

LICENSE NO. M9268

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

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 19 day of October, 2018, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Jason Evans, M.D. (Respondent).

On July 27, 2018, Respondent appeared in person, with counsel, Rodney Montes, 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 Timothy Webb, J.D., and Jeffrey L. Luna, M.D., members of the Board (Panel). Claudia Kirk represented Board staff.

BOARD CHARGES

The Board charged that Respondent is unable to practice safely due to being impaired and that he failed to meet the standard of care and non-therapeutically prescribed controlled substances to one patient. The Board also charged that Respondent also failed to cooperate with Board Staff's requests for information to investigate this case.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board. On January 25, 2018, Respondent was temporarily suspended without notice, for non-therapeutic prescribing, an impairment, and failure to cooperate with the Board that demonstrated Respondent was posing a continuing threat to the public welfare.

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. M9268. Respondent was originally issued this license to practice medicine in Texas on April 11, 2008. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.
- d. Respondent is 42 years of age.

2. Specific Panel Findings:

- a. In August 2016, Respondent suffered a hypertensive cerebellar bleed. Following the diagnosis and surgery, Respondent began to suffer from severe depression that has continued until the present time.
- b. Since January of 2018, Respondent has been receiving psychiatric treatment for his depression.
  - a. Respondent failed to comply with the Board's initial subpoena's and requests for information. Respondent cooperated and supplied information, including personal medical records, after the initial requests by the Board.
  - c. The evidence in the investigation showed that Respondent did not treat or non-therapeutically prescribe to the one patient identified in the Board's investigation.
  - d. Respondent pre-signed blank prescriptions and provided them to a non-physician owner of the clinic he was directing at the time.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. Respondent has cooperated in the investigation of the allegations related to this Agreed Order.
- b. Respondent was candid and admitted to violations at the ISC.
- c. Respondent implemented remedial measure by surrendering his DEA certificate of registration upon evidence of unauthorized prescribing under his DEA registration number.
- d. Respondent neither admits nor denies the information given above. 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)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety to patients because of: (A) illness; and (D) a mental or physical condition.
3. 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 of the Act, 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.
4. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent Commits an act that violates any state or federal law if the act is connected with the physician's practice of medicine, specifically, THSC §481.129(c), related to prescribing controlled substances without a valid medical purpose.

5. 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.

6. 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. Respondent's Texas license is hereby SUSPENDED for one year from the date of the entry of this Order. After the passage of the one-year period. Respondent may request in writing to have the suspension stayed or lifted, and personally appear before the Board to provide clear and convincing evidence and information which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice medicine. Upon presentation of clear and convincing evidence to the Board that Respondent is able to safely practice medicine, the suspension of Respondent's license may be stayed and Respondent may be placed on probation under such terms and conditions which the Board in its discretion determines are necessary to adequately protect the public.

2. 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 in Texas 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.

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

4. 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.

5. 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).

6. 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.

7. Respondent shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

8. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

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.

THIS ORDER SUPERSEDES ALL PRIOR ORDERS OF THE BOARD

**(SIGNATURE PAGES FOLLOW)**

I, JASON EVANS, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: September 10<sup>th</sup>, 2018.

Jason Evans M.D.  
Jason Evans, M.D.  
Respondent


STATE OF Florida  
COUNTY OF Palm beach

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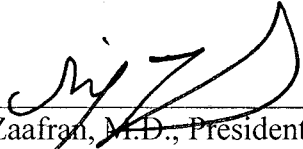
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 10 day of September, 2018.

Alex Garrido  
Signature of Notary Public

(Notary Seal)

 Alex Garrido  
Notary Public  
State of Florida  
My Commission Expires 05/21/2022  
Commission No. GG 220551

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
19 day of October, 2018.

  
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Sherif Z. Zaafran, M.D., President  
Texas Medical Board