

LICENSE NO. J-6863

IN THE MATTER OF
THE LICENSE OF
DANIELA BADEA-MIC, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 6th day of February, 2009, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Daniela Badea-Mic, M.D. ("Respondent").

On December 15, 2008, Respondent appeared in person, with counsel Claude Ducloux, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Michael Arambula, M.D., a member of the Board, and Noe Fernandez, a member of a District Review Committee. Lee Bukstein represented Board staff.

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. J-6863. Respondent was originally issued this license to practice medicine in Texas on November 5, 1994. Respondent is also licensed to practice in Florida

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.

4. Respondent is 51 years of age.

5. Respondent has not previously received a disciplinary order from the Board.

6. Respondent treated patient KK from October 2005 through August 2006. Respondent prescribed KK antidepressants, benzodiazepines and hypnotics. Respondent diagnosed KK with Major Depressive Disorder, but did not document a complete examination of KK. Respondent noted that KK talked fast and was very focused on her problems.

7. Although Respondent continued her diagnosis of Major Depressive Disorder, she did not document sufficient information to support this diagnosis. In January 2006, Respondent began prescribing to KK a mood stabilizer, Topamax. Respondent did not adequately document her medical reasoning for the drugs and dosages that she was prescribing for KK.

8. Respondent treated patient CM from January 2004 through July 2004. Respondent prescribed CM antidepressants, benzodiazepines and a mood stabilizer. Respondent did not document a complete examination of CM. Respondent recorded mood swings on an otherwise normal mental status examination and diagnosed CM with Major Depressive Disorder.

9. At the beginning of July 2004, Respondent changed her diagnosis of CM to Adjustment Disorder, but she did not change the medications prescribed to CM. Respondent did not adequately document her medical reasoning for the drugs and dosages that she was prescribing for CM.

10. Respondent treated patient AS from January 2004 through June 2007. Respondent prescribed AS antidepressants, benzodiazepines and a mood stabilizer. Respondent did not document a complete examination of AS. Respondent recorded dysthymia and mood swings on an otherwise normal mental status examination and diagnosed AS with Major Depressive Disorder.

11. At the beginning of June 2007, Respondent added Attention Deficit Disorder to her diagnosis of AS, and added Ritalin to the other drugs that she was prescribing for AS. Respondent did not adequately document support for this diagnosis. Respondent did not adequately document her medical reasoning for the drugs and dosages that she was prescribing for AS.

12. Respondent failed to adequately document her mental reasoning for the diagnoses that justified the prescribing regimens for these three patients.

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 upon Respondent's violation of a Board Rule, specifically 22 Texas Administrative Code, §165.1 which requires the maintenance of adequate medical records.
3. 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.
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
5. 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 Respondent shall be subject to the following terms and conditions:

1. Within one year of the date of the entry of this Order, Respondent shall obtain, in addition to any Continuing Medical Education ("CME") required for license renewal, eight hours of CME approved for Category I credits by the American Medical Association in the area of medical recordkeeping and eight hours of CME approved for Category I credits by the American Medical Association in the area of diagnosing psychiatric disorders. This CME must be pre-approved by the Executive Director of the Board. Upon completion of the required CME, Respondent shall submit proof to the Board of successful completion of the CME. A copy of attendance certificates or a detailed report that can be readily verified by the Board shall satisfy this requirement.
2. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.
3. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order.
4. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within 10 days of the address change. This information shall be submitted to the Permits Department and the Director of Enforcement 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.
5. 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 10 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 the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).
6. Respondent shall be permitted to supervise and delegate prescriptive authority to Physician Assistants and Advanced Practice Nurses and to supervise Surgical Assistants.

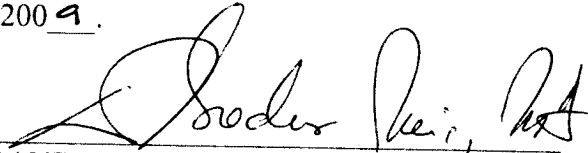
7. This Order shall automatically terminate upon the successful completion of the requirement contained in Ordering Paragraph No. 1 above.

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, DANIELA BADEA-MIC, 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: January 5, 2009.

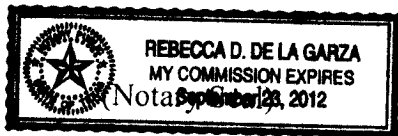

DANIELA BADEA-MIC, M.D.
Respondent

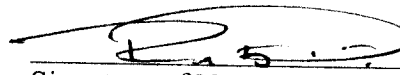
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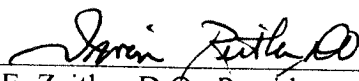
COUNTY OF Nueces

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 5th day of January, 2009.




Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 6th day of February, 2009.


Irvin E. Zeitler, D.O., President
Texas Medical Board