

IN THE MATTER OF  
THE LICENSE OF  
TERRY WAYNE HUGG, M.D.

BEFORE THE  
  
TEXAS MEDICAL BOARD

AGREED ORDER ON FORMAL FILING

On the 2 day of December, 2015, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Terry Wayne Hugg, M.D. (Respondent).

On March 7, 2016, an Informal Show Compliance Proceeding and Settlement Conference convened. Respondent did not appear. The Board's representatives were Michael Arambula, M.D., PharmD. and Julie K. Attebury, members of the Board (Panel). Ann Skowronski represented Board staff.

The matter did not settle after the ISC. Therefore, Board Staff filed a Complaint at the State Office of Administrative Hearings under SOAH Docket No. 503-16-4408.MD. Respondent was represented by Susan Bieber Meek. Ann Skowronski represented Board Staff. The parties engaged in negotiations and reached this settlement.

BOARD CHARGES

Board Staff charged that Respondent violated a previous Board Order and engaged in unprofessional conduct.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board.

On April 12, 2013, the Board entered a Mediated Agreed Order (2013 Order) imposing certain terms and conditions: no treatment of chronic pain patients and a referral of all current chronic pain patients to other providers; a restriction from prescribing controlled substances for pain to patients for longer than required for an immediate need; a requirement that his practice

be monitored for twelve consecutive cycles and implementation of the monitor's recommendations; eight hours of pre-approved continuing medical education [CME] in medical record-keeping and eight hours of pre-approved CME in the contraindications and side effects of commonly-prescribed medications within one year; and an administrative penalty of \$1000 within 120 days. This action was based upon non-therapeutic prescribing and failure to maintain adequate medical records.

On August 28, 2015, the Board entered an Agreed Order modifying the 2013 Order by requiring that Respondent complete the outstanding CME requirements within one year and that he pay an additional administrative penalty of \$250 within 120 days. This action was based upon violation of the CME provision of the 2013 Order.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

### FINDINGS

The Board finds the following:

1. General Findings:
  - a. 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.
  - b. Respondent currently holds Texas Medical License No. F-7677. Respondent was originally issued this license to practice medicine in Texas on August 21, 1971. Respondent is not licensed to practice in any other state.
  - c. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry with a subspecialty in Child and Adolescent Psychiatry, a member of the American Board of Medical Specialties.
  - d. Respondent is 73 years of age.

2. Specific Panel Findings:

- a. Ordering Paragraph No. 1 of the 2013 Order prohibited Respondent from prescribing pain medications to treat acute pain beyond a patient's immediate need and limited to a 72 hour period.
- b. Respondent violated Ordering Paragraph No. 1 of the 2013 Order when he prescribed three patients Tramadol, a controlled substance used in the treatment of pain, for periods beyond the patients' immediate need.
- c. Respondent also violated Ordering Paragraph No. 8 of the 2013 Order, which states that any violation of the terms, conditions, or requirements of the Order 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 pursuant to the Act. Respondent's violation of Ordering Paragraph No. 1 constitutes unprofessional conduct.

3. Aggravating Factors/Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factor: Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.
- b. In determining the appropriate sanctions in this matter, the Panel considered the following aggravating factor: Respondent is the subject of two previous Board Orders.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under Section 164.052 of the Act.

3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under this Act, specifically Board Rule 189.3, requiring compliance with all terms of a Board Order.

4. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, as further defined by Board Rule 190.8(2)(A), violation of a Board Order.

5. 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.

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

#### ORDER

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

1. Respondent is RESTRICTED from treating pain and must refer all patients with pain complaints to another provider.

2. Respondent is RESTRICTED from prescribing any medications for the treatment of pain.

3. Respondent is RESTRICTED from prescribing any medications other than psychotropic medications used in the treatment or management of psychiatric conditions.

4. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination (JP Exam) given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order.

After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be IMMEDIATELY SUSPENDED pursuant to correspondence to Respondent from the Executive Director or Secretary Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL. Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

5. Respondent shall pay an administrative penalty in the amount of \$500 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

6. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health

care entities where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

7. 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.

8. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

9. 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.

10. 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. Respondent agrees that 10 days' notice of a Respondent Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the

Medical Practice Act and agrees to 10 days' notice, as provided in 22 TEXAS ADMINISTRATIVE CODE §187.44(4).

11. 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.

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

13. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year 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 without further appeal or review. 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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**

I, TERRY WAYNE HUGG, 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.

1215 Friday  
DATED: 11 November, 2016.

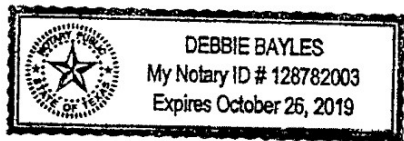
Terry Wayne Hugg  
TERRY WAYNE HUGG, M.D.  
Respondent

STATE OF Texas §  
COUNTY OF Harris §  
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 11th day of November, 2016.

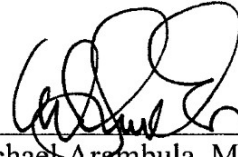
Debbie Bayles  
Signature of Notary Public

(Notary Seal)





SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
2 day of December, 2016.



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Michael Arambula, M.D., Pharm.D., President  
Texas Medical Board