

LICENSE NO. N5282

IN THE MATTER OF
THE LICENSE OF
THOMAS NEWTON, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 16 day of August, 2024, there came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Thomas Newton, M.D. (Respondent).

On July 18, 2024, Respondent appeared in person 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 Jayaram Naidu, M.D., a member of a District Review Committee, and Robert Gracia, a member of the Board (Panel). Elliott O'Day, represented Board staff and prepared this Order.

BOARD CHARGES

Respondent's Colorado medical license was suspended by the Colorado Medical Board (CMB) based on Respondent's failure to be interviewed and evaluated by the Colorado Physician Health Program (CPHP) and failed to respond to the Board's requests for information.

BOARD HISTORY

Respondent has not previously received a disciplinary order from the Board.

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. N5282. Respondent was originally issued this license to practice medicine in Texas on February 5, 2010. Respondent is also licensed to practice medicine in Colorado and Missouri.
- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry Neurology.

2. Specific Panel Findings:

- a. Between July 25 and July 27, 2023, the CMB issued an Order of Suspension (Suspension) against Respondent, effective immediately, and remained suspended until Respondent: met the recommendations made by CPHP; Came into compliance with CPHP's evaluation efforts; provided adequate confirmation to the CO Panel of Respondent's full compliance with CMB's Order to PHP and Respondent has received written notice from the Board that the suspension has been terminated.
- b. Respondent CO medical license remains suspended. Despite this, Respondent is compliant with the Suspension.
- c. During the course of the Board's investigation, Respondent failed to comply with the Board's requests for information.

3. 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:

- 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 commission of an act prohibited under §164.052 of the Act.

3. Section 164.51(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on holding a license to practice medicine subject to disciplinary action by another state as defined in Board Rule 190.8(3) disciplinary action by another state board.

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 in §064.053 of the Act, or injure the public, as further defined by the following Board Rule 190.8(2)(B), failure to comply with Board request for information.

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.

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

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 not diagnose, treat, or prescribe for patients in Texas or use his Texas license to practice medicine in any jurisdiction until such time as Respondent requests permission in writing to resume the practice of medicine in Texas, personally appears before the Board to orally petition for permission to resume such practice, and provides evidence and information which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice medicine. Such evidence and information shall include at a minimum, but shall not be limited to the following:

a. Compliance with the Colorado Medical Board Order of July 27, 2023.

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

3. 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.

4. 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.

5. 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.

6. Respondent shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

7. 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.

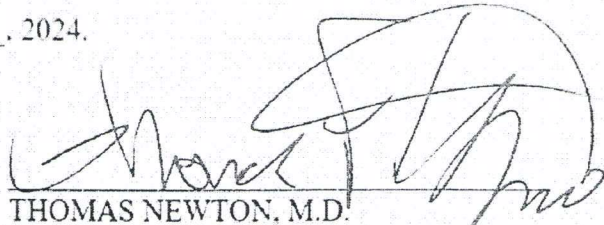
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

(SIGNATURE PAGES FOLLOW)

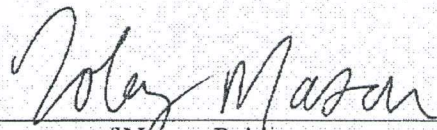
I, THOMAS NEWTON, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 7/31/ _____, 2024.

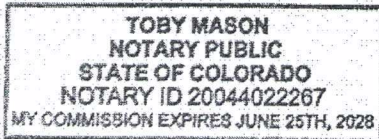

THOMAS NEWTON, M.D.
Respondent

STATE OF Colorado §
COUNTY OF Mesa §
§

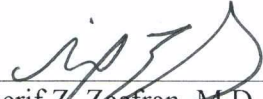
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 31st day of July, 2024.


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
16 day of August, 2024.



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