

LICENSE H-3160

IN THE MATTER OF
THE LICENSE OF
PRADEEP KUMAR ROY, M.D.

§
§
§
§
§

BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

AGREED ORDER

On the 8 day of October, 2003⁴, 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 Pradeep Kumar Roy, M.D. ("Respondent").

On July 18, 2003, Respondent appeared in person with counsel, R. Harding Erwin, Jr., at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from staff of the Board. Scott M. Freshour, J.D. represented the Board. The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Roberta Kalafut, D.O., and Elvira Pascua-Lim, M.D., members of the Board.

This matter did not initially settle, and was referred to the State Office of Administrative hearings (SOAH). Respondent then changed counsel to Taz Thomas and Jodi Kauachi. Once discovery proceeded in this matter, the parties were able to reach a settlement.

Upon recommendation of the Board's representatives, the Board makes the following findings of fact and conclusions of law and enters this Order:

FINDINGS OF FACT

The Board finds that:

1. 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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. H-3160. Respondent was originally issued this license to practice medicine in Texas in 1987. Respondent is also licensed to practice in the states of Massachusetts and New Mexico.
3. Respondent is primarily engaged in solo practice of psychiatry. Respondent is Board certified in Psychiatry and Neurology.

4. Respondent is fifty (50) years of age.
5. Respondent has not previously been the subject of disciplinary action by the Board.
6. A complaint was filed with the Board alleging that the Respondent failed to keep adequate medical records involving a single chronic pain patient.
7. A panel of the Board found that the Respondent failed to do keep adequate medical records to support the treatment rationale of the patient. The panel found that this was a very complex patient, which appears to be an isolated case. There was no proof that the patient was placed at risk for severe harm by the actions of the Respondent.
8. The panel has no evidence regarding any alleged violations of the Medical Practice Act beyond the allegation associated with the single patient whose care is at issue in this Agreed Order.
9. 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 of the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and other expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and comply with its terms and conditions.

CONCLUSIONS OF LAW

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

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 for committing a direct or indirect violation of a rule adopted under this Act, either as a principal, accessory, or accomplice; to wit, failed to keep adequate medical records pursuant to Board Rule 165; and failed to comply with documentation requirements under Board Rule 170.
3. 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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice,

counseling or treatment, required educational counseling programs, monitored practice, public service and an administrative penalty.

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

5. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for the purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's Texas license is hereby subject to the following terms and conditions from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall enroll in, personally attend and successfully complete a focused CME course of at least one (1) day in duration in the area of medical record keeping/documentation. This course shall be in addition to the annual CME requirements.
2. Upon completion of the required CME course the Respondent shall submit to the Board proof of CME attendance. A copy of the attendance certificate issued or a detailed report which can be readily verified by the Board shall satisfy this requirement. The Order will terminate by its own terms upon presentation and verification of proof of attendance at the required CME course.
3. The time period of this Order shall be tolled if (a) Respondent subsequently resides or practices outside the State of Texas, (b) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of tolling ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of tolling.
4. Respondent shall comply with all the provisions of the Act, and other statutes regulating the Respondent's practice.
5. Respondent shall fully cooperate with the Board and the Board staff, including, 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.

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 Permits 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.

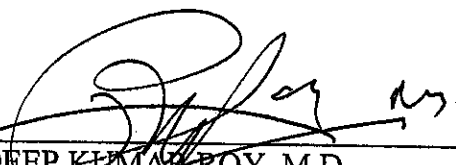
7. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

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, PRADEEP KUMAR ROY, M.D, 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: 23rd August, 2004.



PRADEEP KUMAR ROY, M.D.
RESPONDENT

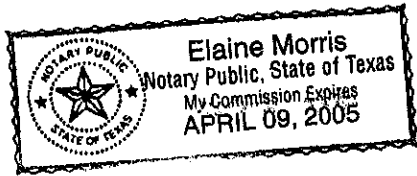
STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

BEFORE ME, the undersigned Notary Public, on this day personally appeared Pradeep Kumar. Roy, M.D. 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 23rd day of August, 2004.



(Notary Seal)

Elaine Morris
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 8 day of October, 2004.

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