

SOAH NO. H-3344

IN THE MATTER OF THE)(
COMPLAINT AGAINST)(
ART GLENN SMITH, M.D.)(
BEFORE THE TEXAS STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

TO THE HONORABLE TEXAS STATE BOARD OF MEDICAL EXAMINERS:

COMES NOW, the staff of the Texas State Board of Medical Examiners ("the Board"), making this Complaint against Art Glenn Smith, M.D. (the "Respondent"), based on alleged violations of the Medical Practice Act ("the Act"), Article 4495b, V.A.C.S.

This Complaint and requested relief are necessary to protect the health of the citizens of the State of Texas as mandated by Section 1.02 of the Act.

In support of this Complaint and based on information and belief, the Board charges and alleges the following:

I

1. Respondent holds Texas medical license H-3344.
2. Respondent's Texas medical license was in full force and effect at all times and dates material and relevant to this Complaint.

II

Count 1

In or around August of 1993, Respondent engaged in inappropriate and unprofessional contact with patient E.B. including, but not limited to massaging patient E.B. on the neck, shoulders and in the thoracic area below the breasts, and suggesting that patient E.B. needed "hug therapy face to face" with Respondent.

All of the actions of Respondent as described caused patient E.B. to feel uncomfortable and to feel that Respondent was attempting to initiate a sexual relationship with her.

Count 2

In or around April of 1993 and continuing to date, Respondent has engaged in behaviors indicative of psychiatric impairment, including, but not limited to:

- A. Statements indicating paranoid ideation, including statements to the effect that members of Bexar County Impaired Physicians Committee were seeking to punish him, that patient E.B. was conspiring to set him up, and that Dr. Lawrence Ginsberg was accusing Respondent of being delusional and unprofessional only because of "selfish personal malice" and jealousy.

- B. Inappropriate behaviors, including, but not limited to Respondent's behaviors with patient E.B. as set out in Count 1, incorporated herein for all purposes, yelling and being abusive with staff and patients over minor incidents, and carrying on a conversation with a telephone which was not connected to any other party.

Additionally, based on the impressions and professional medical judgment of fellow psychiatrists, evidence and information indicate that Respondent is psychotic and unable to properly relate to patients, and therefore constitutes a continuing threat if allowed to function as a treating physician for psychiatric patients.

Respondent's behaviors and activities as set out above are indicative of an inability to practice medicine with reasonable skill and safety to patients because of an impaired mental condition.

III

It is further alleged that the Respondent's actions, as described in Counts 1, and 2, herein, constitute grounds for the Board to revoke

or suspend the Respondent's Texas medical license or to impose any other authorized means of discipline upon the Respondent pursuant to Sections 3.08(4), 3.08(16), 3.08(18), and 4.12 of the Act.

IV

It is further alleged that Respondent's actions, as described in Counts 1 and 2, herein, indicate that he poses a continuing threat to the public welfare as defined by Section 1.03 of the Act.

V

Section 3.08(4) of the Act authorizes disciplinary action by the Board against a licensed Texas physician for "unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public."

VI

Section 3.08(16) of the Act authorizes disciplinary action by the Board against a licensed Texas physician for "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."

VII

Section 3.08(18) of the Act authorizes disciplinary action by the Board against a licensed Texas physician for "professional failure to practice medicine in an acceptable manner consistent with public health and welfare."

VIII

Section 4.12 of the Act authorizes a range of disciplinary actions against a licensed physician for committing any of the conduct set forth in Section 3.08 of the Act.

IX

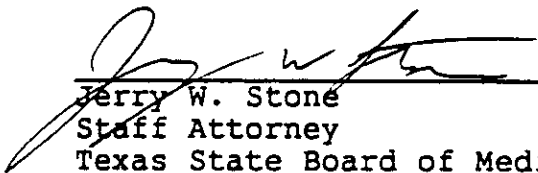
Section 4.12(b) of the Act requires the revocation of the license of any physician determined to pose, through the practice of medicine, a continuing threat to the public welfare.

XI

Respondent's actions as set forth in Counts 1 and 2, herein, are grounds for the revocation or suspension of Respondent's Texas medical license or the imposition of other means of discipline as provided for in Sections 4.12, 3.08(4), 3.08(16), and 3.08(18) of the Act.

WHEREFORE, PREMISES CONSIDERED, it is prayed that a hearing on this Complaint be held and that an Order be entered to revoke or suspend Respondent's Texas medical license, and in the event Respondent's medical license is not revoked or suspended, it is prayed that other means of discipline be imposed.

Respectfully submitted,

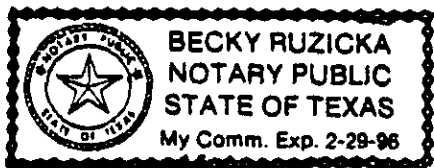


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THE STATE OF TEXAS)(
)
COUNTY OF TRAVIS)(
)

SUBSCRIBED AND SWORN to before me by the said Jerry W. Stone on
this the 23rd day of November, 1993.



Becky Ruzicka
Notary Public, State of Texas

Filed with the Texas State Board of Medical Examiners on this the
23rd day of November, 1993.

Jeff B. McDonald
Jeff B. McDonald
Director of Hearings
Texas State Board of Medical
Examiners

CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of November, 1993, a true and correct copy of the foregoing Complaint has been served on Respondent at the locations and in the manner indicated below:

Art Glenn Smith, M.D.
2930 Oak Leigh
San Antonio, Texas 78232
(CERTIFIED MAIL - RETURN RECEIPT REQUESTED)

Art Glenn Smith, M.D.
17115 Red Oak Dr., Suite 109
Houston, Texas 77090
(CERTIFIED MAIL - RETURN RECEIPT REQUESTED)

Jeff B. McDonald
Director of Hearings
Texas State Board of Medical Examiners
1812 Centre Creek Drive, Suite 300
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(HAND-DELIVERY)



Jerry W. Stone
Staff Attorney