

# Texas Medical Board Press Release

## FOR IMMEDIATE RELEASE

September 13, 2013

Media contact: [Jarrett Schneider](#), 512-305-7018  
Customer service: 512-305-7030 or 800-248-4062

## TMB disciplines 41 physicians at August meeting, proposes rule changes

At its August 29-30, 2013 meeting, the Texas Medical Board disciplined 41 licensed physicians and issued two cease and desist orders. The disciplinary actions included two suspensions, eight voluntary surrenders/revocations, two orders based on other states' actions, five orders related to unprofessional conduct, three violations of prior orders, one order due to impairment, one order due to a death registry violation, five orders related to non-therapeutic prescribing, two orders related to criminal behavior, one order due to inadequate medical records, and eleven orders related to quality-of-care violations.

The Board issued 149 physician licenses at the August board meeting, bringing the total number of physician licenses issued in FY 13 to 3,594. Thirty-two percent of physician licensure applications were completed in 10 days or less.

### RULE CHANGES PROPOSED

#### Chapter 193. Standing Delegation Orders

The Texas Medical Board (Board) proposes the repeal of §§193.1-193.12, and the replacement with new §§193.1-193.20 in Chapter 193, Standing Delegation Orders. The new sections of Chapter 193 are proposed to conform Chapter 193 with changes made to the Texas Occupation Code Annotated Chapter 157, Subchapter B, concerning delegation to advanced practice registered nurses and physician assistants, by Senate Bill 406, 83<sup>rd</sup> Legislature, Regular Session (2013).

Proposed rule changes can be viewed in the latest Texas Register at [www.sos.state.tx.us/texreg/sos/Proposed%20Rules/22.EXAMINING%20BOARDS.html#69](http://www.sos.state.tx.us/texreg/sos/Proposed%20Rules/22.EXAMINING%20BOARDS.html#69) and will be available on the TMB website at [www.tmb.state.tx.us/rules/rules.php](http://www.tmb.state.tx.us/rules/rules.php).

Additional proposed rules approved by the Board at the August meeting will be published on September 27, 2013 in the Texas Register and will be available on the TMB site.

### DISCIPLINARY ACTIONS

#### QUALITY OF CARE

##### Armstrong, Davill, M.D., Lic. No. F3025, Houston

On August 30, 2013, the Board and Davill Armstrong, M.D., entered into an Agreed Order requiring Dr. Armstrong to refrain from clinical practice, and applying for hospital privileges until he completes the Knowledge, Skills, Training, Assessment, and Research (KSTAR) program's Clinical Competency Assessment or a board approved mini-residence program of at least 90 days; further requiring Dr. Armstrong to undergo an independent medical evaluation by a psychiatrist, follow all recommendations by the psychiatrist for care and treatment; and upon successful completion of KSTAR, or mini-residency, have his practice monitored by another physician for four monitoring cycles. The Board found that a chart monitor raised concerns regarding Dr. Armstrong's quality of care. This Order supersedes all other previous orders by the Board.

##### Hamilton, Yolanda, M.D., Lic. No. K9295, Houston

On August 30, 2013, the Board and Yolanda Hamilton, M.D., entered into an Agreed Order requiring Dr. Hamilton to refrain from treating chronic pain patients; have her practice monitored by another physician for eight monitoring cycles; within one year complete the medical record-keeping course offered by the

University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete four hours of CME in the topic of risk management; and pay an administrative penalty of \$2,500. The Board found Dr. Hamilton failed to maintain adequate medical records and in some instances lacked full justification for the continued prescriptions of opiates and muscle relaxers to patients and failed to regularly monitor the patients for abuse of the controlled substances prescribed. This order resolves a formal complaint at the State Office of Administrative Hearings.

**Hyde, Linda Carol, M.D., Lic. No. J0011, Conroe**

On August 30, 2013, the Board and Linda Carol Hyde, M.D., entered into an Agreed Order publicly reprimanding Dr. Hyde and prohibiting Dr. Hyde from re-registering or obtaining Controlled Substances Registrations until she has received written authorization from the Board; that Dr. Hyde refrain from serving as a physician for herself or family, and refrain from prescribing controlled substances to her immediate family; further requiring Dr. Hyde to have her practice monitored by another physician for 8 monitoring cycles and pass within one year and three attempts the Medical Jurisprudence Exam. The Board found Dr. Hyde failed to adequately supervise the activities of those acting under her supervision and prescribed controlled substances to family members for periods greater than 72 hours.

**Jarrah, Taysir Fawzi, M.D., Lic. No. E6438, McKinney**

On August 30, 2013, the Board and Taysir Fawzi Jarrah, M.D., entered into an Agreed Order requiring Dr. Jarrah to have his practice monitored by another physician for four monitoring cycles; complete within one year 10 hours of CME, including eight hours in medical record keeping, and two hours in ethics; and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Jarrah failed to meet the standard of care, performed interventional cardiology procedures on 10 patients that were not medically necessary and had his hospital privileges revoked.

**Koval, Robert John, M.D., Lic. No. G1694, Dallas**

On August 30, 2013, the Board and Robert John Koval, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Koval and requiring Dr. Koval to refrain from engaging in the treatment of any chronic pain; have his practice monitored by another physician for eight monitoring cycles; within one year complete 45 hours of CME in the following topics, divided as follows: medical record-keeping (15 hours), pain management (15 hours), and internal medicine for primary care physicians (15 hours); and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Koval failed to meet the standard of care with respect to several patients by routinely prescribing medications without documenting and/or performing appropriate patient assessments and evaluations. This order resolves a formal complaint at the State Office of Administrative Hearings.

**Molina, Hector Oscar, M.D., Lic. No. K2755, Dallas**

On August 30, 2013, the Board and Hector Oscar Molina, M.D., entered into an Agreed Order publicly reprimanding Dr. Molina and requiring him to complete within one year and three attempts, the Medical Jurisprudence Examination and complete within one year 20 hours of CME, divided as follows: 12 hours in medical ethics and eight hours in wound care. The Board found Dr. Molina performed cosmetic surgery on two patients in inappropriate settings and that the procedures resulted in complications for both patients. The Board also found Dr. Molina admitted that he lied in sworn testimony to the Nevada Athletic Commission and that his testimony related to his practice of medicine.

**Parikh, Samir P., M.D., Lic. No. N4649, Frisco**

On August, 30, 2013, the Board and Samir P. Parikh, M.D., entered into an Agreed Order requiring Dr. Parikh complete within one year the Texas Medical Board Remedial Coaching Program at the University of Texas at Dallas School of Management; within one year complete at least 12 hours of continuing medical education (CME), including four hours in ethics, four hours in risk management, and four hours in patient communication; and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Parikh failed to appropriately respond to an emergency while on call.

**Pauza, Kevin Joseph, M.D., Lic. No. J7127, Tyler**

On August 30, 2013, the Board and Kevin Joseph Pauza, M.D., entered into an Agreed Order requiring Dr. Pauza to have his practice monitored by another physician for four monitoring cycles; and within one

year complete 20 hours of CME, including eight hours in opioid therapy and four hours in risk management. The Board found Dr. Pauza failed to meet the standard of care, failed to follow the Board's guidelines for the treatment of pain, failed to keep adequate medical records and failed to cooperate with Board staff.

**Pinkerton, Jody Lyn, M.D., Lic. No. J7791, Sugar Land**

On August 30, 2013, the Board and Jody Lyn Pinkerton, M.D., entered into an Agreed Order requiring Dr. Pinkerton within one year, complete at least 24 hours of CME, divided as follows: eight hours in medical recordkeeping, eight hours in high risk pregnancies, eight hours in performing/interpreting obstetric ultrasounds; and pay and administrative penalty of \$1,000 within 60 days. The Board found Dr. Pinkerton failed to meet the standard of care by wrongly diagnosing a patient's viable pregnancy and failed to make an effort to confirm the diagnosis through other measures.

**Shelton, Kevin James, M.D., Lic. No. N1893, Celina**

On August 30, 2013, the Board and Kevin James Shelton, M.D., entered into an Agreed Order requiring Dr. Shelton within one year complete at least 16 hours of continuing medical education (CME), including at least eight hours in endocrinology; and pay an administrative penalty of \$3,000 within 60 days. The Board found Dr. Shelton failed to perform an adequate medical workup of a patient prior to treatment and failed to maintain adequate medical records.

**Williams, Lucia Leigh, M.D., Lic. No. G9013, Jacksonville**

On August 30, 2013, the Board and Lucia Leigh Williams, M.D., entered into a Mediated Agreed Order requiring Dr. Williams to within one year complete 16 hours of CME, divided into the following topics: eight hours in risk management and eight hours in managing high risk obstetrics patients; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Williams failed to diagnose and treat a pregnant patient's chronic hypertension and failed to order further testing to confirm fetal well-being. This order resolves a formal complaint at the State Office of Administrative Hearings.

## **SUSPENSION**

**Nwora, Emmanuel Mbanefo, M.D., Lic. No. M2428, Houston**

On August 30, 2013, the Board and Emmanuel Mbanefo Nwora, M.D., entered into an Agreed Order of Suspension regarding Dr. Nwora, suspending Dr. Nwora's Texas medical license until the final disposition of the contested case currently at the State Office of Administrative Hearings. The Board found Dr. Nwora is facing federal charges related to the practice of medicine and criminal proceedings related to those charges are ongoing in Federal district court.

**Strickland, Michael Lynn, M.D., Lic. No. G5660, Lubbock**

On August 30, 2013, the Board and Michael Lynn Strickland, M.D., entered into an Agreed Order of Suspension, suspending Dr. Strickland's license until such time as he appears before the Board and provides clear and convincing evidence that he is physically, mentally and otherwise competent to safely practice medicine. The Board found Dr. Strickland is unable to practice medicine with reasonable skill and safety to patients because of illness or as a result of a mental or physical condition.

## **OTHER STATES' ACTIONS**

**Farina, Gloria E., M.D., Lic. No. H0334, Vero Beach, FL**

On August 30, 2013, the Board and Gloria E. Farina, M.D., entered into an Agreed Order requiring Dr. Farina to cease practicing medicine in Texas until she provides sufficient evidence that she is competent to safely practice medicine, including proof that she has satisfied the terms and conditions of the State of Florida Department of Health/Board of Medicine. The Board found Dr. Farina was disciplined by the Florida Board of Medicine for inappropriately prescribing weight loss medications to a patient.

**Lore, Steven Clarence, M.D., Lic. No. M0154, Hill Air Force Base, UT**

On August 30, 2013, the Board and Steven Clarence Lore, M.D., entered into an Agreed Order requiring Dr. Lore to cease practicing in Texas until he provides sufficient evidence and information that he is competent to safely practice medicine. The Board found Dr. Lore's clinical privileges at Hill Air Force Base

were terminated based on a peer review that found his treatment of patients and medical record documentation to be below the standard of care.

### **VOLUNTARY SURRENDER/REVOCAION**

#### **Burks, Joseph Emerson, M.D., Lic. No. E0839, Victoria**

On August 30, 2013, the Board and Joseph Emerson Burks, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Burks voluntarily and permanently surrendered his Texas medical license. Dr. Burks voluntarily surrendered his medical license due to his physical condition in lieu of further disciplinary action.

#### **Camati, Mirian, M.D., Lic. No. L3884, Houston**

On August 30, 2013, the Board and Mirian Camati, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Camati voluntarily and permanently surrendered her Texas medical license and was ordered to immediately cease practicing in Texas. Dr. Camati agreed not to petition the board for reinstatement of her license in lieu of further disciplinary proceedings. Dr. Camati was under investigation by the Board related to her prescribing practices. The Board found Dr. Camati is unable to practice medicine because of a medical condition and decided to surrender her license and retire from the practice of medicine rather than continue contesting the investigation.

#### **Dorman, John Wesley, M.D., Lic. No. D5375, Houston**

On August 30, 2013, the Board and John Wesley Dorman, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Dorman voluntarily and permanently surrendered his Texas medical license. The Board found Dr. Dorman is retiring due to a medical condition which makes it difficult for him to practice medicine.

#### **Nguyen, Ngoc Xuan, M.D., Lic. No. J3173, Houston**

On August 30, 2013, the Board and Ngoc Xuan Nguyen, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Nguyen voluntarily and permanently surrendered his medical license and was ordered to immediately cease practicing in Texas. Dr. Nguyen agreed not to petition the board for reinstatement of his license in lieu of further disciplinary proceedings. Dr. Nguyen was under investigation by the Board regarding allegations that he operated a pain management clinic in violation of Board rules and non-therapeutically prescribed controlled substances.

#### **Potterf, Raymond Dewayne, M.D., Lic. No. E8824, San Antonio**

On August 30, 2013, the Board and Raymond Dewayne Potterf, M.D. , entered into an Agreed Order of Voluntary Surrender in which Dr. Potterf voluntarily and permanently surrendered his Texas medical license and agreed not to petition the Board for reinstatement in lieu of further disciplinary proceedings. Dr. Potterf was under investigation by the Board related to allegations that he non-therapeutically prescribed controlled substances to one patient and engaged in inappropriate conduct with another patient.

#### **Small, Andrew Buchanan, III, M.D., Lic. No. D6175, Dallas**

On August 30, 2013, the Board and Andrew Buchanan Small, III, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Buchanan agreed to voluntarily and permanently surrender his medical license and cease practicing in Texas in lieu of further disciplinary proceedings. Dr. Buchanan reported to the Board that he has a medical condition that precludes him from continuing in the practice of medicine and precludes him from fulfilling terms of his 2012 Mediated Agreed Order.

#### **Sorokolit, Walter T., M.D., Lic. No. F2456, Fort Worth**

On August 30, 2013, the Board and Walter T. Sorokolit, M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Sorokolit voluntarily and permanently surrendered his Texas medical license. Dr. Sorokolit requested the surrender in lieu of further disciplinary proceedings. The Board found Dr. Sorokolit resigned his clinical privileges at a medical facility during the course of an investigation by the facility and later withdrew that resignation.

**Winslow, Grover Cleveland, Jr., M.D., Lic. No. C3918, Hemphill**

On August 30, 2013, the Board and Grover Cleveland Winslow, Jr., M.D., entered into an Agreed Order of Voluntary Surrender in which Dr. Winslow voluntarily and permanently surrendered his medical license due to an illness or physical condition rendering him unable to practice medicine with reasonable skill and safety to patients.

**UNPROFESSIONAL CONDUCT**

**Gossett, Carl W., M.D., Lic. No. G3403, Fort Worth**

On August 30, 2013, the Board and Carl W. Gossett, M.D., entered into a Mediated Agreed Order requiring Dr. Gossett to refrain from prescribing any controlled substance to himself, his family or any other person to which he has a close personal relationship, and may not order medications from any online source; undergo an independent medical evaluation by a psychiatrist, follow all recommendations by the psychiatrist for care and treatment; not possess, administer, dispense or prescribe any Schedule II-IV controlled substances, except as medically necessary for treatment of patients seen in a hospital setting, urgent care setting and/or Emergency Department when he has privileges; complete within one year and three attempts the Medical Jurisprudence Exam; within one year complete the medical record-keeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program. The Board found from 2008-2011, Dr. Gossett ordered large quantities of controlled substances from online wholesale pharmacies for both his personal use and for family members, failed to maintain adequate medical records, and was charged with unprofessional treatment of patients and staff. This order resolves a formal complaint at the State Office of Administrative Hearings.

**Kufoy, Ernesto A., M.D., Lic. No. K2520, De Ridder, LA**

On August 30, 2013, the Board and Ernesto A. Kufoy, M.D., entered into an Agreed Order requiring Dr. Kufoy to complete within one year and three attempts, the Medical Jurisprudence Exam; within one year complete at least eight hours of CME in the topic of ethics; and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Kufoy has been the subject of at least six medical malpractice claims between 2008 and 2012 that resulted in either settlements or judgments in favor of the claimants and that he failed to report these claims, as required, on his 2012 license renewal application.

**Smith, Stephen Harkness, M.D., Lic. No. J0271, San Angelo**

On August 30, 2013, the Board and Stephen Harkness Smith, M.D., entered into an Agreed Order requiring Dr. Smith to submit proof of an agreement for the repayment of his student loan within 30 days and complete within one year eight hours of CME in the topic of ethics. The Board found Dr. Smith defaulted on his student loan.

**Werner, Jan Reinert, Jr., M.D., Lic. No. E7533, Amarillo**

On August 30, 2013, the Board and Jan Reinert Werner, Jr., M.D., entered into an Agreed Order publicly reprimanding Dr. Werner and requiring Dr. Werner to complete within one year the TMB Remedial Coaching Program at U.T. Dallas School of Management. The Board found Dr. Werner had been subject to disciplinary action by peers based on complaints he made unprofessional comments towards patients, patients' family members and medical staff.

**Wilkinson, Tolbert Siener, M.D., Lic. No. D8842, Fort Worth**

On August 30, 2013, the Board and Tolbert Siener Wilkinson, M.D., entered into a Mediated Agreed Order requiring Dr. Siener to within one year complete 16 hours of CME in risk management and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Wilkinson provided false information to the Board when he completed applications for renewal of his Texas medical license. This order resolves a formal complaint at the State Office of Administrative Hearings.

**VIOLATION OF PRIOR ORDER**

**Cox, Bruce Edward, M.D., E4272, Big Spring**

On August 30, 2013, the Board and Bruce Edward Cox, M.D., entered into an Agreed Order Modifying Dr. Cox's 2012 Order, requiring Dr. Cox to notify, in writing, his compliance officer the date upon which he resumes practicing medicine, and within one year of resuming practice, complete the K-STAR or PACE

program as required by his previous order. All other terms and conditions of the 2012 order remain in force. The Board found Dr. Cox failed to comply with his 2012 Order.

**Dudley, Samuel W., III, M.D., Lic. No. L4347, Harlingen**

On August 30, 2013, the Board and Samuel W. Dudley, III, M.D., entered into an Agreed Order Modifying Dr. Dudley's 2011 Agreed Order, requiring Dr. Dudley to within a year complete 30 hours of CME, in the following subjects: risk management (10 hours) and critical care and pediatric medicine (20 hours, in person). All other terms and conditions of the 2011 order remain in full force. The Board found Dr. Dudley failed to complete CME required by a previous board order.

**Perez, Michael Joseph, D.O., Lic. No. H8949, Woodville**

On August 30, 2013, the Board and Michael Joseph Perez, D.O., entered into an Agreed Order Modifying Dr. Perez's 2012 Agreed Order, which required Dr. Perez to complete 24 hours of CME, divided as follows: four hours in diagnosis and treatment of chronic pain, four hours in the practice of addiction medicine, eight hours in risk management and eight hours in medical record-keeping. The Board found Dr. Perez failed to timely prove completion of the CME required by the 2012 Order and modified the 2012 Order to allow additional time to demonstrate completion of the requirements of the 2012 Order.

## **IMPAIRMENT**

**Briggs, Edward Dickon, M.D., Lic. No. L9635, San Antonio**

On August 30, 2013, the Board and Edward Dickon Briggs, M.D., entered into an Agreed Order suspending the license of Dr. Briggs, staying the suspension, and placing Dr. Briggs on probation for 10 years under the following terms and conditions: refrain from practicing medicine until he has been evaluated by a Board approved psychiatrist; he must be evaluated by a psychiatrist and follow all recommendations for continued care and treatment; for three months after returning to practice, limit his practice of medicine to no more than two days per week; after three months and during the remainder of his Order, he may not practice more than 40 hours per week; for six months after returning to practice, he shall not handle any obstetric cases or serve as the on-call physician in any capacity; his practice must be limited to a group or institutional setting with a supervising physician; abstain from the consumption of alcohol and dangerous drugs; participate in the Board's drug testing program; participate in Alcoholics Anonymous; and pay an administrative penalty of \$5,000 within 60 days. The Board found Dr. Briggs was observed by hospital staff abusing and diverting Propofol for personal use while working as an anesthesiologist on a surgical team, tested positive for the presence of Propofol and benzodiazepines during a drug screen test, and admitted he had been abusing Propofol for approximately three months prior to the incident. Dr. Briggs also admitted he had been abusing alcohol.

## **TEXAS ELECTRONIC DEATH REGISTRY VIOLATIONS**

**Hussain, Syed K., M.D., Lic. No. M1157, Brownsville**

On August 30, 2013, the Board and Syed K. Hussain, M.D., entered into an Agreed Order requiring Dr. Hussain to, within one year and three attempts, pass the Medical Jurisprudence Exam; complete 12 hours of CME, in the following topics: 8 hours in medical record keeping and 4 hours in risk management; and pay an administrative penalty of \$1,000 within 60 days. The Board found Dr. Hussain failed to timely certify a death certificate using the Texas Electronic Death Registry.

## **NONTHERAPEUTIC PRESCRIBING**

**Levy, Steven Robert, M.D., Lic. No. H0563, Houston**

On August 30, 2013, the Board and Steven Robert Levy, M.D., entered into an Agreed Order requiring Dr. Levy to cease prescribing any controlled substances except for medications medically necessary for the treatment of attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD); refrain from serving as a physician for his immediate family, and refrain from prescribing controlled substances to himself or his immediate family; be monitored by another physician for eight monitoring cycles; complete within one year and three attempts the Medical Jurisprudence Exam; complete within one year the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program; within one year complete 16 hours of CME in the following topics: identifying drug-seeking behavior (eight hours) and medical ethics (eight hours); and pay an

administrative penalty of \$5,000 within 60 days. The Board found Dr. Levy non-therapeutically prescribed controlled substances to a patient, including Vicodin and Soma, without maintaining adequate medical records to justify the types and amounts of drugs prescribed, that Dr. Levy continued to prescribe controlled substances to the patient after the patient threatened him with physical harm, issued false prescriptions to the patient for controlled substances for the patient's family members and friends whom he had never seen or treated. Dr. Levy also admitted to the Board that he had an inappropriate, intimate relationship with the patient and wrote false prescriptions.

**Nichols, Dwight James, M.D., Lic. No. D0985 Breckenridge**

On August 30, 2013, the Board and Dwight James Nichols, M.D., entered into an Agreed Order publicly reprimanding Dr. Nichols and requiring Dr. Nichols to surrender his DEA and DPS controlled substance certificates; within one year and three attempts pass the Special Purpose Examination (SPEX); have another physician monitor his practice for 12 monitoring cycles; and pay an administrative penalty of \$5,000 within 90 days. The Board found Dr. Nichols non-therapeutically prescribed medication to patients without support for the prescriptions; failed to maintain adequate medical records; and knowingly prescribed to an individual who was diverting the medication to another person.

**Ordonez, Robert Lee, M.D., Lic. No. F1871, Lubbock**

On August 30, 2013, the Board and Robert Lee Ordonez, M.D., entered into an Agreed Order requiring Dr. Ordonez to within one year and three attempts, pass the Medical Jurisprudence Exam; within one year complete 40 hours of CME, divided as follows: nine hours in medical record keeping, eight hours of risk management, 23 hours in prescribing controlled substances, including the University of California at San Diego "PACE" course in Physician Prescribing or its equivalent. The Board found Dr. Ordonez improperly prescribed controlled substances to a patient and failed to maintain adequate medical records.

**Garner, William Brandt, M.D., Lic. No. N3661, Austin**

On August 30, 2013, the Board and William Brandt Garner, M.D., entered into an Agreed Order requiring Dr. Garner to within 30 days submit to the Board names of up to three board-certified psychiatrists who agree to treat him and comply with recommendations for care and treatment; abstain from the consumption of prohibited substances; participate in AA programs; limit medical practice to a group or an institutional setting that has been approved in advance; have his practice monitored by a supervising physician; refrain from treating his immediate family or prescribe to himself or immediate family any controlled substances; and complete within one year and three attempts the Medical Jurisprudence Exam. The Board found Dr. Garner, while under contract with the Texas Physician Health Program, relapsed and was terminated. Dr. Garner admitted to drinking while under contract.

**Maat, Owen Surgent, M.D., Lic. No. J5609, Bellaire**

On August 30, 2013, the Board and Owen Surgent Maat, M.D., entered into a Mediated Agreed Order publicly reprimanding Dr. Maat and suspending Dr. Maat's license, staying the suspension and placing him on probation for fifteen years under the following terms and conditions: abstain from the consumption of prohibited substances, participate in the Board's drug testing program; continue participating in AA no less than seven times a week; submit to and obtain an independent medical evaluations from a Board designated psychiatrist; complete within a year and three attempts, the Medical Jurisprudence Exam; within one year complete 16 hours of CME in the following topics: medical ethics (8 hours) and risk management (8 hours); and pay an administrative penalty of \$2,000 within 120 days. Dr. Maat's practice is also restricted under the following conditions for ten years: shall not obtain or maintain hospital privileges at more than one hospital; and shall not practice medicine beyond forty hours per week. The Board found Dr. Maat violated his prior 2004 and 2008 Orders by testing positive for alcohol on two occasions in 2011 and on multiple occasions in 2012.

## **CRIMINAL BEHAVIOR**

**Brammer, Gregory Ray, M.D., Lic. No. K5830, Tacoma, WA**

On August 30, 2013, the Board and Gregory Ray Brammer, M.D., entered into an Agreed Order publicly reprimanding Dr. Brammer and suspending Dr. Brammer's Texas medical license for a period of no less than 90 days until he requests in writing to have the suspension stayed or lifted, and personally appears

before the Board and provides evidence and information that proves, at the discretion of the Board, that he is physically, mentally, and otherwise competent to safely practice medicine; within one year Dr. Brammer must complete 16 hours of CME in the topic of anger management; and pay an administrative penalty of \$2,000 within 60 days. The Board found Dr. Brammer entered a plea of guilty to a charge of Harassment (Bodily Injury) and was sentenced to probation for two years in Tacoma, Washington.

**Garcia, Pedro Espinoza, Jr., M.D., Lic. No. E4345, Mission**

On August 30, 2013, the Board and Pedro Espinoza Garcia, Jr., M.D., entered into an Agreed Order publicly reprimanding Dr. Garcia and prohibiting him from administering, dispensing, prescribing or refilling a prescription for any Schedule II or III controlled substance; and surrender, within seven days, his DEA and DPS controlled substances certificates. The Board found Dr. Garcia did not renew his DPS and DEA registrations, failed to update his address and wrote prescriptions for controlled substances with an expired DEA/DPS number.

**INADEQUATE MEDICAL RECORDS**

**Benson, Leslie Wayne, M.D., Lic. No. H2243, Dallas**

On August 30, 2013, the Board and Leslie Wayne Benson, M.D., entered into an Agreed Order requiring Dr. Benson to complete within one year 16 hours of CME, including eight hours in risk management and eight hours in medical recordkeeping; and pay an administrative penalty of \$3,000. The Board found Dr. Benson failed to maintain adequate medical records. This order resolves a formal complaint at the State Office of Administrative Hearings.

**CEASE AND DESIST**

**Beck, Jamie, Unlicensed, Houston**

On August 19, 2013 the Texas Medical Board entered a Cease and Desist Order regarding Jamie Beck prohibiting her from practicing medicine or holding herself out to be a physician. The Board found Ms. Beck had been engaging in the unlicensed practice of medicine. Specifically, Ms. Beck owned and operated a pain management clinic.

**Russ, Melissa, N.D., No Medical License**

On August 30, 2013, the Board and Melissa Russ, N.D., entered into an Agreed Cease and Desist Order requiring Ms. Russ to refrain from holding herself out as "Dr. Melissa", "Dr. Russ", "Dr. Melissa Russ", and "Dr. Melissa Russ, N.D.", without clearly designating that she is not a medical doctor. The Board received a complaint that Ms. Russ engaged in the unlicensed practice of medicine by: being referred to as a "doctor" on her employer's website and in an instructional video, without referring to what authority under which the title is used or what degree gives rise to the use of the title.

**###**

*To view disciplinary orders, visit the TMB website, click on "Look Up A Doctor," accept the usage terms, then type in a doctor's name. Click on the name shown in the search results to view the doctor's full profile. Within that profile is a button that says "View Orders."*