

TEXAS MEDICAL LICENSE NO. C-5124

IN THE MATTER OF
THE LICENSE OF
JAMES EARL KIRKHAM, M.D.

BEFORE THE DISCIPLINARY
PANEL OF THE
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITHOUT NOTICE OF HEARING)

On March 13, 2018, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of Sherif Zaafran, M.D., Frank Denton, and Julie K. Atterbury, members of the Board (Panel) duly in session, the matter of the Application for Temporary Suspension (WITHOUT NOTICE OF HEARING) of the license of James Earl Kirkham, M.D. (Respondent). Michelle A. McFaddin 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

1. Respondent is a physician licensed to practice medicine in the State of Texas, License No. C-5124. His license was initially granted by the Board on or around August 20, 1955.
2. Respondent practices in and around Houston, Texas. On his public profile, Respondent lists his primary specialty as Psychiatry and he is Board certified by the American Board of Psychiatry & Neurology. Respondent is also licensed in any other state.
3. Respondent suffers from an impairment that makes him unable to safely practice medicine.
4. In spite of Respondent's impairment, he has continued to prescribe controlled substances that have a risk of abuse and diversion.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Panel concludes as follows::

1. 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.

2. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent violated the Medical Practice Act and the Board Rules adopted thereunder, specifically:

a. Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent for his inability to practice medicine with reasonable skill and safety to patients because of a mental or physical condition.

3. 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. C-5124 is hereby temporarily suspended.

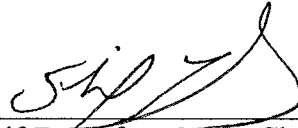
2. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) is effective on the date rendered.

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) will hereby 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 13th day of March, 2018.



Sherif Z. Zaafran, M.D., Chair
Disciplinary Panel
Texas Medical Board