

LICENSE NO. E-2667

IN THE MATTER OF
THE LICENSE OF
RANDALL BRENT LANE, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 6th day of November, 2009, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Randall Brent Lane, M.D. ("Respondent").

On July 28, 2009, Respondent appeared in person, with counsel, William C. McMurrey, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Jose Manuel Benavides, M.D., a member of the Board, and David Miller, Ph.D., a member of a District Review Committee. Darrin Dest represented Board staff.

Upon the 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 Agreed 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 the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. E-2667. Respondent was originally issued this license to practice medicine in Texas on August 17, 1974. Respondent is not licensed to practice in any other state.
3. Respondent is a solo-practitioner engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.

4. Respondent is 59 years of age.
5. Respondent has not received a prior disciplinary order from the Board.
6. Respondent acknowledged that his medical recordkeeping was deficient with respect to the Respondent's four patients at issue. Respondent's medical records were found to be inadequate by the Board in regard to these four patients, in both legibility and content.
7. Respondent used an incorrect Current Procedural Terminology ("CPT") code to bill insurance company, United Health Care, for psychotherapy visits that resulted in over-billing for services provided to the four patients referenced above. Respondent acknowledged that he mistakenly used the wrong code and that it was his responsibility to use the correct coding. Respondent has since corrected the practice. Furthermore, following being made aware of his mistake, Respondent submitted a corrected claim for reimbursement.
8. 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 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order, without admitting or denying any allegations, and agrees to comply with its terms and conditions.

CONCLUSIONS OF LAW

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

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Texas Occupations Code §164.051(a)(3) authorizes the Board to take disciplinary action against Respondent based upon Respondent's commission of a direct or indirect violation of a rule adopted under this Act, either as a principal, accessory, or accomplice, specifically Board Rule 165.1, requiring the maintenance of complete, contemporaneous, and legible medical records.
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.
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a 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 purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least 25 hours of continuing medical education ("CME") approved for Category I credits by the American Medical Association or American Osteopathic Association, broken up into the following subjects: 10 hours of medical recordkeeping; 10 hours of CPT coding; and five hours of ethics. The course credits must be approved in writing in advance by the Compliance Division of the Board. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

2. Respondent shall pay an administrative penalty in the amount of \$5000 by cashier's checks or money orders payable to the Texas Medical Board and submitted to the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund in accordance with the following payment schedule:

On or before January 15, 2010, Respondent shall make his first payment in the amount of \$1000.

On or before February 15, 2010, Respondent shall make his second payment in the amount of \$1000.

On or before March 15, 2010, Respondent shall make his third payment in the amount of \$1000.

On or before April 15, 2010, Respondent shall make his fourth, and final, payment in the amount of \$2000.

3. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension 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 extension or 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 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 fully cooperate shall constitute a violation of this order and 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 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of 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. Respondent agrees that a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order will be made pursuant to the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act.

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

9. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

10. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 and 2.

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, RANDALL BRENT LANE, 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: October 27, 2009.

Randall Brent Lane, M.D.

RANDALL BRENT LANE, M.D.
Respondent

STATE OF Texas

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COUNTY OF Dallas

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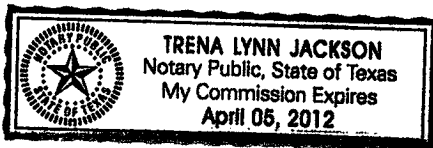
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 27th day of October, 2009.

Trena Lynn Jackson

Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 6th day of November, 2009.

Irvin E. Zeitler, Jr.

Irvin E. Zeitler, Jr., D.O., President
Texas Medical Board