LICENSE NO. P-3715

IN THE MATTER OF	BEFORE THE DISCIPLINARY
THE LICENSE OF	PANEL OF THE
ABBIE EWELL, M.D.	TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITHOUT NOTICE OF HEARING)

On June 2, 2015, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of Margaret McNeese, M.D., Paulette B. Southard and Frank Denton, members of the Board duly in session, the matter of the Application for Temporary Suspension (WITHOUT NOTICE OF HEARING) of the license of Abbie Ewell, M.D. (Respondent). Hugh Spires represented Board staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension (WITHOUT NOTICE OF HEARING):

FINDINGS OF FACT

4. 1. Respondent is a physician who practices primarily in the field of psychiatry. Respondent is not board certified. At the time of the events stated herein, Respondent practiced in Dallas, Texas.

5. On May 6, 2015, the Board received an emergency referral from the Texas Physician Health Program (TXPHP) based on Respondent's self-report of being unsafe to practice due to recent relapse of a mental or physical condition.

6. At the time of the referral there was an active investigation based on allegations that Respondent assaulted and caused bodily injury to a nurse.

7. In January 2015 Respondent entered a new TXPHP agreement for five years that authorized her to return to practice. Between March and May 2015 Respondent relapsed.

8. On May 1, 2015, Respondent was taken into custody by the police for walking the streets at night and acting erratic.

9. On or about March 31, 2015, Respondent was arrested for assaulting a nurse while receiving treatment at the emergency room.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the Disciplinary Panel to temporarily suspend or restrict the medical license of Respondent if the Disciplinary Panel determines from evidence presented to it that the Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

2. Section 164.059(c) of the Act authorizes the Disciplinary Panel to temporarily suspend or restrict the license of the Respondent in a proceeding without notice, if (1) the Board immediately provides notice of the suspension or restriction to the license holder, and (2) a hearing on the temporary suspension or restriction before a disciplinary panel of the Board is scheduled for the earliest possible date after 10 days' notice of hearing.

3. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent violated various sections of the Act, specifically the following:

a. Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on the inability to practice medicine with reasonable skill and safety to patients because of illness, excessive use of drugs, or as a result of any mental or physical condition.

b. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under Section 164.052 of the Act.

c. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public, and further defined by Board Rule 190.8(2)(R), commission of a violation of federal and state laws whether or not there is a complaint, indictment, or conviction. The actions alleged would constitute a violation of the Texas Penal Code, Section 22.01(a)(1).

4. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

1. Respondent's Texas Medical License No. P-3715 is hereby TEMPORARILY SUSPENDED.

2. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) is effective on the date rendered.

3. Notice of this Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall be given immediately to Respondent.

4. A hearing on the Application for Temporary Suspension (WITH NOTICE OF HEARING) is to be scheduled before a Disciplinary Panel of the Board at a date to be determined as soon as practicable, at the offices of the Board unless such hearing is specifically waived by Respondent.

5. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (WITH NOTICE OF HEARING) is conducted and a Disciplinary Panel enters an order or until superseded by a subsequent Order of the Board.

Signed and entered this June 2, , 2015.

Margaret McNeese, M.D.
Chair, Disciplinary Panel
Texas Medical Board