

LICENSE NO. N-7224

IN THE MATTER OF
THE LICENSE OF
EMAD MIKHAIL TEWFIK BISHAI, M.D.

BEFORE THE DISCIPLINARY
PANEL OF THE
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITHOUT NOTICE OF HEARING)

On November 18, 2019, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of Chair Manuel “Manny” Quinones, Jr. M.D., Robert Gracia, and Sharon Barnes, members of the Board duly in session, the matter of the Application for Temporary Suspension or Restriction (Without Notice of Hearing) of the license of Emad Mikhail Tewfik Bishai, M.D.(Respondent). Samer Shobassy 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 who is primarily engaged in Neurology and Psychiatry, and secondarily in Pain Medicine. Respondent is board certified by the American Board of Psychiatry & Neurology/Pain Medicine.

2. On November 4, 2019, Affidavits for Warrants of Arrest were issued in Montgomery County, Texas, against Respondent related to four felony counts of prescribing controlled substances for other than medical purposes, and five felony counts of practicing medicine in violation of the Medical Practices Act.

3. The felony charges were related to the deaths of four patients to whom Respondent or his delegates provided prescriptions for narcotics, the causes of death being attributed as combined sedative/toxic effects of controlled substances.

4. An expert retained by the Montgomery County District Attorney’s Office, reviewed medical records for each patient and found significant red flags in Respondent’s medical records which suggested non-therapeutic prescribing.

5. Evidence based on the above Findings of Fact, the Panel, including at least one physician licensed to practice medicine in this state, finds that Respondent is a continuing threat to the public welfare.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Panel concludes the following:

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 following Sections of the Act:

a. 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 by §164.052 of the Act.

b. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent for violating provisions of the Act or Board Rules; specifically, Board Rule 165.1(a), failure to create and maintain an adequate medical record; and 170.3, failure to adhere to those established guidelines and requirements for the treatment of chronic pain.

c. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent for failing to practice medicine in an acceptable professional manner, as more specifically defined by the following Board Rule 190.8(1)(C), failure to use proper diligence in one's professional practice.

d. Section 164.052(a)(5) of the Act authorized the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public, and further defined by Board Rules 190.8(2)(J), providing medically unnecessary services to a patient; and 190.8(2)(R), commission of the following violations of federal and state laws whether or not there is a complaint, indictment, or conviction: any felony, and any criminal violation of the Medical Practice Act or other statutes regulating or pertaining to the practice of medicine, to wit: Texas Health and Safety Code

§481.129(c), related to prescribing controlled substances without a valid medical purpose.

- e. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for committing an act that violates any state or federal law if the act is connected with the physician's practice of medicine; specifically, §481.129(c)(1) of the Texas Health and Safety Code, prescribing controlled substances without a valid medical purpose; and 481.071(a) of the Texas Health and Safety Code, prescribing controlled substances without a valid medical purpose.
 - f. Section 164.053(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent for writing prescriptions for or dispensing to a person who the physician knows or should have known was an abuser of the narcotic drugs, controlled substances, or dangerous drugs.
 - g. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for prescribing or administering a drug or treatment that is non-therapeutic.
 - h. Section 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent for prescribing, administering, or dispensing in a manner inconsistent with public health and welfare dangerous drugs as defined in Chapter 483, Texas Health and Safety Code, or controlled substances scheduled in Chapter 481, Texas Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §§801 et seq.).
4. 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. N-7224 is hereby TEMPORARILY SUSPENDED.

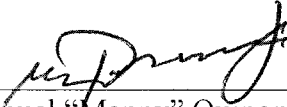
2. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) is effective on the date rendered.

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 on November 18, 2019.


Manuel "Manny" Quinones, Jr. M.D., Chair
Disciplinary Panel
Texas Medical Board