

LICENSE NO. M-0629

IN THE MATTER OF
THE LICENSE OF
CINI ABRAHAM, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 4TH day of FEBRUARY, 2011, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Cini Abraham, M.D. ("Respondent").

On October 21, 2010, Respondent appeared in person, with counsel Tim Weitz, 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 George Willeford, III, M.D., a member of the Board, and Ruthie Burrus, a member of a District Review Committee. Darrin Dest represented Board staff.

BOARD CHARGES

Board staff charged that Respondent let her Texas Department of Public Safety ("DPS") Controlled Substance Registration expire on January 31, 2010, but continued to write prescriptions for controlled substances until her certificate was renewed on May 20, 2010.

The Board ultimately found the violation as alleged by Board staff.

BOARD HISTORY

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

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. 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.
- b. Respondent currently holds Texas Medical License No. M-0629. Respondent was originally issued this license to practice medicine in Texas on April 8, 2005. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of child and adolescent psychiatry. Respondent is board-certified by the American Board of Psychiatry & Neurology
- d. Respondent is 38 years of age.

2. Specific Board Findings:

- a. The Respondent's DPS Controlled Substance Registration expired on January 31, 2010. Respondent was unaware that her DPS registration had expired, and continued to write prescriptions for controlled substances.
- b. Respondent wrote approximately 150 Schedule II-V controlled drug prescriptions while her DPS registration was expired.
- c. Respondent renewed her DPS registration on May 20, 2010.

3. Mitigating Factors

In determining the appropriate sanctions in this matter, the Board considered the following mitigating factors:

- a. During the time of renewal, Respondent was preoccupied with personal events.
- b. When informed that her DPS registration had expired, Respondent immediately stopped writing prescriptions and began the renewal process.

- c. Respondent has changed her method of keeping up with her certificates, most of which expire at different times, and are granted for different periods of time.
- d. 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)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable manner consistent with public health and welfare, as further defined by Board Rule 190.8(1)(C), failure to use proper diligence in one's professional practice.
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.
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. Respondent shall pay an administrative penalty in the amount of \$500 within 60 days of 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 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.

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. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

4. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of 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. 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).

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, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

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 Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph No. 1.

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, CINI ABRAHAM, 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 11, 2011

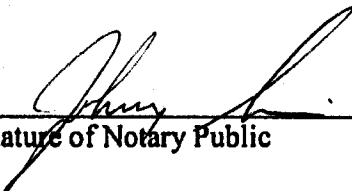


CINI ABRAHAM, M.D.
Respondent

STATE OF Tx
COUNTY OF Rockwall

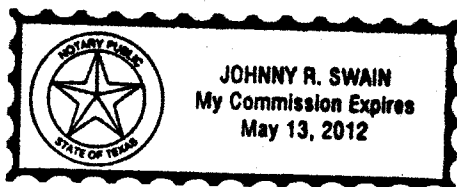
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 11 day of January, 2011.



Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
4TH day of FEBRUARY, 2011.

Michael M. Michael MD for
Irvin E. Zeitler, Jr., D.O., President
Texas Medical Board