

ments would be filed with the insurance carrier and that, but for his statements the insurance carrier would not have paid the claims. The services that Respondent represented in his statement he had provided were in fact provided by an unlicensed psychotherapist, J.C., who acknowledges that she has been in practice for approximately 25 years and was not in need of supervision from Respondent and could not bill the insurance carrier for her services. Respondent conspired with J.C. in an effort for J.D. to receive reimbursement from her insurance carrier for psychotherapy treatment from an unlicensed psychotherapist. Under the guise of allegedly providing supervision to J.C. regarding J.C.'s services to J.D. and all other patients of J.D. who were seeking reimbursement from their insurance carrier for J.C.'s service, Respondent received a fixed sum each month from J.C. At no time did Respondent's statements reflect he only provided supervision to J.C. as regards J.C.'s treatment of J.D.

Respondent's conduct constitutes fraud that likely defrauded, deceived and/or injured the insurance carrier, which constitutes a violation of Section 3.08(4) of the Medical Practice Act which is defined as unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

III

The Respondent by his actions, conduct and behavior has violated section 3.08(4) of the Medical Practice Act of Texas.

The Respondent's violation of section 3.08(4) of the Act is grounds for cancellation, revocation or suspension of the Respondent's license to practice medicine in the State of Texas pursuant to section 4.01 of the Act.

The Respondent's violation of section 3.08(4) of the Act is grounds for the Board to enter an order imposing other means of discipline upon the Respondent pursuant to section 4.12 of the Act.

The Respondent's violation of section 3.08(4) of the Act resulting in the cancellation, revocation or suspension of the Respondent's Texas medical license or the imposition of other means of discipline may be probated pursuant to section 4.11 of the Act.

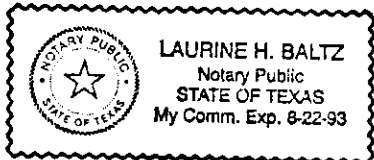
WHEREFORE, PREMISES CONSIDERED, it is prayed that a hearing on this complaint be held before the Texas State Board of Medical Examiners and that the Board enter its order herein to (1) cancel, revoke or suspend the Respondent's medical license; (2) impose other means of discipline, or (3) probate the cancellation, revocation, suspension or the Respondent's Texas medical license, or the imposition of other means of discipline.

Respectfully submitted,

Arnoldo Garza
Arnoldo G. Garza
Director of Hearings

THE STATE OF TEXAS)(
)
COUNTY OF TRAVIS)(
)

SUBSCRIBED AND SWORN to before me by the said Arnoldo G. Garza on this the 1st day of October, 1991.



Laurine H. Baltz
Notary Public, State of Texas

Filed with the Texas State Board of Medical Examiners on this the 1st day of October, 1991.

Homer R. Goehrs
Homer R. Goehrs, M.D.
Executive Director
Texas State Board of Medical
Examiners

(comp.& not.3 - 8.31/SF)