

F-9827

IN THE MATTER OF	) (	BEFORE THE
	) (	
THE LICENSE OF	) (	TEXAS STATE BOARD
	) (	
ROBERT L. MIMS, M.D.	) (	OF MEDICAL EXAMINERS

AGREED ORDER

On this the 26th day of March, 1993, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Robert L. Mims, M.D. ("the Respondent"). On January 20, 1993, Respondent appeared in person with his attorney, Linda Bolin, at an Informal Settlement Conference in response to the Board's letter of invitation dated December 21, 1992.

The Texas State Board of Medical Examiners was represented at the Informal Settlement Conference on January 20, 1993, by Ratna Solomon, M.D. and Thomas Marvelli, M.D. Upon recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Robert L. Mims, M.D., holds Texas medical license F-9827.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. From April, 1987 to October, 1990, Respondent treated patient K.B. and prescribed over 96,050 dosage units of Lomotil. The patient eventually averaged 200 dosage units per day. Respondent is a psychiatrist who failed to pursue appropriate consultation from a gastroenterologist regarding this patient's dumping syndrome.
4. Respondent's excessive prescribing of Lomotil to patient K.B. without adequate consultation and Respondent's failure to hospitalize this patient constitutes a deviation from the standard of care.

5. Respondent is a 37 year old graduate of U.T. Southwestern Medical School. Respondent practices psychiatry in Arlington, Texas. Respondent is certified by the American Board of Psychiatry and Neurology. Respondent is also certified by the American Society of Addiction Medicine.

#### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes Respondent has violated Article 4495b, Sections 3.08(18), professional failure to practice medicine in an acceptable manner consistent with public health and welfare. This violation subjects Respondent to discipline under Section 4.12 of Article 4495b.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's license to practice medicine in Texas is suspended for five (5) years; however, the suspension is stayed and Respondent is placed on probation for five (5) years effective the date of the signing of this Order by the Board's presiding officer, under the following terms and conditions:

1. Respondent shall appear before the Board or a committee of the Board once a year during each year of probation to report on Respondent's compliance with this Order and the Medical Practice Act.
2. Respondent shall attend at least fifty (50) hours per year of Continuing Medical Education (CME) approved for Category I credits by the American Medical Association or by the American Osteopathic Association. Each year Respondent shall submit to the Board proof of the prior year's CME attendance by the Order's anniversary date. Respondent shall submit proof to the Board of CME hours attended in the current year even though such may not meet the 50 hour requirement. A

copy of the attendance certificate issued or a detailed report which can be verified by the Board would satisfy this requirement.

Respondent shall learn and understand the potential for abuse of controlled substances and other prescription drugs, whether classed as controlled substances or dangerous drugs that have action similar to narcotics, amphetamines, barbiturates, or are anorectic agents which produce central nervous system stimulation or such drugs of a sedative hypnotic nature which produce central nervous system depression. Compliance with this subsection may be met by successfully completing a one time course in medical pharmacology such as offered by the Department of Pharmacology at U.T. Southwestern Medical School or such other equivalent course as determined by the Executive Director of the Board.

3. Respondent shall give a copy of this Order to all Hospitals and Health Care Entities where he has privileges.
4. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees and agents, to verify that Respondent has complied and is in compliance with this Board Order.
5. Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence.
6. The time period during which the restrictions, limitations, or conditions are herein assessed shall not include any periods of time during which Respondent either resides or practices medicine outside the state of Texas. If Respondent leaves Texas to live or practice medicine elsewhere,

Respondent shall immediately notify the Board of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to Texas, the time period tolled by Respondent's departure shall continue until its expiration or termination by the Board.

7. Respondent shall comply with all the provisions of Article 4495b, Texas Revised Civil Statutes Annotated, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.

Any violation of the terms, conditions and requirements of this Order shall constitute conclusive evidence of unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public within Section 3.08(4) of the Act, and may result in disciplinary action pursuant to Section 4.01(a) of the Act.

The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting for 12 months following entry of this Order. If, after the passage of the 12 month period, the Respondent wishes to seek amendment or termination of these conditions, then he may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition. Petitions for modifying or terminating may be filed only once a year thereafter.

In regard to all terms and conditions of this Agreed Board Order, Respondent waives any further hearings or appeal to the Board or to any court regarding this Order and the terms thereunder. Nothing in this paragraph shall be deemed a waiver of Respondent's rights under rule, statute or the United States or Texas Constitutions to appeal any decision or action which may later be taken by the Board subsequent to this Order, except as Respondent may have agreed herein. Respondent agrees that this Order is a final Order.

THIS ORDER IS A PUBLIC RECORD.

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

DATED: March 20, 1993

*Robert L. Mims MD*

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ROBERT L. MIMS, M.D.  
RESPONDENT

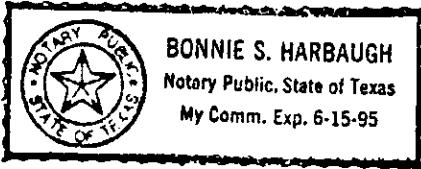
STATE OF TEXAS

COUNTY OF Tarrant

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BEFORE ME, on this day personally appeared Robert L. Mims, M.D., known to me, who, first, being duly sworn, signed the foregoing Agreed Board Order in my presence.

SIGNED on this the 20th day of March, 1993.



Bonnie S. Harbaugh  
Notary Public, in and for  
the State of Texas

Notary Seal

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 26th day of March, 1993.

William H. Fleming, III, M.D.  
President, Texas State Board of  
Medical Examiners