

LICENSE NO. K2422

IN THE MATTER OF
THE LICENSE OF
LOURDES RAMIREZ BOSQUEZ, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 9 day of June, 2023, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Lourdes Ramirez Bosquez, M.D. (Respondent).

On February 7, 2023, Respondent appeared by videoconference, with counsel James McClendon, J.D., 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 Sharon Barnes and James Distefano, D.O., members of the Board (Panel). Shane D. Neldner represented Board Staff and prepared this Order.

BOARD CHARGES

Respondent has been prescribing opioids for a prolonged period of time, without appropriate indications or monitoring, putting one patient at risk. Respondent has also ignored warnings from family members that Respondent's prescribing has adversely affected the health of the patient.

BOARD HISTORY

Respondent has previously received a non-disciplinary Remedial Plan and been the subject of disciplinary action by the Board as follows:

1. On December 2, 2016, the Board and Respondent entered into a non-disciplinary Remedial Plan that requires Respondent to within one year complete at least 16 hours of continuing medical education (CME), with eight (8) hours in medical record keeping and eight (8) hours in geriatric psychiatric care and prescribing; and within 60 days pay an administrative fee of \$500 per year. The action was based on Respondent failing to meet the standard of care for one patient where her diagnosis of bipolar and schizophrenia disorders were inadequately

supported by the clinical evidence. Further she failed to meet the standard of care by administering a dosage of lorazepam that was too high and increased the elderly patient's likelihood of a fall. Respondent does not admit or deny the findings but agreed to the remedial plan to avoid the cost and uncertainty of litigation. On February 6, 2017, this Remedial Plan terminated due to completion of all requirements.

2. On June 16, 2017, the Board and Respondent, entered into an Agreed Order requiring her to within one year complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) Program; and within 60 days pay an administrative penalty of \$2,000. The action was based on Respondent not maintaining adequate medical records because she failed to record a concise mental status exam and patient history. On July 12, 2017, this Agreed Order 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, Texas Occupations Code (the Act) or the Rules of the Board.
 - b. Respondent currently holds Texas Medical License No. K2422. 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 Child and Adolescent Psychiatry. Respondent is not board certified.

2. Specific Panel Findings:

- a. Respondent failed to meet the standard of care and adequately prescribe opioids for one patient in the management of the patient's reported pain from fibromyalgia.
- b. Respondent's prescription of opioids was not indicated and too high a dosage.
- c. Respondent's documentation failed to include the patient's progress, including response to treatment, change in diagnosis, and patient's non-compliance with treatment. Much of Respondent's clinical documentation fails to meaningfully describe the patient's psychiatric presentation and response to treatment.
- d. Respondent failed to clearly document that she reviewed the Texas Prescription Monitoring Program (PMP) on the visits dated March 17, 2020, May 5, 2020, June 30, 2020, November 18, 2020, March 18, 2021, and December 28, 2021, despite prescriptions for controlled substances being provided on these dates.

3. Mitigating Factors/Aggravating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
 - i. Respondent serves an important function to an underserved and difficult/challenging patient population.
 - ii. Respondent has rehabilitative potential.
 - iii. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. 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.
- b. In determining the appropriate sanctions in this matter, the Panel considered the following aggravating factor:
 - i. Respondent's prior Board history required her to take not only eight (8) hours of CME in medical record keeping in 2016, but also the PACE medical record keeping course in 2017.

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's committing an act prohibited under §164.052 of the Act.
3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of the Act or Board Rules, specifically Board Rules: 165.1(a), failure to maintain an adequate medical record; 170.3, failure to adhere to those established guidelines and requirements for the treatment of pain; and 170.9, failure to check the PMP reports prior and/or each time an opioid and/or benzodiazepine is prescribed.
4. 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 defined by the following Board Rules: 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)(H), failure to disclose reasonable alternative treatments to a proposed procedure or treatment.
5. 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 in §164.053 of the Act, or injure the public.
6. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is non-therapeutic.
7. Section 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing, administering, or dispensing in a manner inconsistent with public health and welfare dangerous drugs as defined by THSC Chapter 483, or controlled substances scheduled in THSC Chapter 481, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §§801 et seq.).

8. 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.

9. 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. Respondent shall be subject to the following terms and conditions for four (4) consecutive monitoring cycles (defined below). Respondent's practice shall be monitored by a physician (monitor), in accordance with §164.001(b)(7) of the Act. The Compliance Division of the Board shall designate the monitor and may change the monitor at any time for any reason. The monitor shall have expertise in a similar specialty area as Respondent. The Compliance Division shall provide a copy of this Order to the monitor, together with other information necessary to assist the monitor.

- a. As requested by the Compliance Division, Respondent shall prepare and provide complete legible copies of selected patient medical and billing records (selected records). The Compliance Division shall select records for at least 30 patients seen by Respondent during each three-month period following the last day of the month of entry of this Order (reporting period). The Compliance Division may select records for more than 30 patients, up to 10 percent of the patients seen during a reporting period. If Respondent fails to see at least 30 patients during any three-month period, the term of this Order shall be extended until Respondent can submit a sufficient number of records for a monitor to review.
- b. The monitor shall perform the following duties:
 - 1) Personally review the selected records;
 - 2) Prepare written reports documenting any perceived deficiencies and any recommendations to improve Respondent's practice of medicine or assist in the ongoing monitoring process. Reports shall be submitted as requested by the Compliance Division; and

- 3) Perform any other duty that the Compliance Division determines will assist the effective monitoring of Respondent's practice.
- c. The Compliance Division shall provide to Respondent a copy of any deficiencies or recommendations submitted by the monitor. Respondent shall implement the recommendations as directed by the Compliance Division. If the chart monitor recommends that Respondent restrict or suspend his or her practice of medicine, Respondent shall be required to personally appear before a panel of Board representatives, upon written request mailed to Respondent's last known address on file with the Board at least 10 calendar days before the requested appearance date. Such appearance shall be for the purpose of consideration of the chart monitor's recommendations of restriction or suspension and held in accordance with 22 TEX. ADMIN. CODE §187.44. Based upon the panel's findings and recommendations, the Board may modify this Order so that Respondent's practice is restricted or suspended, in accordance with the chart monitor's recommendations, or take any other action that may be appropriate to resolve the issues presented.
 - d. The monitor may recommend that Respondent complete a competency evaluation. A monitor's recommendation for a competency evaluation must be reviewed by the Chair of the Disciplinary Process and Review Committee (DPRC) for the purpose of making a determination of whether a competency evaluation is warranted. The Chair may approve or deny the monitor's recommendation. If the Chair approves the recommended competency evaluation, then the following terms shall apply and shall be a requirement of this Order:
 - 1) Within 10 calendar days of being notified by the Compliance Division of the Board that the Chair has approved the monitor's recommendation, Respondent must contact a program approved by the Board and schedule an assessment of at least two days in length to determine Respondent's competence and ability to practice medicine.

- 2) Respondent shall authorize the approved program to send a written report regarding Respondent's performance and results of the competency evaluation directly to the compliance officer.
- 3) Upon completion of the competency evaluation, and based upon its results, Respondent must personally appear before a panel of Board representatives, upon written request mailed to Respondent's last known address on file with the Board at least 10 calendar days before the requested appearance date. The panel may make recommendations for appropriate action, including that Respondent follow all the program recommendations, comply with other necessary re-training or re-education measures, and may impose any other restrictions or suspension of Respondent's practice. Section 187.44 of this title (relating to Probationer Show Compliance Proceedings) applies to such appearances.
- 4) The Board may temporarily restrict or suspend Respondent's license based upon the results of the competency evaluation or Respondent's failure to follow any and all requirements set forth in subsection (c) of this section. Chapter 187, Subchapter F of this title (relating to Temporary Suspension and Restriction Proceedings) applies to such proceedings.
- e. The monitor shall be the agent of the Board, but shall be compensated by the Respondent through the Board. Such compensation and any costs incurred by the monitor shall be paid by Respondent to the Board and remitted by the Board to the monitor. Respondent shall not charge the compensation and costs paid to the monitor to any patients.
- f. A "monitoring cycle" begins when the Compliance Division selects patient records for review, and concludes when Respondent receives the monitor's report for that group of records and has made payment for the costs of that monitoring cycle.

2. Within one (1) year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least 24 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 in the topic of treating psychiatric

patients who have chronic pain/comorbidities, eight (8) hours in the topic of medical record keeping, four (4) hours in the topic of prescribing controlled substances, and four (4) hours in the topic of recognizing drug seeking behavior; 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.

3. Respondent shall pay an administrative penalty in the amount of \$2,000.00 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.

4. 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, that the Order was delivered to all such facilities.

5. Pursuant to Board Rule 189.15, the time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) this Order is stayed or enjoined by Court Order; or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active

practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. Tolling shall be in accordance with Board Rule 189.15. Tolling only applies to OP. #1, chart monitoring.

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

7. 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.

8. 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.

9. 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.

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

11. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing.

The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

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, LOURDES RAMIREZ BOSQUEZ, 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: 5-16-, 2023.

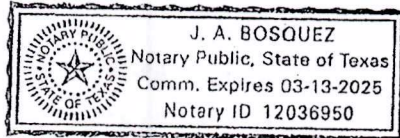
Loude Bosquez MD
LOURDES RAMIREZ BOSQUEZ, M.D.
Respondent

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

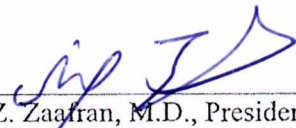
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 16 day of MAY, 2023.

J. A. Bosquez
Signature of Notary Public

(Notary Seal)



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



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