

LICENSE NO. Q4829

IN THE MATTER OF  
THE LICENSE OF  
MARLON P. QUINONES, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 8 day of December, 2017, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Marlon P. Quinones, M.D. (Respondent).

On September 20, 2017, Respondent failed to appear, 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 Frank Denton, a member of the Board, and Richard K. Newman, M.D., a member of a District Review Committee (Panel). Claudia Kirk represented Board staff.

BOARD CHARGES

The Board charged that Respondent voluntarily surrendered his privileges at Laurel Ridge Treatment Center, in San Antonio, TX, while an investigation was pending. Additionally, Respondent failed to cooperate with Board Staff's request for information in regard to the investigation for this case.

BOARD HISTORY

Respondent has previously received a Remedial Plan from the Board. On June 12, 2015, the Board entered a Remedial Plan due to Respondent's failure to report action taken during his faculty appointment on his licensure application. The Remedial Plan required Respondent to complete continuing medical education (CME) in ethics. The Remedial Plan terminated on February 9, 2016.

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. Q4829. Respondent was originally issued this license to practice medicine in Texas on June 12, 2015. 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 40 years of age.

2. Specific Panel Findings:

a. Disciplinary Action:

- i. In February of 2016, the Laurel Ridge Treatment Center (LRTC) placed Respondent on a focused professional practice evaluation for 90 days relating to Respondent not timely completing psychiatric and mental health evaluations in the fourth quarter of 2015.
- ii. In May 2016, LRTC extended Respondent's evaluation period for three more months due to his failure to accomplish the objective of the focused professional practice evaluation.
- iii. In June 2016, LRTC stated that Respondent's procedure charts for Ketamin treatments could not be found. Additionally, it was alleged he was asking patients to sign documents for these treatments that had not been approved by LRTC.
- iv. In October 2016, LRTC began an investigation relating to these matters.
- v. Due to a change in practice location, this was at a time when the LRTC investigation was pending. Respondent resigned his privileges at LRTC in November 2016.

b. Failure to Cooperate with the Board:

- i. Starting in November 2016, Board staff sent Respondent several requests for information. The requests included a narrative response in regards to the investigation and to fill out a Medical Practice Questionnaire (MPQ).
- ii. To date, Respondent has failed to send in the requested documents and information. Respondent claims he was unaware of the requests.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel found as a mitigating factors:

- a. Once Respondent became aware of the ISC, he hired an attorney, and began cooperating with the Board.
- b. Respondent neither admits nor denies the information given above.
- c. 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, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent committing an act prohibited under Section 164.052.
3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of Board Rule, specifically Board Rule 165.1, failure to maintain an adequate medical record for each patient that is complete, contemporaneous, and legible.
4. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent being removed, suspended, or subject to disciplinary action taken by the person's peers in a local, regional, state, or national professional medical association or society, or is disciplined by a licensed hospital or medical staff of a hospital,

including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the board finds that the action: (A) was based on unprofessional conduct or professional incompetence that was likely to harm the public; and (B) was appropriate and reasonably supported by evidence submitted to the board; and as further defined by Board Rule 190.8(4), further explaining disciplinary action by peer groups in the case of voluntary relinquishment of privileges or a failure to renew privileges.

5. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public, and as further defined by Board Rules: 190.8(2)(B), failing to comply with a board subpoena or request for information or action, and 190.8(2)(D), failing to cooperate with Board staff.

6. 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.

7. 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 shall be subject to the following terms and conditions:

1. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination (JP Exam) given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that

Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

2. 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 or the American Osteopathic Association, divided as follows: eight hours in the topic of medical recordkeeping, and eight hours in the topic of risk management; each approved in writing in advance by the Executive Director or a designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department 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 Department 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.

3. Respondent shall pay an administrative penalty in the amount of \$3,000 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.

4. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

6. 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.

7. 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 45-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).

8. 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.

9. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

10. 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 – 4.

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.

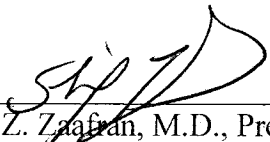
THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**





SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
8 day of December, 2017.

  
\_\_\_\_\_  
Sherif Z. Zafran, M.D., President  
Texas Medical Board