

IN THE MATTER OF) (BEFORE THE DISCIPLINARY
) (
THE LICENSE OF) (PANEL OF THE
) (
ART GLENN SMITH, M.D.,) (TEXAS STATE BOARD
) (
RESPONDENT) (OF MEDICAL EXAMINERS

TEMPORARY SUSPENSION ORDER

On the 9th day of November, 1993, came on to be heard before the Disciplinary Panel ("the Panel") of the Texas State Board of Medical Examiners ("the Board"), duly in session, the matter of the Application for Temporary Suspension of License in regard to the Texas medical license of Art Glenn Smith, M.D. ("Respondent"). The Board was represented by staff attorney, Jerry W. Stone. Respondent was not present at the hearing. Based on evidence and information submitted at the hearing, the Board through the Disciplinary Panel makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent, Art Glenn Smith, M.D., holds Texas medical license H-3344.

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. Available evidence and information indicate that 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.

4. Available evidence and information indicate that 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.

5. Available evidence and information indicate that in or around April of 1993 and continuing to date, Respondent has engaged in behaviors which may be indicative of psychiatric impairment, including:

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 Respondent's behaviors with patient E.B. as set out in Finding of Fact 3, above, 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.

6. Available evidence and information indicate that 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.

7. Available evidence and information indicate that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

CONCLUSIONS OF LAW

1. Respondent appears to have engaged, through his conduct with patient E.B., in unprofessional and dishonorable conduct that is likely to injure the public and may be subject to disciplinary action under the Medical Practice Act ("the Act"), V.A.C.S., art. 4495b, Section 3.08(4).

2. Respondent appears to have engaged, through his treatment of patient E.B., in a professional failure to practice medicine in an acceptable manner consistent with public health and welfare and may be subject to disciplinary action under Section 3.08(18) of the Act.

3. Respondent appears to be subject to a mental condition which causes an inability on his part to practice medicine with reasonable skill and safety to patients and may be subject to disciplinary action under Section 3.08(16) of the Act.

4. Section 4.13 of the Act authorizes the Board through the Disciplinary Panel to temporarily suspend the license of Respondent if the Disciplinary Panel determines from evidence and information presented to it that Respondent's continuation in the practice of medicine would constitute a continuing threat to public welfare.

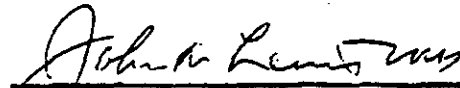
5. Based on the evidence and information presented and the Findings of Fact set forth herein, the Board through its Disciplinary Panel determines that Respondent's continuation in the practice of medical would constitute a continuing threat to the public welfare.

It is therefore ORDERED based on the above Findings of Fact and Conclusions of Law, that Respondent's Texas medical license is hereby Temporarily Suspended and that the allegations related to the Application for Temporary Suspension of License be the subject of a

disciplinary hearing as soon as can be accomplished under the Administrative Procedure Act and the Medical Practice Act.

It is further ORDERED that this temporary suspension shall remain in effect until such time as it is superceded by a subsequent order of the Board.

Signed and entered this 9th day of November, 1993.



John M. Lewis, M.D.
Chairman, Disciplinary Panel
Texas State Board of Medical
Examiners