

LICENSE NO. H-2862

IN THE MATTER OF
THE LICENSE OF
ANTHONY FRANCIS VALDEZ, M.D.

SEP 11 11 48 AM '11

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER OF VOLUNTARY REVOCATION

On the 26 day of August, 2011, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Anthony Francis Valdez, M.D. (Respondent).

On May 26, 2011, Respondent did not appear in person, or by and through his counsel of record, at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. The Board's representatives were Allan Shulkin, M.D., a member of the Board, and Nancy Seliger, a member of a District Review Committee. Joseph M. Tabaracci represented Board staff.

With the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order of Voluntary Revocation.

FINDINGS

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 ("Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. H-2862. Respondent was originally issued this license to practice medicine in Texas on December 1, 1987. Respondent is not licensed to practice in another state.
3. Respondent is primarily engaged in the practice of pain management. Respondent is not board certified.
4. Respondent is 57 years of age.

5. Respondent has a prior disciplinary history with the Board as follows:
- (a) On August 28, 1998, the Board and Respondent entered into an Agreed Order assessing a \$500 administrative penalty for failure to adequately document medication and treatment information for one patient to whom he prescribed controlled substances for pain management.
 - (b) On November 30, 2007, the Board and Respondent entered into an Administrative Agreed Order assessing a \$1000 administrative penalty for misleading advertising related to advertising a board certification that was not recognized by the Board.
 - (c) On December 16, 2010, the Board filed its Second Amended Complaint at the State Office of Administrative Hearings ("SOAH"), subsequent to previously filing its Complaint and First Amended Complaint. Regarding eleven patients, the Board has alleged: failure to document medical and billing records for prescribing and treatment; non-therapeutic prescribing of controlled substances and treatments; failing properly bill for treatments; failure to establish a proper doctor-patient relationship; failure to supervise persons to whom he delegated medical procedures; and failure to cooperate with the Board. The SOAH case is currently pending.

6. On or about April 20, 2011, Respondent was indicted on federal charges of health care fraud, and engaging in unlawful activity and using the proceeds in transactions affecting interstate or foreign commerce.

7. On or about July 1, 2011, after a jury trial in federal court, Respondent was found guilty on all charges of health care fraud, and engaging in unlawful activity and using the proceeds in transactions affecting interstate or foreign commerce.

8. Respondent has cooperated in the investigation of the allegations related to this Agreed Order of Voluntary Revocation. Respondent's cooperation, through consent to this Agreed Order of Voluntary Revocation, 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 of Voluntary Revocation and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.053(a) of the Act authorizes the Board to take disciplinary action against a physician for violation of state or federal law if the act is connected with the physician's practice of medicine.
3. Section 164.057(b) of the Act requires the Board to revoke Respondent's medical license based on Respondent's final conviction of a felony.
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

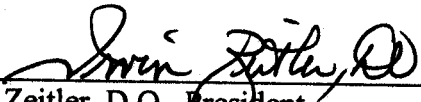
Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent's Texas Medical License No. H-2862 is hereby REVOKED.

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 OF VOLUNTARY REVOCATION. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

(Signature Pages Follow)

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
26 day of August, 2011.



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