

LICENSE NO. K2359

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

JORGE LUIS MALDONADO, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 3 day of March, 2023, came on to be heard before the Texas Medical Board (Board), duly in session, the matter of the license of Jorge Luis Maldonado, M.D. (Respondent).

On November 9, 2022, Respondent appeared remotely via videoconferencing with counsel, James McClendon, 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 Tomeka Herod, a member of the Board, and Leanne Burnett, M.D., a member of a District Review Committee (Panel). Georgette Oden represented Board Staff and prepared this Order.

BOARD CHARGES

Board Staff charged that Respondent failed to meet the standard of care and appropriately prescribe for one patient. Respondent prescribed psychotropic medications and controlled substances to this patient without appropriate indication and without proper monitoring, and also failed to adequately supervise his delegates with regard to this patient.

BOARD HISTORY

Respondent has previously received a Remedial Plan from the Board. On June 12, 2020, the Board and Respondent entered into a non-disciplinary Remedial Plan that required Respondent to, within one year, complete at least eight hours of continuing medical education (CME), divided as follows: four (4) hours in the topic of record keeping; and four (4) hours in the topic of risk management; and within 60 days to pay an administrative fee of \$500 per year. The action was based on Respondent failing to adequately supervise his nurse practitioner, who prescribed an incorrect dosage of Adderall to a patient, which caused the patient to have to go to the emergency room. On July 30, 2020, the Remedial Plan was terminated due to completion of all requirements.

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, TEX. OCC. CODE ANN. §§151.001 *et seq.* (Vernon Supp. 2021) (Act) or the rules of the Board.
- b. Respondent currently holds Texas Medical License No. K2359. Respondent was originally issued this license to practice medicine in Texas on May 10, 1997. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of Psychiatry and Psychosomatic Medicine. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.

2. Specific Panel Findings:

- a. Respondent failed to maintain and create adequate medical records for this patient; the progress notes specifically lacked clarity and detail.
- b. Respondent's Advanced Practice Registered Nurse (APRN) committed violations of the standard of care by prescribing multiple and overlapping controlled substances concurrently, prescribing four controlled substances at once, and then later five at once, two of which were simultaneous benzodiazepines.
- c. The APRN's prescribing was non-therapeutic and indicated a lack of meaningful supervision on the part of Respondent.
- d. The APRN was the same delegate addressed in the 2020 Remedial Plan, which also addressed a prescribing error made by the APRN and Respondent's supervision.

3. Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
 - i. Respondent did not have prior standard of care violations.
 - ii. Respondent terminated the APRN involved in the patient's care.
 - iii. The 2020 Remedial Plan addressed a similar time period, and Respondent complied with the plan and implemented remedial measures.
 - iv. Respondent neither admits nor denies the information given above. 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 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, Board Rule 165.1, which requires the maintenance of adequate medical records.
3. 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 further defined by Board Rule(s): 190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; 190.8(1)(C), failure to use proper diligence in one's professional practice; and 190.8(1)(D), failure to safeguard against potential complications.

4. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to supervise adequately the activities of those acting under the supervision of the physician.

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. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least twenty (20) hours of continuing medical education (CME) approved for Category I credits by the American Medical Association or the American Osteopathic Association, divided as follows: eight (8) hours of CME on the topic of medical recordkeeping, and twelve (12) hours of CME on the topic of supervision of midlevel providers, each approved in writing in advance by the Executive Director or a 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.

2. 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 in Texas 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 showing that the Order was delivered to all such facilities.

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

4. 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.

5. 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.

6. 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.

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

8.. 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. 1 and 2.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT WITH RESPECT 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, JORGE LUIS MALDONADO, 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: 19, December, 2022.


JORGE LUIS MALDONADO, M.D.
Respondent

STATE OF TEXAS

[illegible]

COUNTY OF Bexar

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
19 day of December, 2022.



Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
3 day of March, 2023.



Sherif Z. Zaafran, M.D., President
Texas Medical Board