

IN THE MATTER OF
THE LICENSE OF
WALLACE TOWNSEND-PARCHMAN, M.D.

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 22 day of November, 1997, 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 Wallace Townsend-Parchman, M.D. ("Respondent"). On September 9, 1997, Respondent appeared in person, without counsel, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board.

The Board was represented at the Informal Settlement Conference/ Show Compliance Proceeding by Penny Angelo, a member of the Board, and Robert Bacon, M.D., a district review committee member. 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, Wallace Townsend-Parchman, M.D., holds Texas Medical license F-7683.
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.
3. Respondent has been licensed to practice medicine in Texas for approximately 19 years.
4. Respondent is 44 years of age.
5. Respondent is certified by the American Board of Medical Specialties in psychiatry.
6. In or about October of 1995, Respondent began treating patient P.O.. During the course of treatment of patient P.O., Respondent exhibited inappropriate behavior towards P.O., including sexual innuendo, giving gifts or favors to the patient, and discussing his own personal and

psychiatric problems.

7. Respondent's treatment of patient P.O. crossed appropriate physician-patient boundaries.

8. In June of 1989, Respondent was diagnosed with bipolar disorder and is currently under the care of David Tyler, M.D., a Dallas, Texas psychiatrist. Respondent is currently on lithium carbonate 1800 mg. per day and occasional antidepressants. Respondent is also seeing a clinical psychologist for counseling.

9. Respondent now realizes the inappropriateness of his treatment of patient P.O..

10. Respondent has not previously been the subject of disciplinary action by the Board.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes the following:

1. Respondent has violated Section 3.08(4) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

2. Respondent has violated Section 3.08(4)(E) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

3. Respondent is subject to action by the Board under Section 3.08(16) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, due to inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

4. Respondent has violated Section 3.08(18) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's professional failure to practice medicine in an acceptable manner consistent with public health and welfare.

5. Section 4.02(h) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

6. Section 4.02(i) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Civil Evidence for purposes of civil litigation.

7. Section 4.12 of the Act authorizes the Board to take action in regard to Respondent and Respondent's medical license as set forth below.

ORDER

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's Texas medical license is hereby RESTRICTED under the following terms and conditions for 5 years from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. Except as otherwise provided for by the terms of this Agreed Order, Respondent shall not treat or otherwise serve as a physician for Respondent's immediate family, and Respondent shall not prescribe, dispense, or administer controlled substances or dangerous drugs to Respondent or Respondent's immediate family. Respondent may self-administer or administer to Respondent's immediate family only such drugs as prescribed by other physicians for a legitimate medical purpose and in compliance with the orders and directions of such physicians.

2. Respondent shall submit in writing to the Director of Compliance of the Board the names of three (3) American Board Certified psychiatrists for the Executive Director's approval and, when such approval is received, shall expeditiously submit himself for evaluation and treatment by the approved psychiatrist. Respondent shall follow the psychiatrist's recommendations, if any, regarding continuing care and treatment and shall see the approved psychiatrist for follow-up care and counseling at least once each month.

The Board and Respondent shall furnish a copy of this Agreed Order to the psychiatrist as authorization for the psychiatrist to make reports to the Board regarding Respondent's psychiatric evaluation and such other reports as the Board may request. Board staff may furnish to the approved psychiatrist any Board information which may be helpful or required for the evaluation and treatment of Respondent. Respondent's failure to cooperate with the psychiatrist shall constitute a violation of this Agreed Order.

3. Respondent shall continue to receive care and treatment from Mark Voeller, Ph.D., in Dallas, Texas, and shall see this psychologist as often as recommended by Respondent's

psychiatrist. Respondent shall authorize and request in writing that the approved psychologist provide written periodic reports no less than quarterly during Respondent's treatment which reflect the status of Respondent's mental condition, as well as Respondent's efforts at cooperation with treatment. Respondent shall authorize and request in writing that the approved psychologist immediately provide such other written or oral reports as Board representatives and staff may request regarding Respondent's care and treatment. Respondent shall follow all recommendations of the approved psychologist to the extent that the recommendations are consistent with the terms of this Agreed Order. Respondent shall not unilaterally withdraw from treatment, and shall request and authorize in writing that the approved psychologist immediately report to the Board any unilateral withdrawal from treatment by Respondent. A copy of this Agreed Order shall be provided by Respondent to the approved psychologist as a reference for evaluation and treatment, and as authorization for the psychologist to provide to the Board any and all records and reports related to the evaluation and treatment conducted pursuant to this paragraph. Respondent shall execute any and all releases for medical records necessary to effectuate the provisions of this paragraph.

4. When requested by the Board or Board staff, Respondent shall provide to Board staff complete legible written reports regarding any aspect of Respondent's physical or mental condition and Respondent's compliance with the terms of this Agreed Order.

5. Respondent shall not unilaterally withdraw from the evaluation, care, or treatment required by this Agreed Order, and shall request and authorize in writing that Respondent's physician or any other individuals involved in Respondent's care and treatment immediately report to the Board any unilateral withdrawal from treatment by Respondent.

6. Respondent shall immediately notify the Director of Compliance for the Board or a Board Compliance Officer or Investigator upon discontinuation for any reason of any care and treatment required by the terms of this Agreed Order.

7. Respondent's unilateral withdrawal from evaluation, treatment, or medical care required by this Agreed Order shall constitute unprofessional and dishonorable conduct, a violation of this Agreed Order, and grounds for disciplinary action under Sections 3.08(4), 4.01, 4.11, 4.12 and 4.13 of the Act. Section 4.13 authorizes the Board to temporarily suspend the license of a physician who in the determination of the Disciplinary Panel of the Board constitutes a continuing threat to the public welfare.

8. Respondent shall not perform psychotherapy on patients.

9. Respondent shall personally appear before the Board, a committee of the Board, or a panel of Board representatives, at least one (1) time each year that Respondent is under the terms and conditions of this Agreed Order. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Agreed Order.

10. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Agreed 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 Agreed Order. Failure to cooperate as required by this paragraph and the terms of this Agreed Order shall constitute a basis for disciplinary action against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act.

11. Upon request by the Board or a member of the Board staff, Respondent shall immediately execute, and provide as needed, any and all medical releases as may be requested by the Board or Board staff to obtain copies of medical treatment records of Respondent to include, but not limited to, any such releases required to obtain treatment records of Respondent protected by 42 C.F.R. subchapter A, part 2, and any subsequent amendments. Failure to execute and provide such releases shall constitute a basis for disciplinary action against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act.

12. Respondent shall give a copy of this Agreed Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, or applies for privileges.

13. Respondent shall ensure that any inquiries which are made by any person or entity through any means to Respondent or Respondent's employees regarding Respondent's Texas medical licensure status are answered by accurate reference to this Agreed Order.

14. The time period of this Order shall be extended for any period of time in which Respondent subsequently resides or practices medicine outside the State of Texas, is in official retired status with the Board, or for any period during which Respondent's license is subsequently cancelled for nonpayment of licensure fees. If Respondent leaves Texas to live or practice medicine

elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas or Respondent's relicensure, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order when Respondent left the practice of medicine in Texas, retired, or had his or her license cancelled for nonpayment of licensure fees.

15. Respondent shall comply with all the provisions of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.

16. 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 Sections 3.08, 4.01, and 4.11 of the Act.

17. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute a basis for disciplinary action by the Board against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute evidence of unprofessional or dishonorable conduct likely to deceive or defraud the public or injure the public.

18. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12 month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition. Petitions for modifying or terminating may be filed only once a year thereafter.

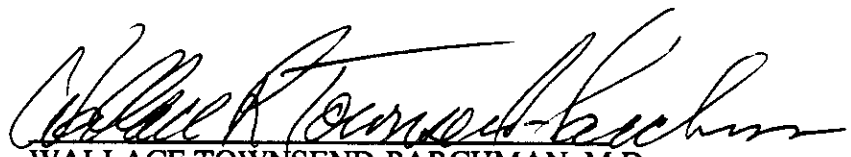
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED

ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN.
RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, WALLACE TOWNSEND-PARCHMAN, 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: 24 Sept, 1997


WALLACE TOWNSEND-PARCHMAN, M.D.
RESPONDENT

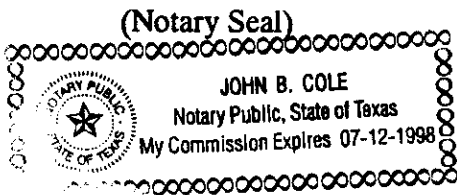
STATE OF TEXAS
COUNTY OF DENTON

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BEFORE ME, the undersigned Notary Public, on this day personally appeared Wallace Townsend-Parchman, 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 24th day of SEP., 1997.

John B. Cole
Signature of Notary Public



JOHN B. COLE
Printed or typed name of Notary Public

My commission expires: 7-12-98

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 22 day of November, 1997.

William H. Fleming, III, M.D.
William H. Fleming, III, M.D.
President, Texas State Board of
Medical Examiners