

TEXAS MEDICAL BOARD LICENSE NO. N0088

IN THE MATTER OF

THE LICENSE OF

DAVID LIVINGSTONE HENDERSON, M.D.

BEFORE THE DISCIPLINARY

PANEL OF THE

TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITH NOTICE OF HEARING)

On July 11, 2022, at the direction and approval of the President of the Texas Medical Board, Sherif Z. Zaafran, M.D., three members, Sherif Z. Zaafran, M.D., LuAnn Morgan, and Robert Gracia, were appointed to sit as a Disciplinary Panel (Panel) in this matter, pursuant to §164.059(a) of the Medical Practice Act (Act) and 22 Tex. Admin. Code Chapter 187, Subchapter F. David Livingstone Henderson, M.D., (Respondent), did not appear. Preston Tom represented Board staff.

The Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this ORDER OF TEMPORARY SUSPENSION (WITH NOTICE OF HEARING):

FINDINGS OF FACT

1. Respondent is a Texas Physician and holds Texas Medical License No. N0088, issued by the Board on June 27, 2008, which was in full force and effect at all times material and relevant to this Application. All jurisdictional requirements have been met.
2. Board Staff has received information and based on that information believes that Respondent's continuation in practice would constitute a continuing threat to the public welfare.
3. On or about March 28, 2022, Respondent physically assaulted and threatened to kill with a handgun one individual (Individual 1) who was pregnant at the time.
4. Three days later, on or about April 1, 2022, Respondent was arrested after threatening to kill another individual with a handgun. Respondent was arrested at NorthPark Mall wherein a handgun was seized from him. Additionally, an inventory search of his vehicle was

performed after his arrest where law enforcement found a ballistic vest, an AR-15 pistol, a shotgun, and thousands of rounds of ammunition.

5. Respondent is currently impaired and unable to practice medicine in a safe or competent manner.

6. The Board's investigation into Respondent's unprofessional conduct indicate that a civil district court issued a Final Protective Order against Respondent for Individual 1 based on finding that family violence occurred and is likely to occur in the future. The investigation further indicates that Respondent was indicted on two separate charges of Aggravated Assault with a Deadly Weapon as a result of these incidents.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Respondent's conduct, as described above, shows that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare, as defined by §151.002(a)(2) of the Act. Continuing threat means, "[a] real danger to the health of a physician's patients or to the public from acts or omissions of the physician caused through the physician's lack of competence, impaired status, or failure to care adequately for physician's patients."

2. 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.

3. Based on the evidence presented and the Findings of Fact set forth herein, the Panel finds that Respondent violated various sections of the Medical Practice Act, specifically:

- 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 under Section 164.052 of the Act.
- b. 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 mental or physical condition.

- c. 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 further defined by Board Rule 190.8(2)(R), commission of the following violations of federal and state laws whether or not there is a complaint, indictment, or conviction: i) any felony and ii) any offense in which assault or battery, or the attempt of either is an essential element.
4. 22 Tex. Admin. Code Chapter 187 sets forth the Board's procedural rules for all Board proceedings. 22 Tex. Admin. Code, Chapter 187, Subchapter F, sets forth the Board's rules regarding temporary suspension proceedings.
5. Respondent's conduct, as described above, shows that Respondent's continued practice of medicine would constitute a continuing threat to the public welfare, as defined by Section 151.002(a)(2) of the Act.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

1. Respondent's Texas Medical License No. N0088 is hereby TEMPORARILY SUSPENDED.
2. This Order of Temporary Suspension (WITH NOTICE OF HEARING) is effective on the date rendered.
3. This Order of Temporary Suspension (WITH NOTICE OF HEARING) shall remain in effect until it is superseded by an order of the Board.

Signed and entered this 11th day of July, 2022.



Sherif Z. Zaafran, M.D.
Disciplinary Panel
Texas Medical Board