

IN THE MATTER OF  
THE LICENSE OF  
BACHIR DEBBA, M.D.

BEFORE THE  
  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 18<sup>th</sup> day of August, 2023, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Bachir Debba, M.D. (Respondent).

On June 27, 2023, Respondent appeared by videoconference, without counsel, 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 J. Barnes, a member of the Board, and Ivan Rovner, M.D., a member of a District Review Committee (Panel). Cassandra Magee represented Board Staff.

BOARD CHARGES

Board Staff charged that Respondent failed to meet the standard of care and failed to keep adequate medical records for two patients. Both patients were treated for psychiatric issues and suicide attempts. For patient #1, Respondent did not properly assess the patient, adjust her medication, or provide an appropriate treatment plan during her hospital stay. For patient #2, Respondent failed to provide proper assessment and treatment for the patient's psychiatric conditions, including prescribing improper medication. In addition, for both patients, Respondent detained them against their will beyond the initial 48-hour period without an order protective custody.

BOARD HISTORY

Respondent has previously received a Remedial Plan from the Board as follows:

On August 31, 2012, the Board entered a Remedial Plan. The Remedial Plan required that Respondent: complete eight hours of continuing medical education (CME) in the topic of ethics

and pay a \$500 administrative fee per year. The action was based on Respondent's failure to report suspension of privileges during his residency training on his application for licensure. The Remedial Plan terminated on May 22, 2013, 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. P4301. Respondent was originally issued this license to practice medicine in Texas on August 31, 2012. Respondent is not licensed to practice in any other state.
  - c. Respondent is primarily engaged in the practice of psychiatry. Respondent is not board certified.
  
2. Specific Panel Findings:
  - a. Respondent failed to meet the standard of care and keep adequate medical records for two patients treated for psychiatric conditions.
  - b. For patient #1, Respondent did not properly assess the patient, adjust her medication, or provide an appropriate treatment plan during her hospital stay. Respondent failed to adjust the patient's medications in light of worsening depression and suicide attempt. Respondent's medical records show no change in treatment plan for five days, which patient was at the hospital.
  - c. For patient #2, Respondent failed to provide proper assessment and treatment for the patient's psychiatric conditions. Respondent inappropriately prescribed

trazodone to the patient, for insomnia, with knowledge that the patient had a recent occurrence of priapism. Priapism is a recurrent risk, and several other medications are available for treatment of insomnia.

- d. Respondent detained two patients against their will without legal authority and without their consent.
- e. Respondent's medical record keeping for both patients lack critical information and does not justify his decision making.

3. Mitigating Factors:

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

- a. 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.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

1. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent committing an act prohibited by §164.052 of 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 Board Rule; specifically, Board Rule: 165.1 Failure to maintain an adequate medical record for each patient that is complete, contemporaneous, and legible.

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 Rules: 190.8(1)(A) failure to treat patient according to the generally accepted standard of care;

190.8(1)(B) negligence in performing medical services; 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 164.052(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 §164.053 of the Act or injure in the public.

5. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent committing an act that violates any state or federal law if the act is connected with the physician's practice of medicine, specifically, THSC §573.021 and §573.022, related to emergency preliminary examination, admission, and detention.

6. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent prescribes or administers a drug or treatment that is nontherapeutic in the manner the drug or treatment is administered or prescribed.

7. 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.

8. 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 following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Jurisprudence Examination (JP Exam) given by the Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive

Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

2. Within one year from date of the entry of this Order, Respondent shall enroll in and successfully complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent course approved in advance by the Executive Director or a designee. To obtain approval for a course other than the PACE course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course.

3. Within one 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 supervision/delegation; four (4) hours in risk management; and four (4) hours in ethics; four (4) hours in psychiatry/legal commitment and four (4) hours in patient communication; 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.

4. Respondent shall pay an 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.

5. 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.

6. 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. No tolling allowed for OP. Nos. 1 – 5.

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

8. 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.

9. 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.

10. 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.

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

12. 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, 2, 3, 4 and 5.

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, BACHIR DEBBA, 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: 7/24, 2023

*Bachir Debba*  
BACHIR DEBBA, M.D.  
Respondent

STATE OF Texas  
COUNTY OF Harris

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 24<sup>th</sup> day of JULY, 2023.

*Lauren Flares*  
Signature of Notary Public

(Notary Seal)



12th SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
day of August, 2023.



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