

LICENSE NO. G-9499

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

ARNOLD WALTER MECH, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 5 day of March, 2021, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Arnold Walter Mech, M.D. (Respondent).

On June 5, 2020, Respondent appeared by telephone, with counsel Megan Nguyen, 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 Jeffrey L. Luna, M.D., a member of the Board, and Annette Raggette, a member of a District Review Committee (Panel). Samer Shobassy represented Board staff.

BOARD CHARGES

Board staff charged Respondent with committing unprofessional conduct as a result of violation of the terms of his August 2019 Agreed Order. Specifically, Respondent violated Ordering Paragraphs Nos. 2 and 11 of the 2019 Order when Respondent failed to timely provide medical records to patients.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board.

On August 27, 2008, the Board entered an Agreed Order requiring Respondent to be subject to a Board chart monitor's quarterly review of medical records for five years; to obtain on an annual basis 20 hours of continuing medical education (CME) in child and adolescent psychopathology (10 hours) and child and adolescent psychopharmacology (10 hours); to obtain annually for the first two years 10 hours of CME in medical record-keeping; and to pay an administrative fee of \$2,500. The Order was based on Respondent's use of psychotropic

medication, some in high doses, in the treatment of a child. In addition, Respondent failed to document adequately in the patient's medical records.

On August 26, 2011, the Board entered an Agreed Order requiring Respondent pay an administrative fee of \$2,000 within 60 days. The Order was based on Respondent prescribing controlled substances after his DPS controlled substances registration expired.

On August 31, 2012, the Board entered a Modified Agreed Order modifying the 2008 Order to terminate the chart-monitoring requirement and requiring Respondent to complete within one year four hours of CME in risk management and four hours in medical record-keeping, based on Respondent's compliance with the 2008 Order except for his lacking three hours of required CME.

On August 16, 2019, the Board entered an Agreed Order publicly reprimanding Respondent and imposing the following terms and conditions: requiring that Respondent provide copies of all medical records to patients cited in the investigation within 25 business days of entry of the order; requiring that he provide documentation, including proof of timely delivery of those records; requiring that he complete the PACE practice management course, or a pre-approved equivalent course, within one year; requiring that he pass the medical jurisprudence examination within one year; requiring that he complete 24 hours of pre-approved CME, 12 hours each in ethics and in risk management, within one year; requiring that he pay an administrative penalty of \$3,000, within one year; and requiring that he give a copy of the order to all healthcare entities where privileged or practicing and provide proof of delivery within 30 days. The action was based upon failure to timely respond to Board requests for information and records, failure to timely update his address with the Board, failure to provide timely notice of office relocation to patients, and violation of the standard of care by failing to provide a diagnostic report to a patient.

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-9499. Respondent was originally issued this license to practice medicine in Texas on February 22, 1986. 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 66 years of age.

2. Specific Panel Findings:

- a. The Panel found Respondent waited too long to begin the process of complying with the 2019 Order, which had a 25-business day deadline to provide outstanding medical records to patients at issue.
- b. For one patient seeking medical records, Respondent still had not complied 10 months after the 2019 Order was entered.
- c. The Panel found that Respondent had an inadequate justification for such delayed compliance.

3. Aggravating Factors:

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

- a. Respondent has an extensive disciplinary history with the Board.

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)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent committing an act prohibited under Section 164.052.
3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board Rule, specifically 189.3(a), a Respondent must comply with all terms and conditions of his or her order or remedial plan.
4. 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 Rule 190.8(2)(A), failure to comply with a Board order.
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. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.
2. Respondent shall pay an additional administrative penalty in the amount of \$3,000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

3. 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.

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

5. 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.

6. Respondent shall inform the Board in writing of any change of Respondent's practice or mailing address within 10 days of the address change. This information shall be submitted to the Registrations 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 with this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent agrees that any proceeding related to this Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

7. 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.

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

9. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 2 & 3.

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, ARNOLD WALTER MECH, 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: _____, 2020.



ARNOLD WALTER MECH, M.D.,
Respondent

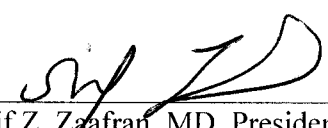
STATE OF _____ §
 §
COUNTY OF _____ §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
_____ day of _____, 2020.

Signature of Notary Public

(Notary Seal)

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
5 day of March, 2021.



Sherif Z. Zafrani, MD, President
Texas Medical Board