

IN THE MATTER OF
THE COMPLAINT AGAINST
ALLEN J. CAHILL, M.D.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 12 day of December, 2003, 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 Allen J. Cahill, M.D. ("Respondent").

On September 12, 2003, Respondent appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Sherry Statman represented Board Staff. The Board's Representatives were Elvira Pascua- Lim, M. D., a member of the Board, and Kevin R. Smith, a member of the District Review Committee.

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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. D-2757. Respondent was originally issued this license to practice medicine in Texas on December 7, 1965. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of Psychiatry. Respondent is certified in this specialty by both the American Board of Psychiatry and the American Board of Child Psychiatry.

4. Respondent is 71 years of age.

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

6. Respondent met with patient DB, a minor, and members of his family on January 23, 2003 and February 19, 2003. At the second meeting, the mother of DB made a claim that DB had been sexually abused by a family member. This allegedly occurred three years before.

7. Respondent genuinely doubted the credibility of the claim, assumed that it had already been reported, and did not believe it would help an already highly litigious situation to call in Child Protective Services ("CPS"). As such, Respondent failed to report the outcry.

8. Patient DB and his family were later seen by another doctor who referred the sexual abuse claim to CPS. CPS, in turn, reported this matter to the Arlington Police Department, who on the effective date of this order, had yet to take any action or file any charges.

9. The Texas Family Code Section 261.101 (a) requires that a person having cause to believe that a child's physical or mental welfare has been adversely affected by abuse or neglect by any person shall immediately make a report. Section 261.101(b) specifically includes doctors in the class of persons required to report abuse to CPS. An offense under this section is a Class B Misdemeanor.

10. Respondent recognized his error in not reporting the claim.

11. Respondent has had no prior investigations or complaints.

12. 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 and 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. Section 164.052(a)(5) and 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's violation of a law related to the practice of medicine.

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

4. 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:

1. Within one (1) year following the signing of this Order by the presiding officer of the Board, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination (JP Exam) given by the Texas State Board of Medical Examiners. Respondent is allowed three (3) attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three (3) attempts within one (1) year following the signing of this Order by the presiding officer of the Board shall constitute

a violation of this Agreed Order. After a committee of the Board, or a panel of 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 a committee of the Board, or a panel of 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. Although Respondent shall be invited to provide information or testimony to the committee of the Board, or the panel of Board representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the committee of the Board, or the panel of Board representatives, to consider this information. THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING 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. Respondent shall be notified of any such 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.

2. Respondent shall pay an administrative penalty in the amount of one thousand dollars (\$1000.00) within thirty (30) days of the signing of this Order by the presiding officer of the Board.

3. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to

the Director of Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund.

4. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

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

6. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within ten days of the address change. This information shall be submitted to the Permits 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 the Act.

7. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that ten days notice of a Probationer 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 all notice requirements under Section 164.003 of the Medical Practice Act related to informal proceedings, and Section 2001.054(c) of the Administrative Procedure Act.

8. This Board Order shall terminate upon the Respondent providing proof of passage of the JP Exam with a score of 75 or higher and payment in full of the administrative penalty.

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, ALLEN J. CAHILL, 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: 11/6/03, 2003.

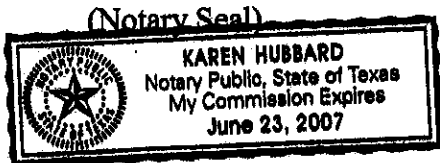
Allen Cahill MD
ALLEN J. CAHILL, M.D.
RESPONDENT

STATE OF Texas
COUNTY OF Tarrant

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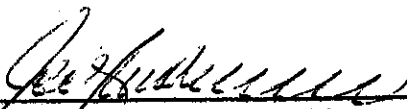
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 10th day of September, 2003.

Karen Hubbard
Signature of Notary Public



Karen Hubbard
Printed or typed name of Notary Public
My commission expires: June 23, 2007

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 12 day of December, 2003.



Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners