

LICENSE NO. G-0608

IN THE MATTER OF
THE LICENSE OF
JOSE CARRANZA, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 18 day of October, 2019, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Jose Carranza, M.D. (Respondent).

On September 17, 2019, Respondent appeared telephonically, without counsel, 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 Melissa Tonn, M.D., and James Dickerson, both members of a District Review Committee (Panel). Samer Shobassy represented Board staff.

BOARD CHARGES

Board staff charged Respondent with unprofessional conduct after it was discovered Respondent extensively prescribed controlled substances to a family member for years without establishing a physician-patient relationship and without maintaining a medical record.

BOARD HISTORY

Respondent has not previously received a disciplinary order or Remedial Plan from the Board.

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. G-0608. Respondent was originally issued this license to practice medicine in Texas on June 15, 1981. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of General Medicine. Respondent is not board certified.
- d. Respondent is 82 years of age.

2. Specific Panel Findings:

- a. Respondent prescribed controlled substances to an out-of-state family member with long history of mental illness.
- b. Respondent conceded he did not keep medical records documenting his treatment and prescribing to the family member, and admitted he should not have prescribed without keeping adequate records.
- c. Respondent admitted he was not monitoring the family member's compliance and usage of the prescribed medication, nor its efficacy.

3. Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
 - i. Respondent's family member had a long history of severe mental illness which required frequent hospitalizations and was generally non-compliant with follow-up care upon discharge.
 - ii. Respondent has a long history of practice without incident and had no prior Board history.
 - iii. Respondent admitted he had learned from the situation and vowed to not prescribe to family again.

- iv. Respondent has cooperated in the investigation of the allegations related to this Agreed Order.
- v. Respondent neither admits nor denies the information given above.
- vi. 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 107.052 of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent prescribing a dangerous drug or controlled substance for a purpose that is not a legitimate medical purpose as defined by the Board and prescribing to a known user.
3. 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.
4. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under this Act, specifically Board Rule 165.1(a), failure to maintain an adequate medical record.
5. 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 defined by Board Rules: 190.8(1)(C), failure to use proper diligence in one's professional practice; 190.8(1)(D), failure to safeguard against potential complications; and 190.8(1)(M), inappropriate prescription of dangerous drugs or controlled substances to oneself, family members, or others in which there is a close personal relationship.
6. 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 further

defined by Board Rule 190.8(2)(R), commission of a federal and state law whether or not there is a complaint, indictment, or conviction, particularly any misdemeanor involving moral turpitude.

7. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against a Respondent based on Respondent's commission of an act that violates any state or federal law if the act is connected with the physician's practice of medicine, particularly Texas Health and Safety Code (THSC) Sections 481.071(a), relating to prescribing controlled substances without a valid medical purpose, and 481.129(c), relating to prescribing controlled substances without a valid medical purpose, and controlled substance regulations under 37 TAC §§13.201 – 13.209.

8. Section 164.053(a)(3) of the Act authorizes the Board to take disciplinary action against a Respondent based on Respondent's writing prescriptions for or dispensing to a person who the physician knew or should have known was an abuser of narcotic drugs, controlled substances, or dangerous drugs.

9. Section 164.053(a)(4) of the Act authorizes the Board to take disciplinary action against a Respondent based on Respondent's writing false or fictitious prescriptions for: (A) dangerous drugs as defined by THSC Chapter 483; or (B) controlled substances scheduled in THSC Chapter 481, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §801 et seq.).

10. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against a Respondent based on Respondent's prescribing or administering a drug or treatment that is non-therapeutic in nature or non-therapeutic in the manner the drug or treatment is administered or prescribed.

11. Section 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against a Respondent based on Respondent's prescribing, administering, or dispensing in a manner inconsistent with public health and welfare dangerous drugs as defined by THSC Chapter 483; or controlled substances scheduled in THSC Chapter 481, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. § 801 et seq.).

12. 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.

13. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

14. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

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 shall not possess, administer, dispense, or prescribe any controlled substances or dangerous drugs with addictive potential or potential for abuse, except as is medically necessary for treatment of inpatients in a hospital setting where Respondent has privileges or practices medicine.

2. Respondent shall not treat or otherwise serve as a physician for Respondent's immediate family, and Respondent shall not prescribe, dispense, administer or authorize controlled substances or dangerous drugs with addictive potential or potential for abuse to Respondent or Respondent's immediate family. Respondent may self-administer or administer to Respondent's immediate family only such drugs as prescribed by another physician for legitimate medical purposes and in compliance with the orders and directions of such physician.

3. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least four hours of continuing medical education (CME) in the topic of risk management, approved for Category I credits by the American Medical Association or American Osteopathic Association and approved in writing in advance by the Executive Director or an authorized 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.

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. Pursuant to Board rule 189.15, the time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) this Order is stayed or enjoined by Court Order; or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. Tolling shall be in accordance with Board Rule 189.15.

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

7. 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.

8. 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).

9. 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.

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

11. 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.

(SIGNATURE PAGES FOLLOW)

I, JOSE CARRANZA, 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: October 10, 2019.

Jose Carranza MD
JOSE CARRANZA, M.D.
Respondent

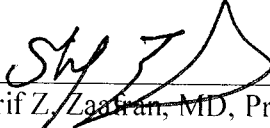
STATE OF Texas §
COUNTY OF Harris §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 10 day of October, 2019.

[Signature]
Signature of Notary Public

(Notary Seal)

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
18 day of October, 2019.



Sherif Z. Zafran, MD, President
Texas Medical Board