

LICENSE NO. N-0660

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

FERMIN BRIONES, JR., M.D.

TEXAS MEDICAL BOARD

AGREED ORDER OF SURRENDER

On the 3 day of March, 2017, came to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Fermin Briones, Jr., M.D. (Respondent).

On January 6, 2016, Respondent appeared in person with counsel, Louis Leichter, at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. The Board's representatives were Frank Denton, a member of the Board, and Robert Hootkins, M.D., a member of a District Review Committee. Ann Skowronski represented Board Staff.

On May 16, 2016, Respondent appeared in person with counsel, Louis Leichter, at an ISC in response to a letter of invitation from the staff of the Board. The Board's representatives were George Willeford, III, M.D., a member of the Board, and Nancy M. Seliger, a member of a District Review Committee (Panel). Ann Skowronski represented Board Staff.

The matters were not resolved after the ISCs. Therefore, Board Staff filed a Complaint at the State Office of Administrative Hearings under SOAH Docket No. 503-16-2752.MD. The parties engaged in negotiations and reached this settlement. Louis Leichter represented Respondent in this settlement. Ann Skowronski represented Board Staff.

With the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board. On January 2, 2015, a disciplinary panel of the Board entered an Order of Temporary Suspension without Notice after finding that Respondent constituted a continuing threat to the public health and welfare. This was based on a finding that Respondent had engaged in a sexual relationship with a psychiatric patient.

On January 29, 2015, a disciplinary panel of the Board upheld the suspension after a hearing on a Temporary Suspension with Notice. The disciplinary panel of the Board found that Respondent constituted a continuing threat to the public health and welfare based on a finding that Respondent had engaged in a sexual relationship with a psychiatric patient.

On April 10, 2015, the Board entered an Agreed Order (2015 Order) which suspended Respondent from practice indefinitely. This action was based on a finding that Respondent had engaged in a sexual relationship with a psychiatric patient and provided false information to the Board.

FINDINGS

The Board finds that:

1. 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 (Act) or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. N-0660. Respondent was originally issued this license to practice medicine in Texas on August 29, 2008.

3. Respondent is not licensed in any other state.

4. Respondent is currently under investigation by the Board for allegations that he failed to cooperate with Board Staff's reasonable requests for information relating to the status of his compliance with the 2015 Order.

5. By Respondent's signature on this Agreed Order, Respondent requests that the surrender of his Texas medical license be accepted in lieu of further disciplinary proceedings and that it be effective on the date of the entry of this Agreed Order.

6. 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. This Order is based on Findings Nos. 4-5 and the specific authority of Section 164.052(a)(5) of the Act, as further defined by Board Rules 190.8(2)(B), failure to comply with Board request for information; and, 190.8(2)(D), failure to cooperate with Board Staff
3. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Order.
4. Section 164.061 of the Act and 22 TEX. ADMIN. CODE 196.1 authorize the Board to accept the voluntary surrender of Respondent's Texas medical license.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that:

1. The voluntary surrender of Respondent's Texas license is accepted by the Board effective on the date this Order is signed by the President of the Board.
2. Respondent's Texas Medical License N-0660 is, therefore, canceled.
3. Respondent shall comply with the Board Rule 165.5 regarding the required notice of the closure of his practice. Said notice will be timely filed such that Respondent's practice will close as of the effective date of this Order.
4. Respondent shall immediately cease practice in Texas. Respondent's practice after the date of entry of this Agreed Order shall constitute a violation of this Order, subjecting Respondent to disciplinary action by the Board or prosecution for practicing without a license in Texas.
5. By this voluntary surrender of Respondent's Texas medical license, Respondent resolves any complaints currently before the Board.
6. Respondent may petition the Board for reissuance of his Texas Medical License after one year's time from the effective date of this Agreed Order. Respondent may apply for reissuance of his Texas Medical License pursuant to applicable Board Rules and Statutes, including but not limited to Sections 164.061, 164.151, and 164.152, and Board Rule 167.1. The Board may inquire into the request for reissuance and may, in its sole discretion, grant or deny

the petition without further appeal to or review by the Board. Petitions for reissuance may be filed only once a year thereafter. Respondent does not waive and specifically reserves his right to appeal any final decision of the Board regarding re-licensure to the State Office of Administrative Hearings.

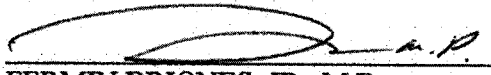
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGES FOLLOW]

I, FERMIN BRIONES, JR., M.D., HAVE READ AND UNDERSTAND THIS 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.

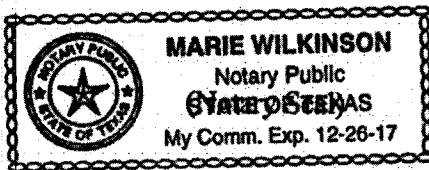
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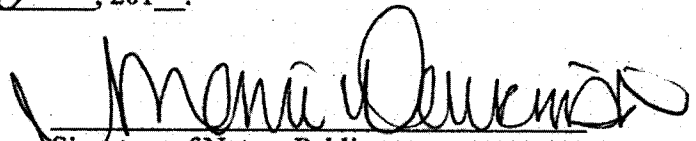

FERMIN BRIONES, JR., M.D.
Respondent

STATE OF Texas
COUNTY OF Bexar

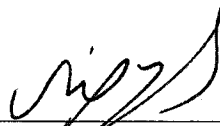
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public,
on this 30 day of November, 2016.




Signature of Notary Public

3 SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
day of MARCH, 2017.



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