

IN THE MATTER OF
THE LICENSE OF
DHIREN B. PATEL, D.O.

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 20 day of October, 2000, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Dhiren B. Patel, D.O. ("Respondent"). On July 24, 2000, Respondent appeared in person with counsel, Jon D. Campbell, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board. Board staff was represented by Kalynne Harvey.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Thomas D. Kirksey, M.D. and Lee S. Anderson, M.D., members of the Board. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Dhiren D. Patel, D.O., holds Texas medical license J-4423.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Subtitle B (Vernon 2000),¹ (hereinafter the "Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice or hearing under the Act; TEX. GOV'T CODE ANN. §§2001.051 through .054; and the Rules of the State Board of Medical Examiners (22 TEX. ADMIN. CODE Chapter 187).

¹ The Medical Practice Act was formerly found at TEX. REV. CIV. STAT. ANN. art. 4495b (Vernon Supp. 1999). It is now codified in the Texas Occupations Code Subtitle B Chapters 151-165, effective September 1, 1999.

3. Respondent is thirty-six (36) years of age. He is a solo practitioner in Dallas and is also the Medical Director at a substance abuse treatment center.

4. Respondent graduated from the University of North Texas Health Science Center in Fort Worth, Texas, in 1992.

5. Respondent was licensed in 1993.

6. Respondent is Board certified in psychiatry.

7. Respondent acted inappropriately while providing psychiatric treatment for patient M.H.

8. M.H. came to Respondent for treatment in early 1997 for marital counseling. During M.H.'s separation and divorce from her husband, she saw Respondent on an individual basis approximately eight times for panic attacks and depression. Respondent prescribed Paxil, Ativan and Lorazepam for M.H.

9. During one session, Respondent discussed M.H.'s brother and sister-in-law's case with her by telling of her brother's response to therapy, as well as, discussing another patient's case.

10. Respondent informed patient M.D. that she owed him \$4,000 and told her he wanted to "work out a deal" with her in which she could be his "slave" to pay off the debt. He said that the only thing he could think of her doing was unethical, so he did not discuss "the deal" further.

11. Respondent discussed with M.H. a movie, entitled "Payback," that had sadism and masochism in it, describing certain parts of the movie to her.

12. Respondent discussed with M.H. why he was page d at an early morning hour and let her listen to a message a former patient left for him.

13. Respondent went to M.H.'s place of employment, which was a gentlemen's club. M.H. alleges that she did a table dance for him and further alleges that he had her perform at a bachelor party that same evening. When the Respondent came to visit her at the club, he allegedly grabbed her by the back of the head and kissed her. Respondent admits going to M.H.'s place of employment, but denies all other allegations in this paragraph.

14. M.H. alleges that Respondent introduced M.H. to a friend of his with the intention of them getting together romantically. Respondent denies these allegations.

15. M.H alleges that Respondent remarked on the size of her breasts during a session, told her that he loved her, commented on the size of his male genitalia, and asked her how she like to have sex. Respondent denies these allegations.

16. Respondent attempted to contact M.H. after he was notified of this investigation.

17. Respondent denies any physical contact with M.H. at anytime.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(1) of the Act based on Respondent's commission of an act prohibited under Section 164.052 of the Act.

2. Respondent has committed a prohibited act or practice within the meaning of Section 164.052(a)(5) of the Act based upon unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

3. Respondent has committed unprofessional and dishonorable conduct that is likely to deceive or defraud the public within the meaning of Section 164.053(a)(5) of the Act by prescribing or administering a treatment that is nontherapeutic in nature or nontherapeutic in the manner the treatment is administered or prescribed.

4. Respondent is subject to disciplinary action by the Board pursuant to Section 164.051(a)(6) of the Act by failing to practice medicine in an acceptable professional manner consistent with public health and welfare.

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

6. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation, and therefore shall not be used in civil litigation.

7. Sections 165.001 and 165.003 of the Act authorize the Board to impose a monetary administrative penalty not to exceed five thousand dollars (\$5,000.00) for each separate violation of the Act or Board rule by a person licensed or regulated under the Act.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that this Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and that Respondent is hereby reprimanded.

Based on the above Findings of Fact and Conclusions of Law, the Board FURTHER ORDERS that Respondent shall pay an administrative penalty in the amount of Two Thousand dollars (\$2,000.00) within sixty (60) days of the signing of this Order by the presiding officer of the Board.

1. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund.

2. Respondent's failure to pay the administrative penalty as ordered shall constitute unprofessional and dishonorable conduct likely to deceive or defraud the public and shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

3. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Order, Respondent shall fully cooperate with the Board and the Board staff, including but not limited to, Board attorneys, investigators, compliance officers, consultants, and other such 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 cooperate as required by this paragraph and the terms of this Order shall constitute a basis for disciplinary action against Respondent pursuant to the Act.

4. Upon request by any person or entity, either orally or in writing, Respondent shall provide a complete and legible copy of this Order to the requesting party within ten (10) calendar days of the request.

5. Respondent shall comply with all the provisions of the Act, and other statutes regulating the Respondent's practice, as is required by law.

6. Respondent shall inform the Board in writing of any change of Respondent's

office or mailing address within ten (10) days of the address change. This information shall be submitted to the Verification Department and the Director of Compliance for 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.


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

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.

I, DHIREN B. PATEL, D.O., 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: October 2, 2000.



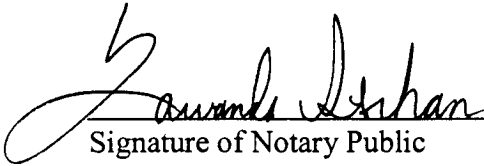
DHIREN B. PATEL, D.O.
RESPONDENT

STATE OF Texas
COUNTY OF Dallas

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BEFORE ME, the undersigned Notary Public, on this day personally appeared Dhiren B. Patel, D.O., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 2nd day of October, 2000.

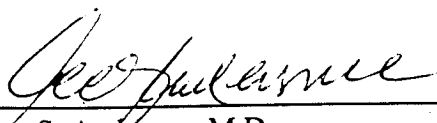


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 20 day of October, 2000.



Lee S. Anderson, M.D.
President, Texas State Board of Medical Examiners