

IN THE MATTER OF	) (	BEFORE THE
	) (	
THE LICENSE OF	) (	TEXAS STATE BOARD
	) (	
WILLIAM W. FOLLETT, M.D.	) (	OF MEDICAL EXAMINERS

AGREED ORDER

On this the 5th day of March, 1994, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of William W. Follett, M.D. ("the Respondent"). On November 4, 1993, Respondent appeared in person without representation at an Informal Settlement Conference in response to the Board's letter of invitation dated October 12, 1993.

The Texas State Board of Medical Examiners was represented at the Informal Settlement Conference on November 12, 1993, by James H. Clark, Jr., a member of the Board. Bruce A. Levy, M.D., J.D., Executive Director of the Board, served as medical advisor. Upon recommendation of the Board's representative and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. William W. Follett, M.D., a psychiatrist, holds Texas medical license D-4118.
2. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. During the time period of May 27 - June 2, 1992, Respondent maintained a social relationship with J.S., an adult female, while she was still his patient.
4. Respondent failed to recognize the occurrence of transference and countertransference while treating J.S. and the fact that J.S. was

in a vulnerable position while he was treating her.

5. J.S. was undergoing treatment and counseling related to issues surrounding the death of her husband who died shortly before their divorce was made final.

6. Respondent inappropriately developed and pursued a personal relationship with J.S., a female psychiatric patient, before proper termination of the physician-patient relationship.

7. Based on her relationship with Respondent, J.S. has developed a distrust of therapists and believes she was exploited by Respondent.

8. Respondent does not have a past disciplinary history with this Board.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and the Respondent.

2. The above-referenced conduct by Respondent constitutes unprofessional conduct which injured J.S. and violates Section 3.08(4) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which is defined as: unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public.

3. The above violation is grounds for discipline as set out in Sections 4.01, 4.11 and 4.12 of the Act.

#### ORDER

It is ORDERED, ADJUDGED AND DECREED that:

1. Respondent's license is suspended, the suspension stayed, and the Respondent's license is placed on probation for seven (7) years under the following terms and conditions:

- a. 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 also enroll in and complete six (6) hours of ethics courses each year during probation. The ethics course is not limited to medical ethics. 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 shall satisfy this requirement.
- b. Within ninety (90) days after the date this Order is signed by the Presiding Officer of the Board, Respondent shall submit, in writing, to the Executive Director of the Board the names of three (3) American Board Certified psychiatrists for the Executive Director's approval of one or more, and, when such approval is received, Respondent shall expeditiously submit himself for evaluation.
- c. Respondent shall follow the psychiatrist's recommendations, if any, regarding continuing care and treatment.
- d. The Board will furnish a copy of this Order to the psychiatrist(s) as authorization for the psychiatrist(s) to make quarterly reports to the Board regarding the Respondent's psychiatric evaluation and such other reports as the Board may request. Respondent shall ensure that such reports are provided to the Board in a timely manner. Board staff shall

furnish to the approved psychiatrist(s) any Board information which may be helpful or required for the evaluation and treatment, if any, of the Respondent. Respondent's failure to cooperate with the psychiatrist(s) shall constitute a violation of this Order.

- e. Respondent shall appear before the Board or a committee of the Board once a year during each year of probation to report on the Respondent's compliance with this Order and the Medical Practice Act.
  - f. Respondent shall not maintain a personal or social relationship with his patients.
  - g. Within twelve (12) months of the date this Order is signed by the Board, Respondent shall submit to the Board a publishable paper regarding doctor-patient boundaries. At his first probationary appearance before the Board, or at the discretion of the Board, Respondent may be required to make an oral presentation of the paper to the Board.
2. 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.
  3. Respondent shall advise the Board, in writing, of any change of address, (mailing or office), within (10) days of such occurrence.
  4. 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 or is on official retired status with the Board. 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 practice in Texas, the time period tolled by Respondent's departure or retirement shall continue until its expiration or termination by the Board.

5. 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.

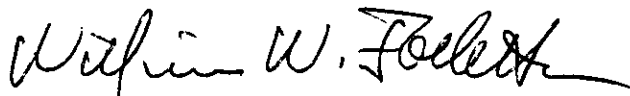
In regard to all terms and conditions of this Agreed Board Order, Respondent waives any further hearings or appeal to the Board or to any court regarding this Order and the terms thereunder. Nothing in this paragraph shall be deemed a waiver of Respondent's rights under rule, statute or the United States 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, WILLIAM W. FOLLETT, 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: 1-27, 1994



William W. Follett, M.D.  
Respondent

STATE OF TEXAS

COUNTY OF

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

SIGNED on this the 27<sup>th</sup> day of January, 1994.

Lucinda Wester  
Notary Public, in and for  
the State of TEXAS

4/24/97  
Notary Seal

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 5<sup>th</sup> day of March, 1994.

John M. Lewis  
John M. Lewis, M.D.  
President, Texas State Board of  
Medical Examiners