

IN THE MATTER OF  
THE LICENSE OF  
MAUREEN LENORE ADAIR, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 7 day of April, 2006, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Maureen Lenore Adair, M.D. ("Respondent").

On January 18, 2006, Respondent appeared in person, with counsel, Courtney Newton, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Dewey E. Helmcamp represented Board staff. The Board's representatives were Elvira Pascua-Lim, M.D., a member of the Board, and David Baucom, 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 the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. F-6376. Respondent was originally issued this license to practice medicine in Texas on August 24, 1980. Respondent has a retired license in Connecticut.

3. Respondent is primarily engaged in the practice of Psychiatry and Child Psychiatry. Respondent is board certified in both specialties by the American Board of Medical Specialties.

4. Respondent is 52 years of age.

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

6. Parents of B.M. and M.M. hired Respondent to provide a psychological evaluation of both girls. The parents were involved in a divorce and child custody dispute. Respondent refused to treat M.M. for fear it would interfere with B.M.'s psychiatric treatment.

7. The father of B.M. first requested his daughter's medical records by e-mail on January 18, 2005. He was informed that his e-mail was inadequate in that it did not have a signature. The father of B.M. forwarded another e-mail with an attachment showing a signature on January 25, 2006. Receiving no response from Respondent, subsequent requests for B.M.'s records were submitted on February 22, 2005 and April 4, 2005.

8. The Board Staff submitted questions to Respondent on April 15, 2005, with a due date of May 3, 2005. Respondent failed to submit any reply to the Board Staff.

9. On August 5, 2005, the Board Staff again sent correspondence to Respondent and Respondent failed to timely reply.

10. Several Board telephone messages were left for Respondent, not all of which were answered.

11. Respondent's failure to provide B.M.'s medical records to the father was the result of her belief that doing so would exacerbate B.M.'s condition. Additionally, the Respondent found herself in a difficult situation between two parents in the middle of an acrimonious divorce and custody dispute.

12. While Respondent did have the best interests of the child in mind when she decided to withhold the records requested, at no time did the Respondent indicate in writing to the father why she was withholding the requested records and, in fact, never responded at all. Respondent additionally did not respond to the Board's request. As a result of Respondent's actions, the Board was forced to issue a subpoena to obtain necessary information.

13. 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 164.051(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.
3. Board Rule 165.2 requires the release of medical records within 15 days from the receipt of a written request.
4. Section 159.006 of the Act requires a physician to provide medical records no later than 15 days from the date of the receipt of a written request.
5. 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.

6. Board Rule 190.8(2) provides that failing to comply with a board subpoena or request for information, failing to cooperate with Board Staff and failing to timely respond to communications from a patient constitute dishonorable or unprofessional conduct.

7. 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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

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

9. 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 year from the date of the entry of this Order, Respondent shall enroll in and successfully complete a course in the area of risk management approved in writing in advance by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Compliance for the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall deliver documentation of attendance and successful completion of this requirement to the Director of Compliance for the Board.

2. Respondent shall pay an administrative penalty in the amount of \$1,000 within one year from 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 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. 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.

3. Upon the submission to the Board of clear and convincing evidence of the satisfactory completion of the terms and conditions contained herein, this Order will automatically terminate.

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, MAUREEN LENORE ADAIR, 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: March 28, 2006.

Maureen Lenore Adair  
Maureen Lenore Adair, M.D.  
Respondent

STATE OF Texas §  
COUNTY OF Travis §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 28th day of March, 2006.

[Signature]  
Signature of Notary Public



7 SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 7 day of April, 2006.

Roberta M. Kalafut  
Roberta M. Kalafut, D.O., President  
Texas Medical Board