

LICENSE NO. L-9602

IN THE MATTER OF
THE LICENSE OF
RHONDA LEE ANDERSON, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 3RD day of JUNE, 2011, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Rhonda Lee Anderson, M.D. (Respondent).

On March 3, 2011, Respondent appeared in person, with counsel Dan Ballard, 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 Scott Holliday D.O. and John Ellis, J.D., members of the Board (Panel). Claudia Kirk represented Board staff.

BOARD CHARGES

Respondent nontherapeutically prescribed narcotics to one patient (Patient), an admitted drug abuser. Specifically, Respondent over-prescribed medications and failed to obtain a prior treatment history on the Patient, failed to follow-up with drug screens, and failed to maintain adequate medical records, including documentation regarding dosage changes.

BOARD HISTORY

Respondent has not received a prior disciplinary order from 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. L-9602. Respondent was originally issued this license to practice medicine in Texas on October 8, 2004. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of Psychiatry. Respondent is not board certified.
- d. Respondent is 47 years old.

2. Specific Panel Findings:

- a. Respondent's practice is focused on treating opioid dependence.
- b. The Patient, and active soldier in the Army, first saw Respondent on July 15, 2007, five days after a Ft. Hood pharmacy requested that he return unused Oxycontin prior to issuing new supplies of Fentanyl. The Patient had taken the whole amount of Oxycontin, so there was nothing to return.
- c. The Patient complained of tolerance to several narcotics and may have obtained narcotics from illegal sources.
- d. In addition to receiving Suboxone, which was later replace with Methadone, from Respondent, unbeknownst to Respondent the Patient was also getting medication from Darnell Army Medical Center for pain including: Fentanyl, Tramadol, Oxycodone, Clonazepam, and Alprazolam. The Patient had signed "sole provider contracts" with the army hospital.

- e. The Patient was found dead in the barracks on September 28, 2008. Army investigation report concluded that he died due to lethal ingestion of a lethal amount of Methadone. The autopsy showed Methadone present at 1 mg per liter.
 - f. Respondent did not utilize either a pain contract or random drug screening to monitor the Patient's compliance with the treatment plan or to ensure that the prescription directions were being followed.
 - g. Respondent also did not seek prior medical records due to the Patient's request. The Patient did not want the Army to know he was addicted to opioids.
 - h. Respondent did not maintain adequate medical records.
3. Mitigating Factors:
- a. Respondent treats a very difficult patient population and sincerely tries to treat opioid dependency in a compassionate manner.
 - b. Respondent does not usually treat pain patients with narcotics.
 - c. 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 Board rule, specifically Board Rules 165.1, which requires the maintenance of adequate medical records, and 170.3, failure to safeguard against potential complications.
- 3. 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 professional

manner consistent with public health and welfare, as further defined by Board Rule(s); 190.8(1)(C), failure to use proper diligence in one's professional practice, and 190.8(1)(D), failure to safeguard against potential complications.

4. 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.

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

6. 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 from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least 16 hours of continuing medical education (CME) approved for Category I credits by the American Medical Association in the topics of medical record keeping, for a minimum of eight (8) hours, and identifying drug-seeking behavior, for a minimum of eight (8) hours. The courses must be approved in writing in advance by the Compliance Division of the Board. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of 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 submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

2. Respondent shall pay an administrative penalty in the amount of \$1,000 within 60 days following 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.

3. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.
4. 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.
5. 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).
6. 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.
7. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

8. 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 Nos. 1 and 2.

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.

[SIGNATURE PAGE(S) FOLLOW]

I, RHONDA LEE ANDERSON, 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: May 11th, 2011.

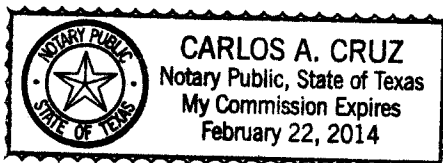
Rhonda Lee Anderson, M.D.
Rhonda Lee Anderson, M.D.
Respondent

STATE OF TEXAS §
COUNTY OF TRAVIS §
§

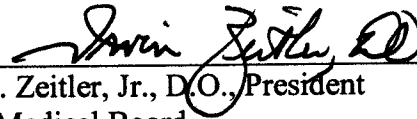
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 11th day of May, 2011.

[Signature]
Signature of Notary Public

(Notary Seal)



3RD SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
day of JUNE, 2011.



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