

TEXAS MEDICAL LICENSE NO. M-9268

IN THE MATTER OF  
THE LICENSE OF  
JASON EVANS, M.D.

BEFORE THE DISCIPLINARY PANEL  
OF THE  
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION  
(WITHOUT NOTICE OF HEARING)

On January 25, 2018, at the direction and approval of Sherif Z. Zaafran, M.D., President of the Board, three members of the Texas Medical Board (Board), Frank Denton, Chair, Jeffrey Luna, M.D., and Michael Cokinos were appointed to sit as a Disciplinary Panel (Panel) in this matter, pursuant to §164.059(a) of the Medical Practice Act (the Act) and 22 TEX. ADMIN. CODE §187.56. 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.

FINDINGS OF FACT

1. Respondent is a Texas physician and holds Texas Medical License No. M9268, issued by the Board on April 11, 2008, which was in full force and effect at all times material and relevant to this Order. All jurisdictional requirements have been satisfied.

2. At the direction and approval of Sherif Z. Zaafran, M.D., President of the Board, three members of the Board, Frank Denton, Chair, Jeffrey Luna, M.D., and Michael Cokinos were appointed to sit as a Panel in this matter, pursuant to §164.059(a) of the Act and 22 TEX. ADMIN. CODE §187.56.

3. The Panel convened without Notice, pursuant to §164.059(c) of the Act.

1. Respondent practices in Corpus Christi and Harlingen, Texas. On his public profile, Respondent lists his primary specialty as psychiatry and his current practice of address of record is in Harlingen.

4. From August 2016 through August 2017, the investigator calculated from Respondent's prescribing records that he issued a total of 4906 opioid prescriptions, 1047 benzodiazepines prescriptions, and 4382 of Soma prescriptions. Records from the Texas Board of Pharmacy show that Respondent was prescribing controlled substances, 97% of which were cocktail drugs: 46% opioids, 10% benzodiazepines, and 41% Soma.

5. The patients who are receiving the prescriptions and the pharmacies where prescription are being filled are both located in Houston, although Respondent has previously claimed to live and work in Harlingen and Corpus Christi.

6. Respondent does not hold any pain management clinic registrations with the Texas Medical Board.

7. Due to the number of controlled substances prescribed, the Board Investigative Staff opened an investigation. After several attempts to locate Respondent and a clinic location where patients were being seen, the investigations department has not been able to locate Respondent, a clinic in Houston, or retrieve Respondent's medical records.

8. Due to Respondent's failure to cooperate, the Board has not been able to perform an audit to determine whether Respondent is operating in an illegal pain clinic and/or non-therapeutically prescribing controlled substances.

9. On January 9, 2018, the investigator spoke to an individual listed as the owner of a clinic named in some of Respondent's prescriptions. The individual told the investigator that Respondent's wife found Respondent in the bathroom and he was confused and that Respondent was in the ICU.

10. On January 10, 2018, the investigator spoke to Respondent's wife. Respondent's wife said that Respondent was in the hospital but refused to disclose any more information, including which hospital or for what medical condition.

11. Respondent has continued writing electronic controlled substances prescriptions in January 2018, during his purported hospitalization, including: Oxycodone on January 3, 4, and 5; Promethazine – Codeine Syrup on January 4 and 12; Carisoprodol on January 3, 4, 5, 9; and Alprazolam on January 3, 4, 5, 9, and 10.

12. The volume of prescriptions written or electronically submitted under Respondent's DEA registration requires the Board to investigate, including performing an inspection and audit, to determine if Respondent is in compliance with the Act. Given Respondent's failure to cooperate and reported impaired status and the continuing prescription of controlled substances, Respondent presents a continuing threat to the public.

13. Based on the above Findings of Fact, the Panel finds an imminent peril to the public health, safety, or welfare that requires immediate effect of this Order of Temporary Suspension on the date rendered.

## CONCLUSIONS OF LAW

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

1. Section 164.059 of the Act authorizes the Panel to temporarily suspend or restrict the medical license of Respondent if the 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. Based on the evidence presented and the Findings of Fact set forth herein, the Panel finds that Respondent violated various sections of the Medical Practice Act, specifically:

3. Section 164.059 of the Act authorizes the temporary suspension or restriction of a person's medical license upon a determination by a Disciplinary Panel that the person would, by the person's continuation in practice, constitute a continuing threat to the public welfare.

4. 22 TEX. ADMIN. CODE, Chapter 187, sets forth the Board's Procedural Rules for all Board proceedings. 22 TEX. ADMIN. CODE, Chapter 187, Subchapter F sets forth the Board's Rules regarding temporary suspension proceedings.

5. 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.

6. Section 164.051(a)(4) unable to practice medicine with reasonable skill and safety to patients because of: (A) illness; or (D) a mental or physical condition.

7. 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 Rule 195, operation of a pain management clinic without meeting the requirements of the Act.

8. 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 Rules: 190.8(1)(C), failure to use proper diligence in one's professional practice.

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

10. Section 168.202 of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's failure to comply with Board regulations regarding operation of pain management clinics.

11. 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:

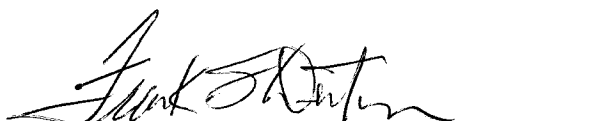
1. Respondent's Texas Medical License No. M-9268 is hereby TEMPORARILY SUSPENDED.

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. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall remain in effect until it is superseded by a subsequent Order of the Board.

Signed and entered this January 25, 2018.



Frank Denton, Chair  
Disciplinary Panel  
Texas Medical Board