to adopt rules that prohibit the use of all testimonials in physician advertising.

Follow-up: TSBME will continue to consider the use of testimonials in physician advertising as prohibited under statute and Board Rules.

Opinion No. JC-0379 (5-23-01)

Question: Whether a licensed acupuncturist may perform "spinal manipulation."

Response: The acupuncture technique called Tui Na involves some manipulation of the spine and is considered a form of energy flow exercise. The statutory definition of acupuncture provides that a licensed acupuncturist may "recommend" energy flow exercise. However, the statutory language does not authorize the "administration" of such energy flow exercise.

Follow-up: The Board of Acupuncture Examiners and TSBME will discuss reconciliation with current board rules.

Summary of Significant Legislation from 77th Session

Following is a summary of laws passed by the 77th Legislature, which met January through May of this year, that affect the Board and the practice of medicine in Texas:

HB 398: Disclosure of Medical Billing Records

Provides that physicians are required to provide billing records no later than the 15th business day after the date of receipt of a written request.

HB 1183: License for Surgical Assistants

Creates new license under control of TSBME for surgical assistants and sets forth provisions relating to requirements in practice, education, and training. TSBME will name an advisory committee to provide input.

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New E.D. (continued from p. 1)

He served in the U.S. Army as the Chief of Neurosurgery at the 24th Evacuation Hospital, Long Binh, Vietnam, which, during his tour of duty in 1967-68, was the busiest neurosurgical trauma hospital in the world. He received a Bronze Star Medal for his work there.



Dr. Patrick

Dr. Patrick began practicing in Austin in 1969 as a neurosurgeon and has been the Chief of Staff at both Brackenridge Hospital and The Rehabilitation Hospital of Austin (now Health South). He served as an on-call neurosurgeon at the Brackenridge Hospital Emergency Department for 23 years.

He was elected President of the Texas Association of Neurological Surgeons in 1988-89. He is a Distinguished Alumnus of Texas A&I, now Texas A&M Kingsville.

Dr. Patrick was named to the Travis County Medical

Society EMS Committee in 1976 and served as Chairman of that Committee for 20 years. He was named Co-Chairman of the EMS Transition team by the Austin City Council and the Travis County Commissioner's Court and continues in that capacity.

Dr. Patrick received his law degree in 1996 and practiced law in the firm of Chin & Patrick with Daniel Y.S. Chin. He has also maintained a full-time spinal neurosurgical practice in partnership with Ronald E. Manicom, M.D.

He was Chief of Surgery at Round Rock Medical Center in 2001.

Dr. Patrick is married to Dr. Carolyn Biebas, an anesthesiologist. They have a five-year-old daughter, Paige, and Dr. Patrick has three grown children.

He has spoken regularly to legal and medical seminars. He has authored numerous articles for professional magazines, and has written four unpublished books.

Disciplinary Actions

Avery, Bert M., M.D., Wichita Falls, TX, Lic. #F2529
An Agreed Order was entered on 2-2-01 restricting the physician's license for five years under certain terms and conditions. Action due to intemperate use of alcohol or drugs, inability to practice medicine with reasonable skill and safety because of illness or substance abuse, and disciplinary action by another state.

Batra, Subhash, M.D., Lubbock, TX, Lic. #J7421
An Agreed Order was entered on 5-18-01 assessing an administrative penalty in the amount of \$500. Action due to violation of a Board rule.

Baumer, Nat B., M.D., Fort Worth, TX, Lic. #K5803
An Agreed Order was entered on 3-30-01 restricting the physician's license for five years under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare.

Berwind, Robert T., M.D., Arlington, TX, Lic. #E5481

An Agreed Order was entered on 9-7-01 restricting the physician's license for five years under certain terms and conditions. Action due to disciplinary action taken by a licensed hospital or medical staff of a hospital.

Blankenship, Lilian V., M.D., Killeen, TX, Lic. #F1393

An Agreed Order was entered on 5-18-01 publicly reprimanding the physician. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Bledsoe, Bryan E., D.O., Midlothian, TX, Lic. #H4172

An Agreed Order was entered on 9-7-01 suspending the

physician's license. Action due to intemperate use of alcohol or drugs, inability to practice medicine with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals, or another substance, and writing false and fictitious prescriptions for dangerous drugs.

Blinkov, Andrew, M.D., Austin, TX, Lic. #K1368
An Agreed Order was entered on 9-7-01 in which the physician's license is restricted for 10 years under certain terms and conditions. Action due to using alcohol or drugs in an intemperate manner that, in the Board's opinion, could endanger a patient's life.

Brown, Barry M., M.D., Houston, TX, Lic. #D6234
An Agreed Order was entered on 3-30-01 suspending the physician's license. Action due to unprofessional conduct.

Bryson, David L., M.D., Kerrville, TX, Lic. #E7013
A Temporary Suspension Order was entered effective 2-1-01 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

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Physician Assistant Board News

Board member Abigail Rios Barrera, M.D., has resigned from the Texas State Board of Physician Assistant Examiners to accept a position on the board of the Texas Health and Human Services Commission. A replacement had not been named at the time the *Medical Board Report* went to press.

The Board elected officers at its September 5 meeting. G. Al Bendeck, PA-C, was re-elected chairman and Timothy Webb, J.D., was elected secretary.

Former Board Member Dies

John H. Boyd, D.O., who served on the Texas State Board of Medical Examiners from 1988 to 1993, died in Eden on September 3. Dr. Boyd also served as Secretary-Treasurer to the Board.

The Board offers condolences to Dr. Boyd's family.

Disciplinary Actions (continued from p. 3)

Buch, Richard G., M.D., Dallas, TX, Lic. #H5391

An Agreed Order was entered on 3-30-01 suspending the physician's license, staying the suspension, and placing the physician on probation for five years under certain terms and conditions. Action due to unprofessional conduct and failure to supervise delegates.

Buchmeyer, Norris D., M.D., Wortham, TX, Lic. #C6235

An Agreed Order was entered on 5-18-01 restricting the physician's license for three years under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare, and unprofessional conduct.

Burgess, David B., M.D., San Augustine, TX, Lic. #F6489

A Temporary Suspension Order was entered on 12-8-00 temporarily suspending Dr. Burgess' license due to evidence and information that his continuation in the practice of medicine would constitute a continuing threat to public welfare. An Agreed Order was entered on 3-30-01 suspending the physician's license. Action due to intemperate use of alcohol or drugs, unprofessional conduct, and inability to practice medicine with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals, or another substance.

Caldwell, Troy A. Jr., M.D., Richardson, TX, Lic. #E8372

An Agreed Order was entered on 9-7-01 assessing an administrative penalty in the amount of \$1,500. Action due to violation of Section 483.024 of the Texas Health and Safety Code.

Campbell, Robert L., D.O., Mineral Wells, TX, Lic. #G4888

An Agreed Order was entered on 3-30-01 restricting the license for three years under certain terms and conditions. Action due to unprofessional conduct, failure to keep drug records, and failure to practice medicine consistent with public health and welfare.

Cantu, Ernesto A., M.D., San Antonio, TX, Lic. #F7416

A Mediated Agreed Order was entered on 12-8-00 publicly reprimanding the physician and limiting his practice for three years under certain terms and conditions. Action due to violation of Board rules.

Carter, Joye, M.D., Houston, TX, Lic. #K1383

An Agreed Order was entered on 2-2-01 assessing an administrative penalty in the amount of \$1,000. Action due to permitting a physician not licensed to practice in Texas to participate in the performance of autopsies. The physician was licensed in three other states and Board certified in clinical and anatomical pathology. The performance of an autopsy constitutes the practice of medicine as defined in section 151.002(a)(13) of the Act.

Castle, Charles W., M.D., Liberty, TX, Lic. #B6872

An Agreed Order was entered on 9-7-01 restricting the physician's license for three years under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare, and prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

Cary, Randal A., D.O., Spring, TX, Lic. #F1437

An Agreed Order was entered on 3-30-01 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$5,000. Action due to failure to practice medicine consistent with public health and welfare.

Cerday, Eddie L., M.D., Wimberley, TX, Lic. #F9289

An Agreed Order was entered on 3-30-01 publicly reprimanding the physician and restricting his license under certain terms and conditions. Action due to unprofessional conduct.

Childs, Allen, M.D., Austin, TX, Lic. #D3180

An Agreed Order was entered on 3-30-01 restricting the physician's license for five years under certain terms

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Rule Changes

The Board has approved the following rule changes that were published in the *Texas Register*: Chapter 161, General Provisions: relating to return to active status following retired status, updates to Occupations Code cites, and compliance with Americans with Disabilities Act requirements. Chapter 163, Licensure, relating to relicensure requirements and updates to Occupations Code cites. Chapter 164, Physician Advertising: new §164.4 regarding advertising board certification. Chapter 166, Physician Registration, relating to return to active status following retired status and updates to Occupations Code cites. Chapter 167, Reinstatement, relating to reinstatement and reissuance of licenses and updates to Occupations Code cites. Chapter 173, Physician Profiles: amendments to 173.1 regarding information to be released on the physician profiles.

Chapter 175, Fees, Penalties, and Applications, amendments regarding fees for biennial non-profit health organization applications and fees for filing late applications. Chapter 177, Certification of Non-Profit Health Organizations: amendments to §§177.1-.2, .4-.13, and .15-.16 regarding updates to the Occupations Code cites, administrative procedures regarding late filing of biennial applications and insufficient reports, and fees. Chapter 183, Acupuncture, amendments to §§183.2 and 183.4 regarding English proficiency.

Chapter 199, Public Information: rule review and amendments to 199.1-.4 to correct the name of the Public Information Committee to the Public Information/Profile Committee and make other miscellaneous administrative corrections. For copies of rule changes, write the Board at MC 901, P.O. Box 2018, Austin, TX 78768-2018, or see the Board's web site at www.tsbme.state.tx.us.

Acupuncture Board News

The Board's current officers are Everett G. Heinze Jr., M.D., Presiding Officer; Meng-Sheng Linda Lin, L.Ac., Assistant Presiding Officer; and Pedro (Pete) V. Garcia Jr., Secretary-Treasurer.

The Board recently approved a policy that allows for approval of continuing acupuncture education courses for up to three years. The policy also includes Internet learning and structured self-study distance learning. In addition, individual courses from Board-approved programs may be combined to form new CAE programs. For information on approved CAE programs, visit our web site at www.tsbme.state.tx.us.

Profiles (continued from p. 1)

rules to exclude the mailing address from the profile report. However, it will continue to be public information and will be reported in license verifications as it has been previously.

The law requires the Board to collect and update the Profile data at the time of annual registration of physician permits. Therefore, the size of the annual registration application has increased to four pages. The annual registration application will now display any profile information previously submitted by the physician in the pilot year as well as any Board restrictions or actions taken.

A New Annual Registration Process

The implementation of profiles has meant changes to the annual registration process. Physicians and others handling annual registration applications should pay close attention to the application and instructions to avoid delays in receiving a permit. Always allow at least five working days for processing of the application and fee. Following are some changes that should be noted:

- * Data entry is being performed by an outsource

vendor and the completed application, along with payment, must be sent in the return envelope provided. Sending a completed application and fee directly to TSBME offices will delay the registration process since the application must be rerouted to the vendor for processing.

* Do not separate the payment coupon from the rest of the application. Both parts must be mailed intact along with payment in the same return envelope to avoid delays.

* Annual registration applications will be "pre-populated" with some profile information. A majority of physicians provided at least some of the profile data during this year's pilot project. This information will be printed on your application. Other information already held by TSBME, such as disciplinary actions, will also be displayed so physicians can see what is being reported in their profile. You will need to complete all sections of the form that are not pre-populated as well as review the pre-populated data and make corrections as necessary to any information you previously submitted.

Disciplinary Actions (continued from p. 4)

and conditions. Action due to nontherapeutic prescribing or treatment and failure to practice medicine consistent with public health and welfare.

Chung, Byung Ho, M.D., Killeen, TX, Lic. #F5867

An Agreed Order was entered on 5-18-01 publicly reprimanding the physician. Action due to failure to practice medicine in an acceptable manner consistent with public health and welfare.

Crumpler, Paul H., M.D., Killeen, TX, Lic. #G3259

An Agreed Order was entered on 9-7-01 restricting the physician's license for three years under certain terms and conditions. Action due to failure to keep complete and accurate records of purchases and disposal of drugs and controlled substances.

Cummings, Frederick P., M.D., Denton, TX, Lic. #G2938

An Agreed Order was entered on 2-2-01 assessing an administrative penalty in the amount of \$250. Action due to violation of Board rules.

De Los Santos, Ramiro, M.D., Mateos Y Tepic, MX, Lic. #F5182

An Agreed Order was entered on 5-18-01 in which the physician voluntarily surrendered his Texas medical license. Action due to conviction of a felony and unprofessional conduct.

Dotson, Rodney N., M.D., Hereford, TX, Lic. #D9988

An Agreed Order was entered on 3-30-01 suspending the physician's license, staying the suspension, and placing the physician on probation for five years under certain terms and conditions. Action due to unprofessional conduct.

East, William R., M.D., Amarillo, TX, Lic. #D2215

An Agreed Order was entered on 5-18-01 assessing an administrative penalty in the amount of \$1,000. Action due to violation of Board rules.

Elliott, Homer F., D.O., Portland, TX, Lic. #C0271

An Agreed Order was entered on 5-18-01 in which the physician voluntarily surrendered his Texas medical license. Action due to inability to practice medicine with reasonable skill and safety to patients.

Fazil, Mohammad, M.D., Whittier, CA, Lic. #H1766

An Agreed Order was entered on 2-2-01 suspending the physician's license. Action due to conviction of felony or misdemeanor involving moral turpitude and disciplinary action taken in another state.

Fleischmann, Ronald S., M.D., Dallas, TX, Lic. #G9097

An Agreed Order was entered on 3-30-01, restricting the physician's license under certain terms and conditions. Action due to disciplinary action taken by peers.

Fontenot, James Nolan Jr., M.D., Wichita Falls, TX, Lic. #G7206

An Agreed Order was entered on 9-7-01 publicly

reprimanding the physician. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Franz, F. Perry, M.D., Austin, TX, Lic. #K3193

An Agreed Order was entered on 5-18-01 restricting the physician from practicing medicine in the state of Texas until such time as certain terms and conditions are met. Action due to inability to practice medicine with reasonable skill and safety to patients as a result of any mental or physical condition.

Freeburger, Michael E., M.D., Fair Oaks Ranch, TX, Lic. #F8486

An Agreed Order was entered on 9-7-01 in which the physician voluntarily and permanently surrendered his Texas license. Action due to inability to practice medicine with reasonable skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition.

Friday, Marilyn J., M.D., Smithville, TX, Lic. #H9934

An Agreed Order was entered on 2-2-01 in which the Board accepted the voluntary and permanent surrender of the physician's medical license. Dr. Friday voluntarily surrendered her license to avoid the expense of litigating allegations of intemperate use of alcohol.

Fuchs, Carl J., M.D., Texas City, TX, Lic. #C2464

An Agreed Order was entered on 12-8-00 in which the Board accepted Dr. Fuchs' surrender of his medical license.

Galewaler, John E., D.O., Whitesboro, TX, Lic. #D8532

An Agreed Order was entered on 12-8-00 assessing an administrative penalty in the amount of \$2,500. Action due to failure to supervise delegates.

Garcia, Rafael F., M.D., Crockett, TX, Lic. #J3700

A Temporary Suspension Order was entered on 3-20-01 temporarily suspending the physician's license due to evidence and information that his continuation in the practice of medicine would constitute a continuing threat to public welfare. An Agreed Order was entered on 9-7-01 suspending physician's license. Action due to inability to practice medicine with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals, and another substance, and prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

Gist, Richard S., M.D., Baton Rouge, LA, Lic. #K0043

An Agreed Order was entered on 9-7-01 assessing an administrative penalty in the amount of \$2,000. Action

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Non-Profit Reminder

Physicians and other health care professionals who are under contract or otherwise affiliated with a non-profit health organization as defined under Section 162.001(b) of the Medical Practice Act are reminded and encouraged to report to the Board any improper activities of the organization with regard to the provision of patient care which could be a violation of the Medical Practice Act, the Board rules or the Texas Nonprofit Corporation Act. Information on filing complaints may be obtained by calling (800) 201-9353, or on the board's web site at <http://www.tsbme.state.tx.us/complain/complain.htm>

Reportable Illness Information on TDH Web Site

For information on disease reporting requirements in Texas, please check the Texas Department of Health web site, where you will find information on reportable diseases as well as forms for reporting:

<http://www.tdh.state.tx.us/ideas/report/report.htm>

Disciplinary Actions (continued from p. 6)

due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Goodrich, James, M.D., Springfield, IL, Lic. #G9855

An Agreed Order was entered on 5-18-01 suspending the physician's license. Action due to inability to practice medicine with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals, or another substance.

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

A Temporary Suspension Order was entered on 1-24-01 temporarily suspending the physician's license due to evidence and information that the physician's continuation in the practice of medicine would constitute a continuing threat to public welfare. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act. It is further ordered that the Temporary Suspension Order shall remain in effect until such time as it is superseded by a subsequent order of the Board.

Gregorio, Cesar P., M.D., Rockwall, TX, Lic. #E7611

An Agreed Order was entered on 9-7-01 in which the physician voluntarily and permanently surrendered his Texas medical license, effective September 9, 2001. Action due to retirement in lieu of board action for violation of prior Board Order.

Gross, George, D.O., Desoto, TX, Lic. #F9507

On 2-2-01, the Board voted to order the revocation of the physician's Texas medical license. Action based on unprofessional conduct, nontherapeutic prescribing or treatment, administering dangerous or controlled drugs in an improper manner, and failure to practice medicine consistent with public health and welfare. The physician did not file a Motion for Rehearing within 20 days of the Order and the Order is final.

Gunderson, Erik W., M.D., Plano, TX, Lic. #J3111

An Agreed Order was entered on 2-2-01 assessing an administrative penalty in the amount of \$100. Action due to violation of Board rules.

Halbert, Horace B. Jr., M.D., Sealy, TX, Lic. #C6965

An Agreed Order was entered on 3-30-01 assessing an administrative penalty in the amount of \$5,000. Action due to failure to practice medicine consistent with public health and welfare.

Hale, Price E., M.D., Dallas, TX, Lic. #H6264

An Agreed Order was entered on 2-2-01 restricting the physician's license under certain terms and conditions. Action due to unprofessional conduct. An Agreed Order was entered on 5-18-01 suspending the physician's license due to health-related reasons.

Hankins, David L., D.O., Arlington, TX, Lic.

#H3391

An Agreed Order was entered on 9-7-01 suspending the physician's license. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Hardimon, Floyd, D.O., Houston, TX, Lic. #D6447

An Agreed Order was entered on 9-7-01 requiring the physician to comply with certain terms and conditions for three years. Action due to violation of a Board rule.

Hardwick, Jack F., M.D., Fort Worth, TX, Lic.

#C6352

An Agreed Order was entered on 3-30-01 restricting the physician's license for three years under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare.

Hearn, R. E., M.D., Houston, TX, Lic. #C3695

An Agreed Order was entered on 9-7-01 restricting the physician's license for three years under certain terms and conditions. Action due to unprofessional conduct, and prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the

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Disciplinary Actions (continued from p. 7)

manner the drug or treatment is administered or prescribed.

Hennessy, Robert, M.D., Utica, NY, Lic. #E8547

An Agreed Order was entered on 5-18-01 in which the physician voluntarily surrendered his Texas medical license.

Hernandez, Arthur, M.D., San Antonio, TX, Lic. #G1674

An Agreed Order was entered on 3-30-01 assessing an administrative penalty in the amount of \$7,500 and restricting physician's license under certain terms and conditions. Action due to failure to release medical records in a timely manner.

Imperial, Arturo D., M.D., Lake Jackson, TX, Lic. #E3316

An Agreed Order was entered on 12-8-00 publicly reprimanding the physician and restricting his license for two years under certain terms and conditions. Action due to failure to practice medicine in an acceptable manner consistent with public health and welfare.

Jaikaran, Jacques S., M.D., Humble, TX, Lic. #F2731

A Proposal for Decision was reheard on 12-7-00. The Board voted to enter an order on 12-7-00 suspending the physician's license, staying the suspension and placing the physician on probation for five years under certain terms and conditions. Action based on conviction of a misdemeanor involving moral turpitude. Dr. Jaikaran filed a motion for rehearing within 20 days of the order and the Board denied the motion. The order is final.

Kasden, Scott E., M.D., Southlake, TX, Lic. #J3827

An Agreed Order was entered on 3-30-01 assessing an administrative penalty in the amount of \$250. Action due to failure to release medical records in a timely manner.

Keim, Jeffrey R., M.D., Minot, ND, Lic. #G7668

An Agreed Order was entered on 9-7-01 assessing an administrative penalty in the amount of \$250. Action due to failure to update address with Medical Board.

Keller, Stewart R., D.O., Fort Worth, TX, Lic. #J0038

An Agreed Order was entered on 1-11-01 assessing an administrative penalty in the amount of \$3,000, and restricting the physician's license for five years under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare, and unprofessional conduct.

Khan, Wassim M., M.D., Lufkin, TX, Lic. #J9729

An Agreed Order was entered on 9-7-01 suspending the license; however, the suspension was stayed and physician is placed on probation for three years under certain terms and conditions. Action due to unprofessional or dishonorable conduct, and failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Kim, Young S., M.D., Houston, TX, Lic. #E2653

An Agreed Order was entered on 12-8-00 restricting the physician's license under certain terms and conditions. Action due to failure to practice medicine in an acceptable manner consistent with public health and welfare.

Kirks, Donald Ray, M.D., Corpus Christi, TX, Lic. #D5423

An Agreed Order was entered on 2-26-01 restricting the physician's license for five years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients because of a mental or physical condition.

Kumar, Sumant A., M.D., Weatherford, TX, Lic. #D9838

An Agreed Order was entered on 3-30-01 assessing an administrative penalty in the amount of \$2,500. Action due to nontherapeutic prescribing or treatment and failure to release medical records.

Lasher, William J., M.D., Corning, NY, Lic. #F5270

An Agreed Order was entered on 9-7-01 in which the physician voluntarily and permanently surrendered his Texas medical license. Action due to disciplinary action by another state and physician's temporary mental incapacity.

Levenson, Alvin J., M.D., Houston, TX, Lic. #E1022

On 9-7-01 the Board voted to order the suspension of Dr. Levenson's Texas Medical license. Action based on practicing medicine with a suspended license and based on an inability to practice medicine with reasonable skill and safety to patients due to a physical or mental condition. Dr. Levenson may file a Motion for Rehearing within 20 days of the Order. If a Motion is filed and the Board denies the motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the motion, the Order is not final and a hearing will be scheduled.

Levin, Ira M., M.D., Austin, TX, Lic. #J3142

An Agreed Order was entered on 12-8-00 publicly reprimanding the physician. Action due to violation of Board rules.

Lupinacci, William J., M.D., Dothan, AL, Lic. #G0761

An Agreed Order was entered on 3-30-01 in which the physician voluntarily surrendered his license. Action due to conviction of felony or misdemeanor involving moral turpitude.

Madiedo, Eduardo Jr., M.D., San Antonio, TX, Lic. #D5091

A Temporary Suspension Order was entered on 11-16-00 temporarily suspending Dr. Madiedo's license due to evidence and information that his continuation in the practice of medicine would constitute a continuing threat to public welfare. An Agreed Order was entered on 12-8-00 staying the suspension of Dr. Madiedo's

(continued on p. 9)

Disciplinary Actions (continued from p. 8)

license and restricting his license for 10 years under certain terms and conditions. Action due to intemperate use of alcohol or drugs and unprofessional conduct.

Maldonado, Cesar E., M.D., El Paso, TX, Lic. #K4494

An Agreed Order was entered on 9-7-01 in which the physician is required to comply with certain terms and conditions for five years. Action due to inability to practice medicine with reasonable skill and safety to patients due to intemperate use of alcohol, and disciplinary action taken by a licensed hospital or medical staff of a hospital.

Marsh, Wallace Walter, M.D., Lubbock, TX, Lic. #G1711

An Agreed Order was entered on 3-8-01 restricting the physician's license for five years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety because of illness or substance abuse, failure to practice medicine consistent with public health and welfare, and unprofessional conduct.

McCall, Norman J., M.D., Arlington, TX, Lic. #E6137

An Agreed Order was entered on 3-30-01 restricting the physician's license under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare and failure to supervise delegates.

McCorkle, Ricky A., M.D., Sherman, TX, Lic. #G7286

An Agreed Order was entered on 2-2-01 restricting the physician's license under certain terms and conditions. Action due to unprofessional conduct.

Mieras, Thomas W., M.D., Boerne, TX, Lic. #H4555

An Agreed Order was entered on 5-18-01 assessing an administrative penalty in the amount of \$1,500. Action due to disclosure of confidential patient information including the name, address, sex and age, of a patient to a third party.

Mierisch, Erwin R., M.D., Miami, FL, Lic. #G4353

An Agreed Order was entered on 5-18-01 suspending the physician's license. Action due to unprofessional conduct.

Minjares, Jaime R., M.D., El Paso, TX, Lic. #H5343

An Agreed Order was entered on 9-7-01 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$1,000. Action due to violation of a Board rule and patient abandonment.

Mosby, Richard Allen, M.D., Houston, TX, Lic. #D7201

A Mediated Agreed Order was entered on 12-8-00 restricting the physician's license for three years under certain terms and conditions. Action due to submitting

bills for medical treatment which were unreasonable, improper or medically or clinically unnecessary. On 9-14-01, the disciplinary panel of the Texas State Board of Medical Examiners entered an order temporarily suspending Dr. Mosby's license based on evidence that his continuation in the practice of medicine would constitute a continuing threat to the health and welfare of patients. The allegations related to the application for temporary suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act.

Mosley, Kim A., M.D., Austin, TX, Lic. #H7083

An Agreed Order was entered on 5-18-01 publicly reprimanding the physician. Action due to failure to practice medicine consistent with public health and welfare.

Murray, Dubose W., M.D., Dallas, TX, Lic. #G9629

An Agreed Order was entered on 9-7-01 restricting the physician's license for five years under certain terms and conditions. Action due to prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

Oro, Febe Linda Panal, M.D., Denison, TX, Lic. #G4185

An Agreed Order was entered on 5-18-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for two years under certain terms and conditions. Action due to violation of a Board rule.

Owens, Cabe M., M.D., Houston, TX, Lic. #J1551

An Agreed Order was entered on 3-30-01 suspending the physician's license. Action due to intemperate use of alcohol or drugs, failure to practice medicine consistent with public health and welfare, unprofessional conduct, and nontherapeutic prescribing or treatment.

Parker, Thomas S., M.D., Round Rock, TX, Lic. #F1884

An Agreed Order was entered on 9-7-01 in which the physician was publicly reprimanded and required to comply with certain terms and conditions for three years. Action due to failure to practice medicine in an acceptable manner consistent with public health and welfare.

Parsons, James T., M.D., Houston, TX, Lic. #C6816

An Agreed Order was entered on 3-30-01 restricting the physician's license for five years under certain terms and conditions. Action due to failure to adequately document in his medical records.

Patel, Dipakkumar D., M.D., Midland, TX, Lic. #H1170

An Agreed Order was entered on 2-21-01 suspending the physician's license; however the suspension was

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Disciplinary Actions (continued from p. 9)

stayed and the physician was placed on probation for five years under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Payne, John B., D.O., Euless, TX, Lic. #H5943

An Agreed Order was entered on 9-7-01 assessing an administrative penalty in the amount of \$1,000. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Payne, Steven M., M.D., Houston, TX, Lic. #J0184

An Agreed Order was entered on 9-7-01 revoking the license; however, the revocation is stayed and the physician is placed on probation for seven years under certain terms and conditions. Action due to unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

Perry, Robert R., M.D., Plano, TX, Lic. #J8712

An Agreed Order was entered on 9-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for five years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients because of intemperate use of alcohol.

Puryear, Billy H., D.O., Fort Worth, TX, Lic. #D6314

An Agreed Order was entered on 9-7-01 assessing an administrative penalty in the amount of \$1,000. Action due to violation of a Board rule: failure to maintain adequate medical records.

Ringer, B. R., M.D., Houston, TX, Lic. #G0011

On 9-5-01 the disciplinary panel of the Texas State Board of Medical Examiners entered an Order temporarily suspending Dr. Ringer's license based on evidence and information indicating that he poses a continuing threat to the health and welfare of patients. The allegations related to the Application for Temporary Suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and the Medical Practice Act.

Rizov, Vladimir Z., M.D., Austin, TX, Lic. #G4694

An Agreed Order was entered on 9-7-01 suspending the physician's license; however, the suspension was stayed and the physician was placed on probation for five years under certain terms and conditions. Action due to violation of a Board rule.

Robertson, Katheryn J., M.D., Dallas, TX, Lic. #D0269

An Agreed Order was entered on 2-2-01 suspending the physician's license, staying the suspension, and placing license on probation for five years under certain terms and conditions. Action due to intemperate use of alcohol.

Rocha, Ricardo A., M.D., Dallas, TX, Lic. #D3385

An Agreed Order was entered on 9-7-01 assessing an administrative penalty in the amount of \$250. Action due to violation of a Board rule.

Rogers, Booker T. Jr., M.D., Flower Mound, TX, Lic. #G3741

An Agreed Order was entered on 12-8-00 suspending the physician's license, staying the suspension and placing the physician on probation for five years under certain terms and conditions. Action due to failure to keep complete and accurate drug records, and his felony conviction.

Rogers, Mark R., M.D., Houston, TX, Lic. #H0770

An Agreed Order was entered on 12-8-00 suspending the physician's license, staying the suspension, and placing the physician on probation for seven years under certain terms and conditions. Action due to intemperate use of alcohol and inability to practice medicine with reasonable skill and safety to patients because of drunkenness, excessive use of drugs, narcotics, chemicals, or another substance, or a mental or physical condition, and unprofessional conduct.

Roy, Jacques A., M.D., Rockwall, TX, Lic. #G6995

An Agreed Order was entered on 5-18-01 suspending the physician's license, staying all but the first 30 days of the suspension, and then placing the physician on probation for five years under certain terms and conditions. Action due to unprofessional conduct, nontherapeutic prescribing or treatment, and administering dangerous or controlled drugs in an improper manner.

Rush, Avril B., M.D., Arlington, TX., Lic. #G8390

On 9-14-01, the disciplinary panel of the Texas State Board of Medical Examiners entered an order temporarily suspending Dr. Rush's license based on evidence and information indicating that she poses a continuing threat to the health and welfare of patients. The allegations related to the Application for Temporary Suspension are to be the subject of a disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and Medical Practice Act.

Sabates, Felix N. Jr., M.D., Kingwood, TX, Lic. #J2773

An Agreed Order was entered on 9-7-01 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$2,500. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

Santibanez, Alfredo L., M.D., Houston, TX, Lic. #E8234

An Agreed Order was entered on 9-7-01 restricting the physician from practicing medicine in the State of

(continued on p. 11)

Disciplinary Actions (continued from p. 10)

Texas. Action was due to unprofessional or dishonorable conduct.

Saquer, Rezik A., M.D., Houston, TX, Lic. #K2282

An Agreed Order was entered on 9-7-01 assessing an administrative penalty in the amount of \$5,000. Action due to violation of a Board rule.

Sartor, Charles D., M.D., Leander, TX, Lic. #G2473

An Agreed Order was entered on 5-18-01 assessing an administrative penalty in the amount of \$250. Action due to unprofessional conduct.

Scheffey, Eric H., M.D., Houston, TX, Lic. #E6607

An Agreed Order was entered on 9-7-01, publicly reprimanding the physician. Allegations included failure to practice medicine in an acceptable manner consistent with the public health and welfare. The physician disputed the allegations.

Scroggins, Timothy A., M.D., Spencer, OH, Lic.

#J4506

An Agreed Order was entered on 3-30-01 assessing an administrative penalty in the amount of \$250. Action due to failure to release medical records in a timely manner.

Sellers, Nancy, D.O., Houston, TX, Lic. #H0856

An Agreed Order was entered on 3-30-01 in which the physician voluntarily surrendered her license. Action due to unprofessional conduct, prescribing without medical indication, and narcotic violations.

Shockey, Leonard D., M.D., Pineland, TX, Lic.

#E3451

An Agreed Order was entered on 5-18-01 revoking the physician's license. Action due to conviction of violating the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Sec.801 et seq.).

Simmons, John H. II, M.D., Lufkin, TX, Lic.

#H8403

An Agreed Order was entered on 9-7-01 in which the physician voluntarily and permanently surrendered his Texas medical license. Action due to violation of previous order.

Snyder, Richard D., M.D., Alamogordo, NM, Lic.

#C7369

An Agreed Order was entered on 5-18-01 in which the physician voluntarily and permanently surrendered his Texas medical license.

Spencer, John P., M.D., Houston, TX, Lic. #E4948

On 9-7-01, the Board voted to order the revocation of Dr. Spencer's Texas medical license. Action based on failure to practice medicine in an acceptable manner consistent with public health and welfare and disciplinary action by another state medical board. Dr. Spencer may file a Motion for Rehearing within 20 days of the Order. If a Motion is filed and the Board denies the motion, the order is final. If a Motion is filed and the Board grants the Motion, the Order is not final and a hearing will be scheduled.

Sprott, Maxie C. II, M.D., Beaumont, TX, Lic.

#G2230

An Agreed Order was entered on 9-7-01 revoking the physician's license; however, the revocation was stayed and physician was placed on probation for 10 years under certain terms and conditions. Action due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare, unprofessional or dishonorable conduct that is likely to deceive or defraud the public, and nontherapeutic prescribing.

Stanton, James M., M.D., Houston, TX, Lic. #E3779

An Agreed Order was entered on 9-7-01 suspending the physician's license; however, the suspension was stayed and physician was placed on probation for 10 years under certain terms and conditions. Action due to inability to practice medicine with reasonable skill and safety to patients due to intemperate use of alcohol or drugs, and writing false or fictitious prescriptions for dangerous drugs and controlled substances.

Stone, John S., M.D., Houston, TX, Lic. #C7501

An Agreed Order was entered on 2-2-01 publicly reprimanding the physician. Action due to failure to practice medicine consistent with public health and welfare by failing to document on medical records and order standard diagnostic tools.

Stubbs, Garry W., M.D., Sherman, TX, Lic. #H8442

An Agreed Order was entered on 2-2-01 publicly reprimanding the physician and placing his license under certain stipulations for five years. Action due to failure to practice medicine consistent with public health and welfare.

Thomas, Stephen C., M.D., Lubbock, TX, Lic.

#J5036

A Temporary Suspension Order was entered on 10-27-00 temporarily suspending Dr. Stephen C. Thomas' license due to evidence and information that his continuation in the practice of medicine would constitute a continuing threat to public welfare.

Thompson, Lloyd Gilbert, M.D., Dallas, TX, Lic.

#C9161

An Agreed Order was entered on 9-7-01 in which the physician is restricted under certain terms and conditions, and will voluntarily and permanently surrender his Texas medical license to be effective on February 28, 2002. Action due to retirement in lieu of board action for violation of prior Board Order.

Titus, Patrick A., M.D., Houston, TX, Lic. #C8730

An Agreed Order was entered on 5-18-01 publicly reprimanding the physician and assessing an administrative penalty in the amount of \$600. Action due to unprofessional conduct.

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Disciplinary Actions (continued from p. 11)

Triplett, Richard D., M.D., Conroe, TX, Lic. #J3251

An Agreed Order was entered on 3-30-01 suspending the physician's license. Action due to intemperate use of alcohol or drugs, unprofessional conduct, writing false or fictitious prescriptions, and nontherapeutic prescribing or treatment.

Ulbrich, Carl J., D.O., Houston, TX, Lic. #J5928

An Agreed Order was entered on 3-30-01 assessing an administrative penalty in the amount of \$2,500. Action due to failure to practice medicine consistent with public health and welfare and failure to follow chronic pain guidelines.

Vila, Anthony W., D.O., Houston, TX, Lic. #C3239

An Agreed Order was entered on 2-2-01 in which the Board accepts the voluntary and permanent surrender of the physician's medical license due to retirement.

Wallace, C. B., M.D., Kerrville, TX, Lic. #F3656

An Agreed Order was entered on 2-2-01 in which the Board accepted the voluntary and permanent surrender of the physician's medical license. Action due to intemperate use of alcohol or drugs.

Ware, Stephen H., III, M.D., Corpus Christi, TX, Lic. #F3375

An Agreed Order was entered on 5-18-01 assessing an administrative penalty in the amount of \$100. Action due to violation of his Order.

Williams, James R., M.D., Dallas, TX, Lic. #J9567

An Agreed Order was entered on 2-2-01 restricting the physician's license for three years under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare, and violation of Board rules.

Wright, Timothy J., D.O., Mexia, TX, Lic. #J2422

A Proposal for Decision was heard on 12-7-00. The Board voted to order the revocation of Dr. Wright's Texas medical license. Action based on dishonorable or unprofessional conduct. Dr. Wright filed a Motion for Rehearing within 20 days of the order and the Board denied the motion. The order is final.

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

An Agreed Order was entered on 3-30-01 restricting the physician's license for three years under certain terms and conditions. Action due to failure to practice medicine consistent with public health and welfare.

Yrigoyen, Edmundo D., M.D., Houston, TX, Lic. #G2516

An Agreed Order was entered on 2-2-01 assessing an administrative penalty in the amount of \$500. Action due to the commission of a prohibited act.

Zuniga, Dario, M.D., Houston, TX, Lic. #E6961

An Agreed Order was entered on 9-7-01 restricting the physician's license for three years under certain terms and conditions. Action due to conviction of a felony.

Correction

A disciplinary summary published in the Fall 2000 issue of the *Medical Board Report* should have read as follows:

Watson, Michael Q., M.D., Seminole, TX, Lic. #G6770

An agreed order was entered on 8-26-00 publicly reprimanding the physician and ordering him to comply with the terms and conditions of the order. Action due to unprofessional conduct, disciplinary action by peers and failure to practice medicine consistent with public health and welfare.

Physician Assistants

Cobb, Timothy L., P.A., Houston, TX, Lic. #PA00511

An Agreed Order was entered on 9-5-01 assessing an administrative penalty in the amount of \$500. Action due to unprofessional or dishonorable conduct.

Dial, Rocky D., P.A., Dallas, TX, Lic. #PA00784

An Agreed Order was entered on 1-19-01 restricting the physician assistant's license until 7-31-03 under certain terms and conditions. Action due to unprofessional conduct.

Harris, Rae Gina, P.A., Teague, TX, Lic. #PA01666

On 9-5-01 the Board voted to order the revocation of Ms. Harris' Texas physician assistant's license. Action based on unprofessional or dishonorable conduct in a manner that is likely to deceive, defraud, or injure the public. Ms. Harris may file a Motion for Rehearing within 20 days of the Order. If a Motion is filed and the Board denies the Motion, the Order is final. If a Motion for Rehearing is filed and the Board grants the Motion, the Order is not final and a hearing will be scheduled.

Holloway, Charles William, P.A., Houston, TX, Lic. #PA01848

An Agreed Order was entered on 5-4-01 in which the physician assistant voluntarily and permanently surrendered his Texas physician assistant license. Action due to unprofessional conduct and habitual use of substance which impairs safe practice.

Holmes, Donald G., P.A., Kingwood, TX, Lic. #PA02171

An Agreed Order was entered on 9-5-01 assessing an administrative penalty in the amount of \$250. Action due to failure to practice as a physician assistant in an acceptable manner consistent with public health and welfare.

Malphurs, Roy A., P.A., El Paso, TX, Lic. #PA00279

An Agreed Order was entered on 9-5-01 assessing an administrative penalty in the amount of \$1,000. Action due to unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public, and disciplinary action by a licensed hospital or medical staff of a hospital.

Formal Complaints

The following Formal Complaints were filed with the State Office of Administrative Hearings since the last publication of the *Medical Board Report* regarding the licensees listed below:

Name	Lic. No.	Date Filed	Alleged Statutory Violation
Merrimon Walters Baker, M.D.	G4807	5/3/01	164.051(a)(3), 164.051(a)(6), 164.052(a)(5), 164.053(a)(3), 164.053(a)(4), 22 TAC 165.1(a), 22 TAC 170.3
David L. Bryson, M.D.	E7013	2/23/01	164.051(a)(3), 164.051(a)(6), 164.052(a)(5), 164.053(a)(5), 164.053(a)(6), 165.155(a)
Roland F. Chalifoux Jr., D.O.	J8953	6/18/01	164.051(a)(6), 164.052(a)(5), 164.053(a)(5), 164.053(a)(6), 164.053(a)(8)
Robert Emmett Gulde, M.D.	D0679	5/29/01	164.051(a)(6), 164.052(a)(5), 164.053(a)(5), 164.053(a)(6)
Amante Deleon Medina, M.D.	E4521	2/13/01	164.056
Joseph C. Roell, M.D.	G9688	7/2/01	164.051(a)(3), 164.051(a)(6), 164.051(a)(7), 164.052(a)(5), 164.053(a)(3), 164.053(a)(5)
Stephen C. Thomas	J5036	8/16/01	164.051(a)(4)(C), 164.052(a)(4), 164.052(a)(5)
William R. Turpin, M.D.	C3344	7/11/01	164.051(a)(6), 164.051(a)(7), 164.052(a)(5)
Ronald B. Wurtzbaugh, M.D.	G1587	6/22/01	164.051(a)(2)(B), 164.052(a)(5), 164.051(a)(6)
D. Lea Mallison, P.A.	PA01949	6/19/01	204.302(3)(4) and (8); 204.303(a)(1) and 204.304(a)(5); 22 TAC 185.13; 185.15; 185.22

Explanation of alleged violations:

164.051(a)(2): conviction of a felony or a misdemeanor involving moral turpitude.
 164.051(a)(3), 164.053(a)(3), 164.053(a)(5): writing prescriptions for or dispensing drugs to a known abuser.
 164.051(a)(4): unable to practice medicine with reasonable skill and safety because of illness.
 164.051(a)(6): failing to practice medicine in an acceptable manner consistent with public health and welfare.
 164.051(a)(7): action by peers or discipline by a hospital.
 164.052(a)(4): uses alcohol or drugs in an intemperate manner that could endanger a patient's life.
 164.052(a)(5): unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.
 164.053(a)(3): writes a prescription to a known abuser of narcotics.
 164.053(a)(4): writing false or fictitious prescriptions

for dangerous drugs or controlled substances.
 164.053(a)(5): prescribes or administers a drug or treatment that is nontherapeutic.
 164.053(a)(6): prescribes, administers, or dispenses in a manner inconsistent with public health and welfare.
 164.053(a)(8): fails to supervise adequately the activities of those acting under the supervision of the physician
 164.056: requires respondent to submit to a psychiatric evaluation
 165.155(a): solicits, or pays another to solicit, patients.
 204.302(3): falsely represents that the person is a physician.
 204.302(4): unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public.
 204.302(8): unlawfully advertises in a false, misleading, or deceptive manner.
 204.303(a)(1): violates a board rule.
 204.304(a)(5): fails to practice as a physician assistant in an acceptable manner consistent with public health and welfare
 22 TAC 185.13: related to identification requirements.

Legislative Summary (continued from p. 2)

SB 544: Credentials Verifications Study

TSBME shall conduct a study concerning the establishment of a program for standardized credentials verification and the possible use of a credential information system.

SB 1300: License Renewal Grace Period

Clarifies that a physician is not considered to be practicing medicine without a license during the 30-day grace period for payment of the annual registration fee.

SB 789: Telemedicine Regulations

Sets forth provisions regarding the reimbursement and the regulations of telemedicine medical service in Texas. Sets out TSBME participation with Health & Human Services Commission in rule making.

HB 3600: Confidentiality of Reports from Monitoring or Supervising Physicians

Provides that reports to TSBME made by a physician performing or supervising compliance monitoring for a licensee under a disciplinary order are confidential.

SB 11: Patient Access to Medical Records

Provides that patient can only be marketed to with express written authorization. Grants patients the right to access and append their inaccurate medical records. Compliance date is September 1, 2003.

HB 1755: License Suspension for Student Loan Default

Authorizes TSBME to suspend license or deny application if person has defaulted on a student loan or has breached a student loan repayment contract or scholarship contract by failing to perform the person's service obligation.

SB 643: Acupuncture Definitions and Scope of Practice

Amends definition of acupuncture to include "evaluation and assessment of the condition." Amends definition of acupuncturist to include a person who "directly or indirectly charges a fee for the performance of acupuncture service." Requires TSBME to determine by rule whether an acupuncturist may treat a patient for alcoholism or chronic pain without a referral from a physician, dentist, or chiropractor.

SB 1166: PA Prescriptive Authority

Allows physician to delegate prescriptive authority to up to three PAs or APNs at an alternate site, and does not require that the alternate site must be rural. Provides a process for obtaining a waiver of these requirements.

To view the full text of these bills, go to the Texas Legislature Online at www.capitol.state.tx.us and click on "Search Bills by Number."

2002 Board Meeting Schedule			
Board of Medical Examiners			
February 7-9	April 4-6	May 16-18	
August 15-17	October 3-5	December 12-14	
Board of Physician Assistant Examiners			
January 25	April 26	August 2	November 15
Board of Acupuncture Examiners			
January 11	April 12	July 19	November 1

Continuing Medical Education Reminder

As a prerequisite to the annual registration of a physician's license, 24 hours of continuing medical education are required to be completed in the following categories:

Formal Hours (at least 12): Category 1 or 1A designated for AMA/PRA Category 1 credit by a CME sponsor accredited by the Accreditation Council for Continuing Medical Education or a state medical society recognized by the Committee for Review and Recognition of the Accreditation Council for Continuing Medical Education; approved for prescribed credit by the American Academy of Family Physicians; designated for AOA Category 1-A credit required for osteopathic physicians by an accredited CME sponsor approved by the American Osteopathic Association; or approved by the Texas Medical Association based on standards established by the AMA for its Physician's Recognition Award.

At least one formal hour must involve medical ethics and/or professional responsibility.

Informal Hours: The remaining 12 hours may be informal self-study, hospital lectures or grand rounds.

If you have questions, call the Permits Department at (512) 305-7020. For information on CME courses, call TMA at (512) 370-1300; TOMA at (512) 708-8662; or the Texas Academy of Family Physicians at (512) 329-8666, or check their web sites: TMA: www.texmed.org, TOMA: www.txosteo.org or TAFP: www.tafp.org.

Notice of Address Change

(Please type or print, except for signature)

Name _____

License or Permit Number _____

Signature _____

(required for licensees and permit holders)

Mailing Address:

Street _____

City, State _____ Zip Code _____

Practice Address _____

Street _____

City, State _____ Zip Code _____

..... **Cut on dotted line**

Have You Changed Your Address?

The Board needs to be informed so that licensees receive renewal notices and other communications on time. Complete and return the form above any time you change your address. Thank you. (Non-licensees may also report address changes with this form.)

How to Reach Us at the Board **Main Number (512) 305-7010**

Acupuncturists	(512) 305-7067	Personnel	(512) 305-7050
Compliance	(512) 305-7098	Physician Assistants	(512) 305-7022
Consumer Complaint Hotline ...	(800) 201-9353	Physician Licensure Application	
Data and Information Sales	(512) 305-7040	Information	(512) 305-7130
Disciplinary Action Hotline	(800) 248-4062	Physician Registration/CME, Physicians in Training	
Executive Offices	(512) 305-7017	(512) 305-7020
Finance	(512) 305-7050	Public Information	(512) 305-7018
Investigations	(512) 305-7100	Radiologic Technicians	(512) 305-7025
Litigation	(512) 305-7070	Verifications, Dial-Up Service ..	(512) 305-7035
Open Records Requests	(512) 305-7093	Verifications, Voice	(512) 305-7030

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Mission Statement

Our Board's mission is to protect and enhance the public's health, safety and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline and education.

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