

G-2896

IN THE MATTER OF  
THE LICENSE OF  
ARTURO C. ARAUZO, M.D.

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BEFORE THE  
TEXAS STATE BOARD  
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 13 day of December, 2002, came on to be heard before the Texas State Board of Medical Examiners ("the Board") duly in session the matter of the license of Arturo C. Arauzo, M.D. ("Respondent"). By the signature of Respondent on this 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 2002) and all rights pursuant to TEX. GOV'T CODE ANN. §§ 2001.051 - 0.54 (Vernon 2002), 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. David Wofford represented Board staff.

Upon recommendation of the Board's staff and with the 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

1. Respondent, Arturo C. Arauzo, M.D., holds Texas medical license G-2896.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice that may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Subtitle B (Vernon 2002), (hereinafter the "Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice or hearing under the Act; TEX. GOV'T CODE ANN. §§2001.051 through .054; and the Rules of the State Board of Medical Examiners (22 TEX. ADMIN. CODE Chapter 187).

3. Respondent has been in the practice of medicine in Texas for approximately 19 years.

4. Respondent received several requests for copies of medical records of K.M., a former patient of Respondent. The requests were from David Brehm, an attorney for K.M. The initial request was dated December 4, 2001. The records were not provided until after a third request dated April 8, 2002.

5. Respondent has corrected his office policy to insure that patient records are released to a patient or authorized representative within 15 business days of a request for the release of those records by the patient or the patient's representative, in accordance with Section 159.006 of the Medical Practice Act and 22 Texas Admin. Code Section 165.2(b).

#### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board makes the following Conclusions of Law:

1. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(3) of the Act by committing a direct or indirect violation of a rule adopted under this Act, by failing to release medical records within 15 days of the initial request for release as required by 22 Texas Admin. Code Section 165.2(b).

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

3. 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.

4. Sections 165.001 and 165.003 of the Act authorize the Board to impose a monetary administrative penalty not to exceed five thousand dollars (\$5,000.00) for each separate violation of the Act or Board rule by a person licensed or regulated under the Act.

#### ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that:

1. Respondent shall pay an administrative penalty in the amount of one thousand dollars (\$1000.00) by cashier's check or money order payable to the Texas State Board of Medical Examiners and 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 before the expiration of ninety (90) days from the date the Agreed Order is approved by the Board.

2. 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.


3. Respondent shall comply with all provisions of the Act, and other statutes regulating the Respondent's practice, as is required by law.

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, ARTURO C. ARAUZO, 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: 11.25., 2002.

  
ARTURO C. ARAUZO, M.D.  
RESPONDENT

STATE OF Texas

COUNTY OF Collin

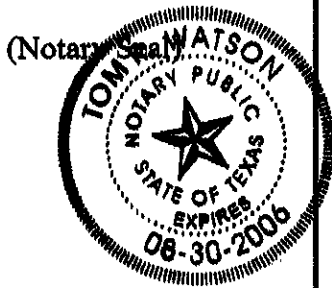
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BEFORE ME, the undersigned Notary Public, on this day personally appeared ARTURO C. ARAUZO, M.D. known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 25<sup>th</sup> day of November, 2002.

Tom R. Watson

Signature of Notary Public



TOM R. WATSON

Printed or typed name of Notary Public

My commission expires: 8-30-06

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 13 day of December, 2002.

Lee S. Anderson

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