

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934
med.ohio.gov

May 8, 2013

Walter Albert Dobson, D.O.
647 S. Great Southwest Parkway
Suite 105
Grand Prairie, TX 75051

RE: Case No. 12-CRF-054

Dear Doctor Dobson:

Please find enclosed a certified copy of the Findings, Amended Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on May 8, 2013.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

Very truly yours,

J. Craig Strafford MD, MPH/KEA
J. Craig Strafford, M.D., M.P.H.
Secretary

JCS:jam
Enclosures

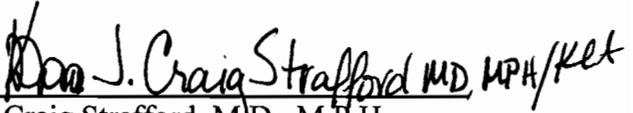
CERTIFIED MAIL RECEIPT NO. 91 7199 9991 7032 2903 1076
RETURN RECEIPT REQUESTED

Mailed 5-15-13

CERTIFICATION

I hereby certify that the attached copy of the Findings, Amended Order and Journal Entry approved by the State Medical Board, meeting in regular session on May 8, 2013, constitutes a true and complete copy of the Findings, Amended Order and Journal Entry in the Matter of Walter Albert Dobson, D.O., Case Number 12-CRF-054, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.


J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

May 8, 2013
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
 : Case No. 12-CRF-054
WALTER ALBERT DOBSON, D.O. :

FINDINGS, AMENDED ORDER AND JOURNAL ENTRY

This matter came on for consideration before the State Medical Board of Ohio on May 8, 2013, pursuant to a Notice of Opportunity for Hearing issued to Walter Albert Dobson, D.O., on June 13, 2012. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner R. Gregory Porter, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared a Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Mr. Porter's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby adopts the Proposed Findings and amends the Proposed Order.

Rationale for Amendment: Dr. Dobson's pattern of activities and untruthfulness indicate that he has a lack of insight and interest concerning patient safety.

It is hereby ORDERED that:

The certificate of Walter Albert Dobson, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

J. Craig Strafford MD, MPH/KEA
J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

May 8, 2013
Date

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BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of	*	
		Case No. 12-CRF-054
Walter Albert Dobson, D.O.,	*	
		Hearing Examiner Porter
Respondent.	*	

PROPOSED FINDINGS AND PROPOSED ORDER

Basis for Hearing

Notice of Opportunity for Hearing ("Notice"): By letter dated June 13, 2012, the State Medical Board of Ohio ("Board") notified Walter Albert Dobson, D.O., that it intended to determine whether to take disciplinary action against his certificate to practice osteopathic medicine and surgery in Ohio. The Board based its proposed action upon previous action taken by the Texas Medical Board against Dr. Dobson's license to practice medicine in that state, a violation of Ohio Revised Code Section ("R.C.") 4731.22(B)(22); and/or Dr. Dobson's failure to complete the required number of hours of continuing medical education ("CME") during the 2007-2009 CME cycle despite his representation on an application for biennial renewal of his Ohio medical license that he had done so, in violation of R.C. 4731.22(B)(5), and 4731.22(B)(20), to wit: R.C. 4731.281, and Ohio Administrative Code Rules ("Rules") 4731-10-02 and 4731-10-05. The Board advised Dr. Dobson of his right to a hearing in this matter if requested in writing within 30 days of the Notice's mailing. (Exhibit 1B, 2A)

No Request for Hearing: On June 14, 2012, the Board mailed its Notice by certified mail, return receipt requested, to Dr. Dobson at his most recent address of record. On June 25, 2012, the Notice was returned to the Board with a notation from the United States Postal Service that the item was not deliverable as addressed and unable to forward. Pursuant to R.C. 119.07, the Board caused a legal notice to be published in the Dallas Morning News, a newspaper of general circulation in the area of Dr. Dobson's last known address, on October 5, 12, and 19, 2012. Subsequently, on November 6, 2012, a copy of the Affidavit of Application was mailed to Dr. Dobson's last known address, which was returned to the Board on November 19, 2012, marked undeliverable and unable to forward. The Board's Senior Executive Staff Attorney attested in a sworn affidavit dated February 26, 2013, that, as of the date of the affidavit, the Board had not received a hearing request from Dr. Dobson. (Exhibits 1B, 2, 2A – 2D)

Request for Proposed Findings and Proposed Order: In a memorandum dated March 1, 2013, the Board's Senior Executive Staff Attorney requested that a Hearing Examiner review the evidence as provided, and prepare a report of Proposed Findings and Proposed Order. (Exhibit 4)

Evidence Examined:

Exhibit 1: Statement of Barbara A. Jacobs, the Board's Senior Executive Staff Attorney, certifying that the following are true and accurate copies of the originals maintained by the Board:

Exhibit 1A: Copy of Dr. Dobson's March 15, 1996 Consent Agreement with the Board.

Exhibit 1B: Copy of June 13, 2012 Notice issued to Dr. Dobson.

Exhibit 2: February 26, 2013 Affidavit of Ms. Jacobs regarding the Board's efforts to serve Dr. Dobson with the Notice; attesting that, as of February 26, 2013, the Board had not received a hearing request from Dr. Dobson; and also attesting to the following attachments:

Exhibit 2A: Copy of June 13, 2012 Notice issued to Dr. Dobson.

Exhibit 2B: Copy of the envelope containing the notice that was returned to the Board on June 25, 2012.

Exhibit 2C: Copy of November 6, 2012 letter from Ms. Jacobs to Dr. Dobson with attached copy of the Affidavit of Publication.

Exhibit 2D: Copy of the envelope containing the November 6, 2012 letter and Affidavit of Publication.

Exhibit 3: March 1, 2013 Affidavit of Kay L. Rieve, the Board's Administrative Officer, concerning Dr. Dobson's January 2009 application for renewal of his Ohio medical license and his compliance with the Board's requirements concerning CME, and attesting to the following attachments:

Exhibit 3A: Printout of Dr. Dobson's January 19, 2009 online application for renewal of his Ohio medical license.

Exhibit 3B: Copy of December 17, 2009 letter to Dr. Dobson from the Board advising that he had been selected for a CME audit, and instructing him to complete a CME log and return it to the Board.

Exhibit 3C: Printout of January 14, 2010 email from Dr. Dobson's office to the Board advising that Dr. Dobson had had emergency surgery on December 9, 2009, and requesting additional time to respond to the Board's CME audit.

Exhibit 3D: Copy of February 26, 2010 letter to Dr. Dobson from Board staff granting his request for additional time and advising that he had until April 22, 2010, to respond to the CME audit.

Exhibit 3E: Copy of Dr. Dobson's April 8, 2010 faxed CME log.

Exhibit 3F: Copy of April 15, 2010 letter to Dr. Dobson from Board staff advising that he had logged only 21.5 hours of Category I CME and needed to submit verification of 18.5 additional hours.

Exhibit 3G: Copy of Dr. Dobson's April 20, 2010 reply to the Board's April 15, 2010 notification.

Exhibits 3H and 3I: Copies of June 14 and July 21, 2010 letters to Dr. Dobson from Board staff advising that he had logged only 21.5 hours of Category I CME and needed to submit verification of 18.5 additional hours.

Exhibit 4: March 1, 2013 memorandum from Ms. Jacobs attaching the above-referenced exhibits and requesting a report of Proposed Findings and Proposed Order.

PROPOSED FINDINGS

1. On September 9, 1974, Walter Albert Dobson, D.O., was granted a certificate to practice osteopathic medicine and surgery in Ohio. His certificate expired on April 1, 2011, and is currently inactive.

This proposed finding is supported by the following evidence: Ohio e-License Center (<https://license.ohio.gov/Lookup/SearchDetail.asp?ContactIdnt=3057196&DivisionIdnt=78&Type=L>), accessed March 22, 2013.

2. On September 24, 2010, the Texas Board entered an order that temporarily suspended Dr. Dobson's Texas medical license without notice based upon Dr. Dobson's "substance abuse and psychiatric issues that posed a continuing threat to the public."

This proposed finding is supported by the following evidence: Exhibits 1B, 2A.

3. On November 4, 2011, Dr. Dobson and the Texas Board entered into an Agreed Order that suspended Dr. Dobson's Texas medical license "until such time as [Dr. Dobson] requests in writing to have the suspension stayed or lifted, and personally appears before the [Texas] Board and provides clear and convincing evidence and information which in the discretion of the [Texas] Board adequately indicates that [Dr. Dobson] is physically, mentally, and otherwise competent to safely practice medicine."

This proposed finding is supported by the following evidence: Exhibits 1B, 2A.

4. The Texas Board based its action on the following Findings:

a. In 2002, Respondent was involved in a motor vehicle accident, in which he suffered a traumatic brain injury (TBI). Respondent has periodically abused prescription narcotics since the time of the accident.

b. Respondent's latest relapse into prescription narcotic abuse coincided with a hernia surgery in the latter part of 2009. Between November of 2009 and May of 2010, Respondent self-prescribed at least 500 total tablets of the narcotic pain medication, Hydrocodone-APAP 7.5-750. Respondent also wrote frequent prescriptions for Hydrocodone-APAP 7.5-750 in the name of his 97-year-old mother, including 90 tablets in a two-week period. Respondent diverted these drugs for his own use.

c. On June 11, 2010, a Magistrate in Tarrant County issued a warrant for Respondent's apprehension. Respondent was brought to John Peter Smith Hospital and evaluated. Upon initial evaluation, Respondent was diagnosed with Mood Disorder. On June 13, 2010, Respondent was released into the care of his treating psychiatrist.

d. From June 24, 2010, to July 8, 2010, Respondent was admitted to Millwood Hospital for psychiatric evaluation. Upon admission, Millwood's Medical Director characterized Respondent as confused, rambling, paranoid, and exhibiting loosened thought associations. Respondent was seen for a neuropsychological assessment due to concerns about the TBI. His pattern of responses implied probable frontal lobe impairment. The professional opinion of Millwood's Medical Director was that Respondent is impaired and could endanger patients in his current state.

e. Following his stay at Millwood, Respondent's close friends and family arranged for him to enter in-patient treatment at an impaired-physician program in Georgia, but Respondent refused to go.

f. Respondent presented to Millwood Hospital on August 4, 2010 for a follow-up visit, and indicated that he did not plan on continuing follow-up with his treating psychiatrist, and would not likely continue his medication regimen.

g. On September 24, 2010, Respondent's [Texas] license was suspended without notice because the Panel concluded that his conduct, including intemperate use of controlled substances, and his mental and physical condition caused by the TBI and the intemperate use of controlled substances, constituted a continuing threat to the public health and safety. Respondent waived a with-notice suspension hearing.

This proposed finding is supported by the following evidence: Exhibits 1B, 2A.

5. The Texas Board noted as a mitigating factor that Dr. Dobson had cooperated with the Texas Board during its investigation. In addition, the Texas Board found that Dr. Dobson is 65 years old, is primarily engaged in the practice of general and plastic surgery, and that he is not board-certified.

This proposed finding is supported by the following evidence: Exhibits 1B, 2A.

6. In her March 1, 2013 Affidavit, Ms. Rieve stated, among other things: “All physicians are required to complete 40 hours of Category I [CME] and 60 hours of Category II [CME] during each two year [CME] acquisition period, for a total of 100 hours of [CME.]”

This proposed finding is supported by the following evidence: Exhibit 3.

7. On January 19, 2009, Dr. Dobson submitted an online application for renewal of his certificate to practice osteopathic medicine and surgery in Ohio. Dr. Dobson answered several questions on the application. One of these asked: “Have you met the above CME requirements for your license,” to which he answered, “YES.”

This proposed finding is supported by the following evidence: Exhibits 3, 3A.

8. In a letter dated December 17, 2009, the Board advised Dr. Dobson that he was required to complete and submit a log demonstrating that he had completed at least 100 hours of CME during the January 2, 2007, through January 1, 2009, CME cycle. Dr. Dobson was further instructed to provide documentation that he had actually completed at least 40 hours of Category I CME credits. However, despite having certified on his online renewal application that he had fulfilled his CME requirements, as of July 2010, Dr. Dobson submitted documentation of only 21.5 hours of CME credits.¹

This proposed finding is supported by the following evidence: Exhibits 3 and 3A – 3I.

9. The Board has previously taken action against Dr. Dobson. Effective March 14, 1996, Dr. Dobson and the Board entered into a Consent Agreement (“1996 Consent Agreement”) that placed Dr. Dobson on probation for violations of R.C. 4731.22(B)(5), (6), (18)(a), and (22). The Board based its action upon action taken by the Texas Medical Board against Dr. Dobson’s license to practice medicine in that state. In the 1996 Consent Agreement, Dr. Dobson admitted, among other things:

[O]n or about October 4, 1991, the [Texas Board] entered an Order suspending [Dr. Dobson’s] license to practice osteopathic medicine in Texas.
* * * The suspension was stayed and his license was placed on probation for a period of five (5) years under specified terms and conditions * * *. The

¹ The CME audit occurred during roughly the same period that Dr. Dobson relapsed on hydrocodone, from November 2009 through May 2010. See Finding of Fact 4.b, above.

Texas Board's Oder was based upon incidents of upcoding, unbundling fees, incorrectly identifying services and performing I.V. sedation and monitoring in cases in which it was not required.

This proposed finding is supported by the following evidence: Exhibit 1A.

10. On April 10, 1997, the Board released Dr. Dobson from the terms of the 1996 Consent Agreement.

This proposed finding is supported by the following evidence: Ohio e-License Center (<https://license.ohio.gov/Lookup/SearchDetail.asp?ContactIdnt=3057196&DivisionIdnt=78&Type=L>), accessed March 22, 2013.

11. The November 2011 Texas Board Order as described in Findings of Fact 2 through 5, above, individually and/or collectively, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.
12. Further, the acts, conduct, and/or omissions of Dr. Dobson as described in Findings of Fact 6 through 8, above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.
13. Moreover, Dr. Dobson's acts, conduct, and/or omissions as described in Findings of Fact 6 through 8, above, individually and/or collectively, constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code.
14. In addition, Dr. Dobson's acts, conduct, and/or omissions as described in Findings of Fact 6 through 8, above, individually and/or collectively, constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-10-02, Ohio Administrative Code.
15. Finally, Dr. Dobson's acts, conduct, and/or omissions as described in Findings of Fact 6 through 8, above, individually and/or collectively, constitute “violating or attempting to

violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-10-05, Ohio Administrative Code.

Comments on the Proposed Order

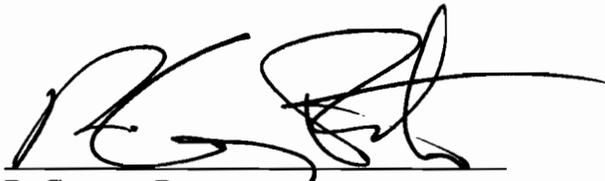
A non-permanent revocation of Dr. Dobson's Ohio medical license is recommended. Based upon the evidence presented, it does not appear that Dr. Dobson is currently able or willing to cooperate with appropriate remedial measures.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Walter Albert Dobson, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



R. Gregory Porter
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



(614) 466-3934

med.ohio.gov

Memorandum

TO: BOARD MEMBERS
FROM: R. Gregory Porter, Hearing Examiner 
RE: Walter A. Dobson, D.O.
Case No. 12-CRF-054
DATE: March 26, 2013

Please find enclosed copies of the exhibits and the Proposed Findings and Proposed Order concerning the review of the above-referenced matter by Hearing Examiner Porter.

This matter is scheduled for consideration at the May 8, 2013 Board meeting.

The allegations contained in the Board's notice of opportunity for hearing concern the following issues: Other state's action, CME violation.

The following sections of the Disciplinary Guidelines were considered in drafting the Proposed Order in this matter. Please note, however, that the Disciplinary Guidelines do not limit any sanction that the Board may impose, and that the range of sanctions available in this matter extends from dismissal to permanent revocation.

- V: Limitation, revocation, suspension, acceptance of license surrender, denial of license, refusal to renew or reinstate a license, imposition of probation, or censure or other reprimand, by another jurisdiction; action against clinical privileges by Department of Defense or Veterans Administration; or termination or suspension from Medicare or Medicaid.
- The minimum penalty for Category V corresponds to the minimum penalty in Ohio for the type of violation committed.
 - The maximum penalty for Category V corresponds to the maximum penalty in Ohio for the type of violation committed.
- X.B: Failure to complete C.M.E. as certified on renewal application.
- The minimum penalty for section X.B is: Reprimand; \$1,000.00 fine; indefinite suspension until any outstanding shortage of CME credits has been rectified; subject to mandatory audits of compliance with CME requirements during suspension (if any), for the current CME acquisition period at the time of reinstatement (or for current CME acquisition period if no suspension), and for two full CME acquisition periods thereafter.
 - The maximum penalty for section X.B is: Reprimand; \$5,000.00 fine; indefinite

suspension until any outstanding shortage of CME credits has been rectified; subject to mandatory audits of compliance with CME requirements during suspension (if any), for the current CME acquisition period at the time of reinstatement (or for current CME acquisition period if no suspension), and for two full CME acquisition periods thereafter.

The Proposed Order is within the penalties delineated for each of the Disciplinary Guidelines noted above.

enclosures

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

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EXCERPT FROM THE DRAFT MINUTES OF MAY 8, 2013

PROPOSED FINDINGS AND PROPOSED ORDERS

WALTER ALBERT DOBSON, D.O., Case No. 12-CRF-054

Dr. Steinbergh directed the Board's attention to the matter of Water Albert Dobson, D.O. She advised that the Board issued a Notice of Opportunity for Hearing to Dr. Dobson, and documentation of service was received. There was no request for hearing filed, and more than 30 days have elapsed since the mailing of the Notice. This matter was reviewed by Hearing Examiner Porter, who prepared Proposed Findings and Proposed Order, and it is now before the Board for final disposition.

Ms. Elsass moved to find that the allegations as set forth in the June 13, 2012 Notice of Opportunity for Hearing in the matter of Dr. Dobson have been proven to be true by a preponderance of the evidence and to adopt the Proposed Findings and Proposed Order. Dr. Ramprasad seconded the motion.

.....

Mr. Kenney moved to amend the Proposed Order to permanently revoke Dr. Dobson's license to practice osteopathic medicine and surgery in Ohio. Dr. Ramprasad seconded the motion.

.....

A vote was taken on Mr. Kenney's motion to amend:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- nay
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Soin	- aye

The motion to amend carried.

A vote was taken to approve the Proposed Findings and Proposed Order, as amended:

ROLL CALL:	Dr. Strafford	- abstain
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Dr. Bechtel	- abstain
Ms. Elsass	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- abstain
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Soin	- aye

The motion to approve carried.



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

June 13, 2012

Case number: 12-CRF- 054

Walter A. Dobson, D.O.
647 S. Great Southwest Parkway
Suite 105
Grand Prairie, TX 75051

Dear Doctor Dobson:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about September 24, 2010, the Disciplinary Panel of the Texas Medical Board issued an Order of Temporary Suspension, which temporarily suspended your Texas medical license without notice due to your impairment. Subsequently, you entered into an Agreed Order with the Texas Medical Board on or about November 4, 2011 [November 2011 Texas Board Order], which suspended your Texas medical license.

The November 2011 Texas Board Order, a copy of which is attached hereto and incorporated herein, provided that your Texas medical license would stay suspended until such time that you provided clear and convincing evidence and information to adequately indicate that you were physically, mentally and otherwise competent to safely practice medicine.

- (2) In your renewal application due on or about April 1, 2009 for the biennial registration of your certificate to practice osteopathic medicine and surgery for the April 2, 2009 – April 1, 2011 period, you certified that during the January 2, 2007 – January 1, 2009 Continuing Medical Education [CME] cycle, you had completed or would complete the requisite hours of CME as required by Section 4731.281, Ohio Revised Code.

Mailed 6/14/12

- (3) By certified mail dated December 17, 2009, the Board informed you that you were required to complete and submit a log demonstrating that you had completed at least one hundred hours of CME during the January 2, 2007 – January 1, 2009 CME cycle, and to provide documentation that, in fact, you had completed at least forty hours of Category 1 CME credits. Despite certifying on the aforementioned renewal application that you had completed all CME requirements, you submitted documentation of 21.5 hours of Category 1 CME credits.

The November 2011 Texas Board Order as alleged in paragraph (1) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-10-02, Ohio Administrative Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in

Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-10-05, Ohio Administrative Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/MRB/flb
Enclosures

CERTIFIED MAIL #91 7199 9991 7031 2766 7476
RETURN RECEIPT REQUESTED

LICENSE NO. F2636

IN THE MATTER OF

THE LICENSE OF

WALTER ALBERT DOBSON, D.O.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 4th day of November, 2011, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Walter Albert Dobson, D.O. (Respondent).

On September 16, 2011, Respondent appeared in person, with counsel Mark Martyn, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Patrick J. Crocker, D.O., a member of the Board, and Penny Angelo, a member of a District Review Committee (Panel). Claudia Kirk represented Board staff.

BOARD CHARGES

The Board charged that Respondent is impaired as a result of prescription drug abuse and a traumatic brain injury. On September 24, 2010, Respondent's Texas Medical License was temporarily suspended without notice due to his impairment.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board. The Board Orders are as follows:

1. On October 5, 1991, the Board entered an Order suspending the Respondent's license (1991 Order), staying the suspension and imposing certain terms and conditions for a period of five years due his failure to meet the standard of care, inadequate billing, and inadequate supervision of staff. The 1991 Order required Respondent to: attend at least

fifty hours of Continuing Medical Education (CME) per year; utilize the Blue Cross-Blue Shield, McGraw Hill, Medicare or comparable guidelines for establishing charges for services; adequately supervise the activities of all his employees to ensure that no violations of the laws regarding the practice of medicine occur; have all colposcopy cases reviewed by a physician for correctness of diagnosis, indications for surgery and appropriateness of charges; and perform colposcopies only after the patient has obtained a second concurring opinion.

2. On November 19, 1993, the Board entered an order modifying the 1991 Order by deleting the requirement for a second opinion when performing colposcopies.
3. On December 9, 1995, the Board entered an order denying termination of the 1991 Order.
4. On September 24, 2010, the Board entered an order (2010 Suspension Order) temporarily suspending Respondent's medical license until a subsequent order of the Board is entered. The hearing was held without notice. The action was based upon Respondent's substance abuse and psychiatric issues that posed a continuing threat to the public. Respondent waived his hearing with notice.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:
 - a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.

- b. Respondent currently holds Texas Medical License No. F2636. Respondent was originally issued this license to practice medicine in Texas on December 12, 1978. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of general and plastic surgery. Respondent is not board certified.
- d. Respondent is 65 years of age.

2. Specific Panel Findings:

- a. In 2002, Respondent was involved in a motor vehicle accident, in which he suffered a traumatic brain injury (TBI). Respondent has periodically abused prescription narcotics since the time of the accident.
- b. Respondent's latest relapse into prescription narcotic abuse coincided with a hernia surgery in the latter part of 2009. Between November of 2009 and May of 2010, Respondent self-prescribed at least 500 total tablets of the narcotic pain medication, Hydrocodone-APAP 7.5-750. Respondent also wrote frequent prescriptions for Hydrocodone-APAP 7.5-750 in the name of his 97-year-old mother, including 90 tablets in a two-week period. Respondent diverted these drugs for his own use.
- c. On June 11, 2010, a Magistrate in Tarrant County issued a warrant for Respondent's apprehension. Respondent was brought to John Peter Smith Hospital and evaluated. Upon initial evaluation, Respondent was diagnosed with Mood Disorder. On June 13, 2010, Respondent was released into the care of his treating psychiatrist.
- d. From June 24, 2010, to July 8, 2010, Respondent was admitted to Millwood Hospital for psychiatric evaluation. Upon admission, Millwood's Medical Director characterized Respondent as confused, rambling, paranoid, and exhibiting loosened thought associations. Respondent was seen for a neuropsychological assessment due to concerns about the TBI. His pattern of responses implied probable frontal lobe impairment. The professional opinion of Millwood's Medical Director was that Respondent is impaired and could endanger patients in his current state.
- e. Following his stay at Millwood, Respondent's close friends and family arranged for him to enter in-patient treatment at an impaired-physician program in Georgia, but Respondent refused to go.

f. Respondent presented back to Millwood Hospital on August 4, 2010 for a follow-up visit, and indicated that he did not plan on continuing follow-up with his treating psychiatrist, and would not likely continue his medication regimen.

g. On September 24, 2010, Respondent's license was suspended without notice because the Panel concluded that his conduct, including intemperate use of controlled substances, and his mental and physical condition caused by the TBI and the intemperate use of controlled substances, constituted a continuing threat to the public health and safety. Respondent waived a with-notice suspension hearing.

3. Mitigating Factor:

Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act;
2. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically Board Rule 165.1, which requires the maintenance of adequate medical records;
3. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, and as further defined by Board Rule 190.8(1)(M), inappropriate prescription of dangerous or controlled substances to oneself, family members or others in which there is a close personal relationship;
4. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to

deceive or defraud the public or injure the public, and as further defined by Board Rules 190.8(2)(A), violating a board order, and 190.8(2)(R), violations of federal and state laws whether or not there is a complaint, indictment, or conviction;

5. Sections 164.051(a)(4) and 164.056 of the Act authorize the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety to patients because of (C) excessive use of drugs, narcotics, chemicals, or another substance, and (D) or as a result of any mental or physical condition;

6. Sections 164.052(a)(5) and 164.053(a)(1) of the Act authorize the Board to take disciplinary action against Respondent based on Respondent's commission of an act that violates a law of this state that is connected with Respondent's practice of medicine;

7. Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent using alcohol or drugs in an intemperate manner that could endanger a patient's life;

8. Sections 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent prescribing or administering a drug or treatment that is non-therapeutic in nature or non-therapeutic in the manner the drug or treatment is administered or prescribed;

9. Sections 164.052(a)(5) and 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent prescribing, administering, or dispensing in a manner inconsistent with public health and welfare, dangerous drugs as defined by Chapter 483, Health and Safety Code; or controlled substances scheduled in Chapter 481 Health and Safety Code; or controlled substances scheduled in the Comprehensive Drug Abuse Prevention and Control Act of 1970, (21 U.S.C. § 801 et seq.);

10. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule; and

11. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent's Texas license is hereby **SUSPENDED** from the date of the signing of this Order by the presiding officer of the Board.

2. Within 30 days after date of the entry of this Order, Respondent shall contact the Texas A & M Health Science Center Rural and Community Health Institute ("K-STAR") or Physician Assessment and Clinical Education ("PACE") for the purpose of scheduling an assessment of Respondent and Respondent's practice of medicine and to determine whether Respondent should undergo an education plan. Respondent shall complete and sign the written assessment from K-STAR or PACE within 90 days from the date of the entry of this Order. Respondent shall direct K-STAR or PACE to send a copy of the written assessment directly to the Compliance Department of the Board. The Compliance Department of the Board shall determine whether the assessment recommends an education plan and notify Respondent of this determination within 10 days of receiving the signed copy of the assessment.

- a. If the assessment indicates that Respondent should undergo an education plan, Respondent shall engage K-STAR or PACE to prepare an education plan within 30 days after receiving the written assessment. Respondent shall instruct K-STAR or PACE to send a copy of the education plan to the Compliance Department of the Board.
- b. If the assessment indicates that Respondent should undergo an education plan, Respondent shall successfully complete the education activities set out in the education plan, including any final evaluation, as required by K-STAR or PACE, but no longer than 90 days after date of his receipt of the education plan.
- c. All instructions, including the education plan, made by K-STAR or PACE shall constitute terms of this Order and Respondent shall comply with such instructions as set out by K-STAR or PACE.
- d. Upon successful completion of the education plan, including any final assessment, Respondent shall provide the Compliance Department, with written proof from K-STAR or PACE of successful completion.

3. Respondent shall abstain from the consumption of prohibited substances as defined below, except as prescribed by another physician to Respondent for legitimate and documented therapeutic purposes. As used in this provision, "consumption" means any manner of ingestion, including oral, injection, topical, inhalation, or otherwise.

a. Prohibited substances, as used in this order, includes:

- (1) Alcohol in any form;
- (2) Dangerous drugs, as defined in Chapter 483, TEX. HEALTH & SAFETY CODE;
- (3) Controlled substances, as defined in Chapter 481, TEX. HEALTH & SAFETY CODE;
- (4) any substance, in any form, including over-the-counter (OTC) agents and food products, that may cause a positive drug or alcohol test.

b. The following is an illustrative, but not exclusive, list of prohibited substances:

- (1) Stimulants
- (2) appetite suppressants
- (3) medication for ADD/ADHD
- (4) Anti-anxiety agents
- (5) Antidepressants
- (6) Antihistamines
- (7) Anticholinergics
- (8) Antispasmodics
- (9) Recreational, mind-altering drugs
- (10) Any product containing pseudoephedrine or epinephrine
- (11) Alcohol
- (12) Any product containing alcohol, including mouthwashes, cough medicines, after shave lotions, colognes, hand sanitizing formulas, and dietary and herbal supplements
- (13) Food containing any of the above and/or poppy seeds.

c. Within five days after receipt of this Order, Respondent shall:

- (1) provide to the Compliance Division of the Board a list of all prohibited substances that Respondent is currently consuming, whether by prescription or otherwise;
- (2) give any treating physician a copy of this Order;
- (3) cause any treating physician to report all prescriptions and orders for any prohibited substance within five days after the treating physician receives this Order. The report shall include the medical condition being treated; the substance prescribed, dispensed or administered; the amount of such substance; and any refills authorized.

- d. During the term of this Order, Respondent shall:
- (1) provide to the Compliance Division of the Board a list of all subsequent prescriptions and any subsequent orders for prohibited substances within 24 hours after receipt of the subsequent prescription or order; and
 - (2) give any subsequent treating physician a copy of this Order within five days after the initiation of treatment, and Respondent shall cause the subsequent treating physician(s) to report all prescriptions and any orders for prohibited substances to the Compliance Division of the Board no later than five days after receipt of this Order by the treating physician. The report shall include the medical condition being treated; the substance prescribed, dispensed or administered; the amount of such substance; and any refills authorized.
- e. If Respondent consumes any prohibited substance in any form without a prescription or order authorized by a physician for a legitimate medical purpose, Respondent shall immediately report Respondent's consumption in writing within 24 hours to the Compliance Division of the Board.
- f. The Respondent shall participate in the Board's drug testing program. In addition, at the request of a representative of the Board, with or without prior notice, Respondent shall submit to appropriate examinations, including screenings for alcohol and drugs, through either a saliva, urine, blood, sweat, or hair specimen, to determine by laboratory analysis whether Respondent is free of prohibited drugs and alcohol. Respondent shall pay any costs associated with these analyses.
- g. A violation of this Order under this provision shall include: (i) a positive or a positive-dilute screen for prohibited drugs or alcohol, or a metabolite of prohibited drugs or alcohol; (ii) an adulterated specimen; (iii) a substituted specimen; or (iv) a refusal or failure to submit to random screenings. Should a specimen be reported as negative-dilute, Respondent may be required to undergo additional testing and may be subject to further Board action. A violation may be based on drug and alcohol screening under the Board's program or any other drug and/or alcohol testing.
- (1) Evidence of a violation of this Order under this provision and any other information related to Respondent's violation of this Order may be presented

to Board representatives at a Probationer's Show Compliance Proceeding, held in accordance with 22 TEX. ADMIN. CODE, §187.44.

- (2) If the Board representatives at such Probationer's Show Compliance Proceeding determine that Respondent is in violation of this Order pursuant to this provision, the Board representatives may direct the Executive Director to immediately **SUSPEND** Respondent's medical license. **THIS SUSPENSION SHALL BE EFFECTIVE IMMEDIATELY WITHOUT THE NEED FOR A FORMAL HEARING BEFORE THE BOARD, A PANEL OF THE BOARD, OR THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT. RESPONDENT WAIVES ANY SUCH HEARING OR ANY SUCH DUE PROCESS AND ALL RIGHTS OF APPEAL IN REGARD TO THE SUSPENSION.**

If Respondent is suspended under this provision, a Board representative shall file a formal complaint under Section 164.005 of the Medical Practice Act as soon as practicable, alleging the violations of this Order under this provision and seeking such disciplinary action as may be appropriate, including revocation of Respondent's license. The formal complaint may also include allegations of other violations of this Order and other violations of the Medical Practice Act. The parties may resolve the issues by an agreed order, either before or after the filing of a formal complaint. **RESPONDENT DOES NOT WAIVE AND SPECIFICALLY RESERVES THE RIGHT TO A HEARING BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS, WITH ALL RIGHTS PROVIDED BY THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT AND THE RIGHT TO SEEK JUDICIAL REVIEW OF THE FINAL ORDER.**

4. The Respondent shall participate in the activities and programs of Alcoholics Anonymous (AA), (or any other substantially similar program that has been approved in writing by the Executive Director of the Board), on a regular basis of not less than five (5) times a week. Respondent shall maintain documentation as to the number and location of meetings attended and make such documentation available to the Board staff upon request.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

6. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

7. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

9. This Agreed Order constitutes a restriction on Respondent's license and Respondent shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

10. Respondent's Texas license will stay **SUSPENDED** until such time as Respondent requests in writing to have the suspension stayed or lifted, and personally appears before the Board and provides clear and convincing evidence and information which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice medicine. Such evidence and information shall include at a minimum, but shall not be limited to the following: proof of abstinence from drugs and alcohol; proof that Respondent has completed KSTAR and complied with any recommendations; proof PACE formal cognitive evaluation was completed; and AA attendance logs.

Upon presentation of clear and convincing evidence to the Board that Respondent is able to safely practice medicine, the Board retains full discretion to decide whether suspension of Respondent's license may be stayed and Respondent may be placed on probation.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGE(S) FOLLOW]

I, WALTER ALBERT DOBSON, DO, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 10/18/11, 2011.

Walter Albert Dobson

WALTER ALBERT DOBSON, DO
Respondent

STATE OF TEXAS

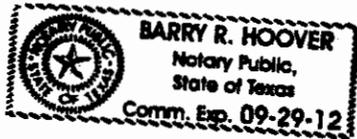
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COUNTY OF TARRANT

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 18 day of OCTOBER, 2011.

Dobson
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 4th day of November, 2011.

Irvin E. Zeitler, Jr., D.O.
Irvin E. Zeitler, Jr., D.O. President
Texas Medical Board

STATE OF TEXAS
COUNTY OF TRAVIS

Bonnie Kaducha, certify that I am an official
assistant custodian of records for the Texas Medical Board
and that this is a true and correct copy of the original, as it
appears on file in this office.

Witness my official hand and seal of the Board

this 29 day of Nov, 2011
Bonnie Kaducha
Assistant Custodian of Records

STATE MEDICAL BOARD
95 FEB 27 10 7:47

**CONSENT AGREEMENT
BETWEEN
WALTER A. DOBSON, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between WALTER A. DOBSON, D.O., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

WALTER A. DOBSON, D.O., enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(22), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees;" by Section 4731.22(B)(5), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "publishing a false, fraudulent, deceptive, or misleading statement;" by Section 4731.22(B)(6), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "(a) departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;" and by Section 4731.22(B)(18)(a), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "(t)he violation of any provision of a code of ethics . . . of a national professional organization."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of

Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(5), (B)(6), and (B)(18)(a), Ohio Revised Code, as set forth in Paragraph D below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.

- C. WALTER A. DOBSON, D.O., is licensed to practice osteopathic medicine and surgery in the State of Ohio.
- D. WALTER A. DOBSON, D.O., ADMITS that on or about October 4, 1991, the Texas State Board of Medical Examiners (hereinafter Texas Board) entered an Order suspending his license to practice osteopathic medicine in Texas. A copy of the Texas Board's Order is attached hereto and fully incorporated herein. The suspension was stayed and his license was placed on probation for a period of five (5) years under specified terms and conditions which are identified in paragraphs 1a - 1e of the Texas Board Order. The Texas Board's Order was based upon incidents of upcoding, unbundling fees, incorrectly identifying services and performing I.V. sedation and monitoring in cases in which it was not required.

Further, WALTER A. DOBSON, D.O., STATES that on October 17, 1995, the Texas Board denied him release from the terms of his probation and that he is not eligible to again petition the Texas Board for release from his probation until October 5, 1996.

Further, WALTER A. DOBSON, D.O., ADMITS that the Texas Board's Order, as described above, constitutes a violation of Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(5), (6), and (18)(a), Ohio Revised Code, to wit: Section 12, Code of Ethics, American Osteopathic Association.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, WALTER A. DOBSON, D.O., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR DOBSON shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio, and all terms and conditions of probation imposed by the Texas Board in its October 4,

CONSENT AGREEMENT
WALTER A. DOBSON, D.O.
PAGE 3

- 1991, Order as described in paragraphs 1a - 1e of the Texas Board Order, or those terms as amended by the Texas Board;
2. DOCTOR DOBSON shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. Quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;
 3. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR DOBSON shall provide the BOARD with documentation satisfactory to the BOARD establishing that DOCTOR DOBSON is in compliance with all the terms and conditions of probation found in paragraphs 1a - 1e of his October 4, 1991, Texas Board Order (attached). Said documentation shall include, but shall not be limited to, the following:
 - a) A log of all Continuing Medical Education (CME) DOCTOR DOBSON completed pursuant to the terms of paragraph 1a of the Texas Board Order and documentation of such CME. The log shall include the date, place, subject, and credits of each CME course;
 - b) A letter from DOCTOR DOBSON certifying that he has complied with the probationary terms of paragraphs 1b and 1c of the Texas Board Order, and detailing the manner of his compliance; and
 - c) A letter from the Board Certified gynecological surgeon selected by the Texas Board to review DOCTOR DOBSON's colposcopy cases summarizing his or her case reviews and second opinions done pursuant to paragraphs 1d and 1e of the Texas Board Order;
 4. DOCTOR DOBSON shall provide the BOARD with copies of all future correspondence by and between himself and the Texas Board;
 5. Within sixty (60) days of the effective date of this CONSENT AGREEMENT, DOCTOR DOBSON shall provide the BOARD with a certified copy of all public documents maintained by the Texas Board relating to his probation;

CONSENT AGREEMENT
WALTER A. DOBSON, D.O.
PAGE 4

6. In the event DOCTOR DOBSON is found by the Secretary of the Board to have failed to comply with any provision of this agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under the CONSENT AGREEMENT.

This Agreement shall remain in force until, at a minimum, October 5, 1996, and prior to any request for termination of said Agreement DOCTOR DOBSON must be released from the terms and conditions of his October 4, 1991, Texas Board Order. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR DOBSON appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR DOBSON has violated any term, condition or limitation of this CONSENT Agreement, DOCTOR DOBSON agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

DOCTOR DOBSON acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

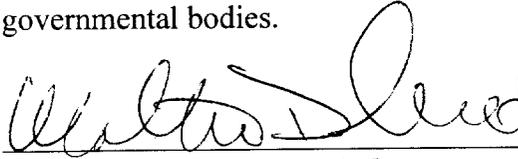
DOCTOR DOBSON hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the

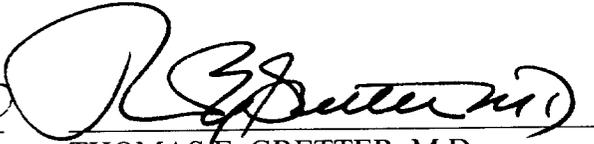
CONSENT AGREEMENT
WALTER A. DOBSON, D.O.
PAGE 5

Secretary and Supervising Member and that it shall become effective upon the last date of signature below.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.



WALTER A. DOBSON, D.O.

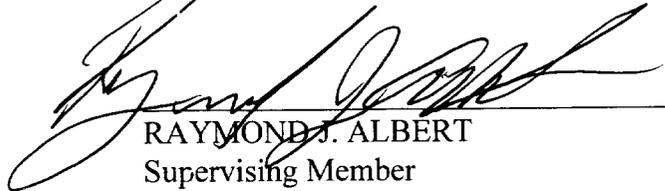


THOMAS E. GREYTER, M.D.
Secretary

2-20-96
DATE

3/13/96

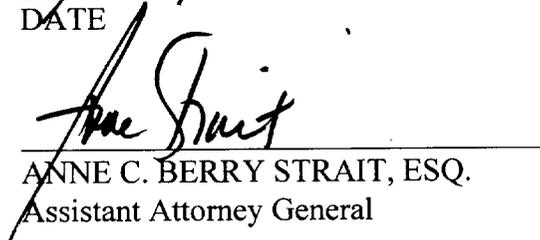
DATE



RAYMOND J. ALBERT
Supervising Member

3/14/96

DATE



ANNE C. BERRY STRAIT, ESQ.
Assistant Attorney General

3/13/96

DATE

STATE OF TEXAS
92 MAR 15 11 02

F-2636

IN THE MATTER OF
THE LICENSE OF
WALTER A. DOBSON, D.O.

BEFORE THE TEXAS STATE
BOARD OF
OF MEDICAL EXAMINERS

ORDER

On this the 4th day of October, 1991, came on to be heard before the Texas State Board of Medical Examiners ("The Board"), duly in session the matter of the license of Walter A. Dobson, D.O. ("the Respondent"). On February 9, 1990, Respondent appeared in person with Jerry J. Loftin, Respondent's counsel, at an Informal Settlement Conference in response to the Board's letter of invitation dated January 18, 1990, regarding overcharging and/or overtreatment of B.J. On July 8, 1991, Respondent appeared in person with Michael R. Sharp, Respondent's Counsel at an Informal Settlement Conference at the offices of the Board in response to the Board's letter of invitation dated June 14, 1991, regarding overcharging and/or overtreatment of M.C., J.R., L.D., T.G., T.C., J.D.M., and T.L.

The Texas State Board of Medical Examiners was represented at the informal settlement conference on February 9, 1990, by C. Richard Stasney, M.D., a Member of the Board, and Janet McGlasson, a District Review Committee Member, and on July 8, 1991, by George Bayoud, M.D., a Member of the Board, and William Rector, Jr., M.D., a District Review Committee Member. Upon recommendation of said representatives and with the consent of the Respondent, the Board hereby makes the following findings of fact and

conclusions of law.

FINDINGS OF FACT

1. Walter A. Dobson, D.O holds Texas Medical License F2636.
2. The Respondent received all notices which may be required by law and by the Rules of the Board. All jurisdictional requirements have been satisfied.
3. For the services provided to the following persons on dates indicated, one or more of the following errors were made by the Respondent or his office personnel: upcoding, unbundled fees, incorrectly identifying services, performing IV Sedation and Monitoring in cases not requiring same which resulted in the unnecessary use of an operating and recovery room:
 - a. B.J. on or about November 17, 1988, for colposcopy examination for a Class II pap smear and removal of IUD. Respondent filed claims for \$941.00. The standard, customary fee in Respondent's geographical area is approximately \$365.00 according to a survey of physicians' charges in Respondent's geographical area.
 - b. M.C. on or about December 6, 1989, for excision of a subcutaneous lesion on scalp and laser excisional biopsy and vaporization of cutaneous lesions of the right posterior neck and right lateral breast areas. Respondent filed claims for \$1,700. The standard customary fee in Respondent's geographical area is \$200.00 according to a survey of physicians' charges in Respondent's geographical area.
 - c. J.R. on or about April 25, 1990, for removal of a Molluscum contagiosum

lesion of the palm. Respondent filed claims for \$911.00. The standard, customary fee in Respondent's geographical area is approximately \$75.00 according to a survey of physicians' charges in Respondent's geographical area.

d. L.D. on or about December 15, 1989, for laser vaporization of hypertrophic hymenal remnants, vaginal cysts, hypertrophic periurethral tissue, obliteration of urethral bridge and urethroplasty. Respondent filed claims for \$7,410.00. The standard customary fee in Respondent's geographical area is no more than \$3,000.00 according to a survey of physicians' charges in Respondent's geographical area.

e. T.G. on or about March 14, 16, 27, 1990, for medial and lateral excision of ingrown toenail of both great toes. Respondent filed claims for \$1,636.00. The standard, customary fee in Respondent's geographical area is \$150.00 - 200.00 according to a survey of physicians' charges in Respondent's geographical area.

f. T.C. on or about June 14, 18, 1990, for a wide laser excision of an irritated junctional nevus (lesion). Respondent filed claims for \$2,125.00. The standard customary fee in Respondent's area is a maximum of \$400.00 according to a survey of physicians' charges in Respondent's geographical area.

g. J.D.M. on or about May 3, 1990, for excision of multiple skin lesions (ten small condyloma acuminata lesions were removed from the penis and

penoscopy was performed and 8 intra-dermal nevi were removed). Respondent filed claims for \$8,135.00. The standard customary fee in Respondent's geographical area is a maximum of \$700.00 according to a survey of physicians' charges in Respondent's geographical area.

h. T.L. on or about March 7, 1990, for a colonoscopy and excision of a thrombosed external hemorrhoid and anal verruca. Respondent filed claims for \$2,241.00. The standard customary fee in Respondent's geographical area is a maximum of \$275.00 according to a survey of physicians' charges in Respondent's geographical area.

4. Respondent did not charge or attempt to collect from the above individual patients the amounts the insurance company determined was above usual and customary fees.

5. Respondent failed to adequately supervise his claims billing employee(s).

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and the subject matter.

2. The above action by Respondent constitutes persistent and flagrant overcharging and/or overtreating of patients; unprofessional and dishonorable conduct that deceived, defrauded and/or injured his patients; and an unacceptable manner of practicing medicine.

3. The above action is a violation of the following Sections of the Medical Practice Act:

a. 3.08(4) which is defined as unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public;

b. 3.08(4)(G) which is defined as persistently and flagrantly overcharging or overtreating patients; and

c. 3.08(18) which is defined as professional failure to practice medicine in an acceptable manner consistent with public health and welfare.

4. The aforementioned violations subject Respondent to discipline under Section 4.12 of the Medical Practice Act and authorizes the Board to dispose of the matter by agreement under Section 4.04(b) of the Medical Practice Act.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. Respondent's license to practice medicine in Texas is suspended, the suspension stayed, and placed on probation for a period of five (5) years under the following terms and conditions:

a. The Respondent shall complete at least fifty (50) hours per year of Continuing Medical Education (CME) approved for Category I credits, 25 hours of which shall be in Gynecology and the remainder shall be in general medical courses which meet the requirements of the American Osteopathic Association (AOA) and in ethics (no specific number of hours in ethics are required). Respondent shall submit proof of such completion to the Board by January 31 of each year beginning in January 1992 for each prior calendar year.

b. The Respondent shall utilize the Blue Cross-Blue Shield, McGraw Hill, Medicare or comparable guidelines for establishing his charges for services

rendered.

c. The Respondent shall adequately supervise the activities of all of his employees to assure they are not nor causing him to violate the laws regarding the practice of medicine.

d. The Respondent shall submit the names of three Board Certified gynecological surgeons to the Executive Director of the Board for the selection of one who shall review the Respondent's colposcopy cases for correctness of diagnosis, indications for surgery and appropriateness of charges.

e. The Respondent shall perform colposcopies only after the patient has obtained a second agreeing opinion from the Board Certified gynecological surgeon to be selected from the list of names to be submitted to the Executive Director of the Board.

2. The Respondent shall appear before the Board or a committee of the Board two (2) times a year during each year of probation to report on the Respondent's compliance with this Order and the Medical Practice Act.

3. The Respondent shall cooperate with the Board, its attorneys, investigators, compliance officer, and other employees, to verify that Respondent has complied and is in compliance with this Board Order.

4. The Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence.

5. The time period during which the restrictions, limitations, or conditions are herein assessed shall not include any periods of time during which Respondent either resides or practices medicine outside the State of Texas. If Respondent leaves Texas to live or practice medicine elsewhere, the Respondent shall immediately notify the Board of the dates of the Respondent's departure from and subsequent return to Texas. Upon Respondent's return to Texas, the time period tolled by his departure shall continue until its expiration or termination by the Board.

6. The Respondent shall comply with all the provisions of Article 4495b, Texas Revised Civil Statutes Annotated, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.

7. Any violation of the terms, conditions and requirements of this Order occurring after the date of entry of this Order shall constitute conclusive evidence of unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public within Section 3.08(4) of the Act, and may result in disciplinary action pursuant to Section 4.01(a) of the Act.

8. The Respondent may not petition the Board for a modification or termination of any of the terms of this Order until one year from the date the order is signed by the Board President, and may petition for such modification or termination only once a year. The granting or denying of the petition for modification or termination is at the discretion of the Board.

THIS ORDER IS A PUBLIC RECORD.

Accepted and agreed to as to substance and form:

Walter A. Dobson DATE SIGNED 9/19/91
WALTER A. DOBSON, D.O.

SIGNED ON THIS 5th DAY OF October, 1991.

[Signature]
Vice-President, Texas State Board
of Medical Examiners

a:dobson.ord