

TEXAS MEDICAL BOARD

REMEDIAL PLAN
MICHAEL DAVID LESEM, M.D.
LICENSE NO. F9730

On the 3 day of March 2023 this matter came on to be heard before the Texas Medical Board (Board). On November 8, 2022, Respondent appeared remotely via videoconference technology with counsel, Kerry J. Bloodsaw, J.D. at an Informal Show Compliance Proceeding and Settlement Conference (ISC) held remotely using videoconference technology in response to a letter of invitation from the staff of the Board. This Remedial Plan was offered by Sharon J. Barnes, a member of the Board, and Robert Simonson, D.O., a member of the District Review Committee (Panel). Shane D. Neldner represented Board Staff and prepared this Remedial Plan.

FINDINGS

Respondent failed to appropriately document his medical care, failed to properly check the PMP, and failed to properly monitor his care and treatment for three patients.

Respondent does not admit or deny the Findings and Conclusions of Law contained herein but, rather, has agreed to settle in good faith to avoid the cost, expense, and uncertainty of litigation.

BOARD HISTORY

Respondent has not had a prior Order or Remedial Plan with the Board.

MITIGATING FACTORS

I. Respondent cooperated in the investigation of the allegations that resulted in this Remedial Plan.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and Respondent pursuant to Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (Act).

2. Section 164.051(a)(6) of the Act as further defined by 190.8(1)(C) authorizes the Board to take action against Respondent.

3. Section 164.0015 of the Act authorizes the Board to resolve this matter with a Remedial Plan.

4. Section 164.002(d) of the Act provides that this Remedial Plan is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

REMEDIAL PLAN TERMS

Based on the above, Respondent shall:

1. Within one year from the date of the entry of this Remedial Plan, Respondent shall enroll in and successfully complete at least twelve (12) hours of continuing medical education (CME) approved for Category I credits by the American Medical Association or the American Osteopathic Association, divided as follows: four (4) hours of CME on the topic of medical recordkeeping; four (4) hours of CME on the topic of risk management; and four (4) hours of CME on the topic of appropriate prescribing of controlled substances, 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. The cost of administering the Remedial Plan will be \$500 per year. Payment of this cost is due no later than 60 days after the date of entry of this Remedial Plan. The cost shall be paid by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Executive Director for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund.

3. The terms of this Remedial Plan are not subject to modification or early termination.

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

5. Respondent shall fully cooperate with the 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 Remedial Plan.

6. Any violation of the terms, conditions, or requirements of this Remedial Plan 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. Respondent agrees that any proceeding related to this Remedial Plan may be held in person, by teleconference, or by videoconference at the discretion of the Board.

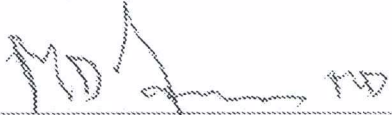
7. This Remedial Plan shall automatically terminate upon Respondent's submission to the Board of evidence deemed to be sufficient by the Compliance Division of the Board that Respondent successfully completed the requirements set forth in the Remedial Plan Paragraph Nos. 1 and 2.

THIS REMEDIAL PLAN IS A PUBLIC RECORD.

THIS REMEDIAL PLAN IS NON-DISCIPLINARY.

(SIGNATURE PAGES FOLLOW)

I, MICHAEL DAVID LESEM, M.D., HAVE READ AND UNDERSTAND THE FOREGOING REMEDIAL PLAN. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS REMEDIAL PLAN IS A FINAL, NON-APPEALABLE AGREEMENT THAT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.



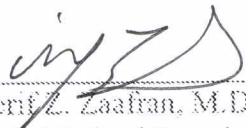
MICHAEL DAVID LESEM, M.D.

Respondent

12/20/12

DATE

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