

IN THE MATTER OF)	BEFORE THE
)	
THE LICENSE OF)	TEXAS STATE BOARD
)	
FRANK STUART MURPHY, D.O.)	OF MEDICAL EXAMINERS

ORDER

On the 12th day of December, 1995, came on to be heard before representatives of the Texas State Board of Medical Examiners ("the Board"), the petition of Frank Stuart Murphy, D.O., ("Petitioner") requesting termination of a Board Order entered on April 15, 1994, and pertaining to Petitioner's Texas medical license, J-3167.

Petitioner appeared in person, without counsel, before representative John M. Lewis, M.D., a member of the Board. Information concerning the petition was considered and Petitioner argued for termination of the Order.

Based on the ten (10) year period of probation imposed by an Order entered of September 30, 1994, of which only one (1) year has been served, the Board representative recommends that the termination request be DENIED. However, based on Petitioner's history of sobriety, his cooperation with Board staff, and in order to assist Petitioner in obtaining employment in Texas after completing his residency in Psychiatry, the Board representative recommends that the April 15, 1994 Order be modified as follows:

1. Paragraph five (5), on page five (5) of the April 15, 1994 Order, which required that Petitioner surrender his DEA and DPS Controlled Substance Registration Certificates, should be amended to allow Petitioner the authority to reapply for his DEA and DPS Controlled Substance Registration Certificates.
2. Paragraph six (6), on page six (6) of the April 15, 1994 Order, which required that Petitioner surrender all unused triplicate prescription forms and not attempt to order any more triplicate prescription forms, should be deleted.
3. Paragraph eight (8), on page six (6) of the April 15, 1994 Order, which requires that Petitioner maintain a file consisting of a copy of every prescription written for dangerous drugs which have potential for abuse, should be amended to require that Petitioner maintain a file consisting of a copy of every prescription written for Controlled Substances and dangerous drugs which have potential for abuse.

4. The April 15, 1994 Order should be amended to include a definition of dangerous drugs which have potential for abuse.

Based on the available information and the recommendation of the Board representative, the Board ORDERS that the Petition for Termination is DENIED. However, based on the available information and the recommendation of the Board representative, the Board ORDERS that the April 15, 1994 Order is hereby MODIFIED as follows:

1. Paragraph five (5), on page five (5) is modified as follows:

“5. Respondent is hereby authorized by the Board to reapply to the Drug Enforcement Administration (DEA) and the Texas Department of Public Safety (DPS) to obtain full prescribing authority for controlled substances. The decision to grant or deny Respondent's application for authority to prescribe scheduled drugs shall remain a matter for appropriate determination by the DEA and DPS.”

2. Paragraph six (6), on page six, is deleted.

3. Paragraph eight (8), on page six (6) is modified as follows:

“8. Separate from patient records, Respondent shall maintain a file consisting of a copy of every prescription written by Respondent for controlled substances or dangerous drugs with addictive potential or potential for abuse by date issued. This file of prescription copies shall be available for inspection by compliance officers, investigators, and other representatives of the Board during regular office hours without notice to Respondent. Respondent shall not telephone to a pharmacy any prescription or refill of such drugs.”


4. The April 15, 1994 Order is modified to include the following paragraph:

“For purposes of this Agreed Order, dangerous drugs with addictive potential or potential for abuse shall include, but shall not be limited to, Stadol, Nubain, Soma, Phenergan, Talwin, Propofol, Butalbital, and their trademark or generic equivalents in any form, as well as any chemical or chemical combination substantially similar or equivalent to such drugs.”

All other provisions of the April 15, 1994 Order remain in full force and effect until superseded by a subsequent Order of the Board.

THIS IS A PUBLIC RECORD.

Signed and entered on this the 27th day of January, 1996.



William H. Fleming, III, M.D.
President, Texas State Board of
Medical Examiners