

D-4076

IN THE MATTER OF § BEFORE THE
THE LICENSE OF § TEXAS STATE BOARD
HENRY EDWARD BONHAM, M.D. § OF MEDICAL EXAMINERS

ORDER

On this the 7th day of December 2001, came on to be heard before the Texas State Board of Medical Examiners (hereinafter "the Board"), duly in session the matter of the license of Henry Edward Bonham, M.D. (hereinafter "Respondent"). By prior Agreed Order, Respondent waived the right to appear at an Informal Settlement Conference/Show Compliance Proceeding pursuant to TEX. OCC. CODE ANN. Subtitle B §§154.052 - 054, 164.007, and 164.061 (Vernon 2000) and all rights pursuant to TEX. GOV'T CODE ANN. §§ 2001.051 - 0.54 (West Pamph. 1999), including, but not limited to the right to notice and hearing, and instead agrees to the entry of this Order to resolve the matters addressed herein. Jon Porter represented Board staff.

Upon recommendation of the Board's staff and with the de facto consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth herein:

FINDINGS OF FACT

A. On May 16, 1998, Respondent entered into an Agreed Order (hereinafter "Order") with the Board. This Order indefinitely suspended Respondent's Texas medical license based on the following Findings of Fact:

1. Respondent, Henry Edward Bonham, M.D. holds Texas Medical license D-4076.
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. Respondent is 56 years of age and has been licensed to practice medicine since August 26, 1967.
4. Respondent is Board certified in Psychiatry.
5. Respondent was convicted of mail fraud and false claims by a jury in U.S. District Court in Fort Worth, Texas, and on July 14, 1997, was sentenced to incarceration for a period of 87 months, plus an additional three-year probationary period.
6. A copy of the judgement, entitled "Judgement in a Criminal Case," is attached hereto as Exhibit A¹, and the same is incorporated herein for any and all purposes as if fully set forth at length.
7. Mail fraud and false claims are felony criminal offenses under Texas law.
8. Respondent maintains his innocence with respect to aforementioned criminal conviction, and Respondent reports, via his attorney of record, Mr. Jerry J. Loftin, that he is appealing the jury's verdict.
9. Respondent has not previously been the subject of disciplinary action by the Board.
10. While not admitting that he has violated the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, Respondent has chosen to avoid the expense and difficulties associated with litigation by entering into this Agreed Order, and agreeing to comply with the terms and conditions set forth herein.

B. Paragraph two (2) on page three (3) of the Order states:

"2. In the event Respondent is unsuccessful on appeal and Respondent is finally convicted, then Respondent by his voluntary signature to this Agreed Order hereby agrees and the Board hereby Orders that such final conviction shall result in the immediate

¹ The copy of the judgement is not attached to this Order. Please see original May 16, 1998 Order for a copy of said judgment.

voluntary revocation of Respondent's Texas medical license, without the need for any further legal proceeding or hearing."

C. Board staff has recently learned that Respondent lost his appeals and has been finally convicted of mail fraud and false claims in violation of Federal law. Specifically, on June 22, 1999 the United States Court of Appeals for the Fifth Circuit affirm Respondent's conviction and the sentence on all counts. Moreover, on November 29, 1999, the United State Supreme Court denied Respondent's *writ of certiorari*; hence making his conviction final.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Board concludes the following:

1. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(2) of the Act based on Respondent's conviction of a felony or a crime of a lesser degree that involves moral turpitude.
2. Respondent has committed a prohibited act or practice within the meaning of Section 164.052(a)(5) of the Act based upon unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.
3. Respondent has committed a prohibited act or practice within the meaning of Sections 164.052(a)(5) and 164.053(a)(1) of the Act by Respondent's commission of an act that violates any law of this state if the act is connected with Respondent's practice of medicine. In accordance with Section 164.053(b), a complaint, indictment, or conviction of a violation of law is not necessary for enforcement of Section 164.053(a)(1).
4. Respondent has committed a prohibited act or practice within the meaning of Sections 164.052(a)(5) and 164.053(a)(7) of the Act by persistently and flagrantly overcharging or overtreating patients.
5. Respondent is subject to disciplinary action by the Board pursuant to Section 164.051(a)(6) of the Act by failing to practice medicine in an acceptable professional manner consistent with public health and welfare.

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

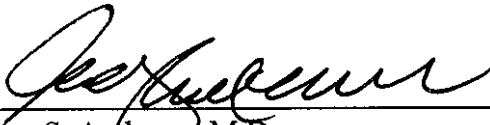
7. Sections 164.001(a)(1) and 164.001(b)(4) of the Act authorize the Board to revoke Respondent's license or other authorization to practice medicine.

ORDER

Based on the Findings of Fact and Conclusions of Law, the Board ORDERS that the Respondent's Texas medical license is hereby REVOKED.

THIS IS A PUBLIC ORDER.

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 7th day of December 2000.



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