

IN THE MATTER OF

THEODORE PAIT, M.D.

BEFORE A DISCIPLINARY PANEL

OF

THE TEXAS MEDICAL BOARD

AGREED ORDER OF CEASE AND DESIST

On the 18 day of October, 2019, this matter came on to be heard before the Texas Medical Board (the Board). Theodore Pait, M.D. ("Respondent") did not appear for a hearing, has waived any right to a Cease and Desist hearing and agrees with the entry of this Order. Upon the recommendation of the Board's Staff and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law and all jurisdictional requirements have been satisfied.
2. At the time of the events discussed herein, Respondent was not licensed to practice medicine as a physician in the State of Texas.
3. Respondent was previously licensed in the State of Texas. He was issued License No. G-1740 on February 20, 1982. This license was canceled at Respondent's request on February 1, 1994.
4. Respondent currently holds active medical licenses in Georgia, California and Florida.
5. Respondent reports having retired from the practice of medicine in January 2019 due to personal health issues.
6. Respondent engaged in the unlicensed practice of medicine in the state of Texas when he prescribed stem cell treatment for a Texas patient when he was not licensed in the state. Specifically, on or about November 30, 2018, Respondent issued a telehealth order for the intravenous infusion of stem cells and use of a topical solution containing stem cells (i.e. *six consecutive injections of "Stem Cell 2cc IV," once every six months for 36 months and*

administration of "Stem Cell 0.5 cc of a topically in the wound area" following each injection) for an eleven-year-old patient whom he had evaluated via video chat.

7. Respondent billed the patient and received compensation for the medical services provided.

8. At the time Respondent evaluated the patient, created a treatment plan, prescribed stem cell substances and billed for medical services, the patient was a resident of Texas and Respondent was a resident of California. The written prescription (or "telehealth order") bore a Newport Beach address and referenced California Medical License C-51394.

9. Respondent's conduct, as described above, shows that Respondent has engaged in the unauthorized practice of medicine in Texas without a valid Texas Medical License.

I. LEGAL AUTHORITY

1. Section 165.052(a) of the Act authorizes the Board to issue a Cease and Desist Order prohibiting a person from engaging in any activity in violation of the Act.

2. Section 155.001 of the Act prohibits Respondent from practicing medicine in the State of Texas unless the person holds a license issued under this subtitle.

3. Section 151.002(A)(12) of the Act defines a physician as a person licensed to practice medicine in this state.

4. Section 151.002(A)(13) of the Act defines "practicing medicine" as the diagnosis treatment, or offer to treat a mental or physical disease or disorder or a physical deformity or injury by any system or method, or the attempt to effect cures of those conditions, by a person who: (A) publicly professes to be a physician or surgeon; or (B) directly or indirectly charges money or other compensation for those services.

5. Section 165.101 of the Act provides that a violation or attempted violation of an Order under Section 165.052(a) constitutes grounds for imposing a fine of \$1,000 for each violation, and each date a violation continues constitutes a separate violation.

6. Section 165.052(b) of the Act provides that a violation of an Order under Section 165.052(a) constitutes grounds for imposing an administrative penalty under TEX. OCC. CODE, Title 3, Subtitle B, Chapter 165, Subchapter A, which allows for an administrative penalty of up to \$5,000 for each violation to be assessed, and each day of a violation continues constitutes a separate violation.

7. 22 Tex. Admin. Code § 187.84 authorizes the Board to impose an administrative penalty for violation of a cease and desist order, or refer the matter to the Attorney General to institute action for: an injunction against violation of the order; any administrative penalty assessed by the Board; a civil penalty in accord with Section 165.101 of the Act; expenses in accord with Section 165.103 of the Act; and any other remedy provided by law.

ORDER

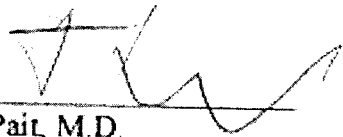
Based on the findings of fact and conclusions of law, the Board ORDERS the following:

1. Respondent immediately cease with the practice of medicine.
2. Respondent shall not engage in the practice of medicine in Texas, which includes, but is not limited to, providing stem cell treatment in Texas or to Texas patients.
3. Any violation of this Order constitutes grounds for imposing an administrative penalty of up to \$5,000 and a civil penalty of up to \$1,000 for each violation and/or for each day of a continuing violation of the Medical Practice Act.

THIS ORDER IS A PUBLIC RECORD.

I, THEODORE PAIT, M.D., RESPONDENT, WAIVE THE RIGHT TO A HEARING PURSUANT TO THEACT, §165.052 AND 22 TEX. ADMIN. CODE, CHAPTER 198, AND ALL RIGHTS PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT, TEX. GOV'T CODE, CHAPTER 2001, INCLUDING THE RIGHT TO NOTICE AND HEARING, AND TO ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO THIS ORDER. RESPONDENT AGREES TO THE ENTRY OF THIS ORDER AND AGREES THAT THIS IS A FINAL ORDER.

I, THEODORE PAIT, M.D., HAVE READ AND UNDERSTAND THIS ORDER. MY SIGNATURE BELOW IS VOLUNTARY. THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I HAVE SIGNED THIS ORDER ON THE 15 DAY OF AUGUST, 2019.



Theodore Pait, M.D.
Respondent

STATE OF _____

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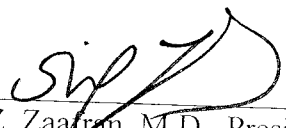
COUNTY OF _____

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

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, M.D., President
Texas Medical Board