

LICENSE NO. G-1284

IN THE MATTER OF
THE LICENSE OF
ANDREW FOIL CAMPBELL, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 11 day of April, 2008, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Andrew Foil Campbell, M.D. ("Respondent").

By the signature of the Respondent on this Agreed Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to Section 164.004, Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code ("Act") and Board Rule 187.18 and all rights pursuant to Sections 2001.051 and 2001.054, Texas Government Code, including, but not limited to, the right to notice and hearing, and instead agrees to the entry of this Agreed Order pursuant to Section 164.002 of the Act. Harry Deckard represented Board staff.

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

FINDINGS OF FACT

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 Act or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. G-1284. Respondent was originally issued this license to practice medicine in Texas on February 20, 1982. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of psychiatry and is not board certified.

4. Respondent is 54 years of age.

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

6. On November 9, 2007, Bud Gillett, with CBS 11 News in Dallas, released an article that reported several of Respondent's patients' medical records were dumped in a recycling bin outside of his residence in Oak Cliff. Respondent admitted to putting the records in a recycling bin near his home. He claimed the patients were all deceased and that he was recycling the paper the records were printed on since he had relocated his office and no longer needed them.

7. Respondent acknowledged that he had made a mistake and intends in the future to dispose of the records by using a commercial shredding company.

8. Respondent has cooperated in the investigation of the allegations related to this Administrative Agreed Order. Respondent's cooperation, through consent to this Administrative Agreed Order, pursuant to the provisions of Section 164.002 of the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Administrative Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

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

2. Section 159.002(b) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to maintain confidentiality of patient records.

3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically: Board Rule 165.1, which requires the maintenance of adequate medical records; Board Rule 165.4(f), which requires destruction of patient records in a manner that ensures patient confidentiality; and Board Rule 165.5, which governs transfer and disposal of medical records.

4. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

5. Section 164.002 of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

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

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete 10 hours of continuing medical education (CME), divided into five hours relating to HIPPA requirements and five hours in records keeping and proper disposal of medical records, approved in writing in advance by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Enforcement for the Board 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 Director of Enforcement for the Board on or before the expiration of the time limit set forth for completion of the course.

3. Respondent shall pay an administrative penalty in the amount of \$1,500 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 Director of Enforcement for 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

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.

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

5. 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.

6. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within 10 days of the address change. This information shall be submitted to the Permits Department and the Director of Enforcement for 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.

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

8. This Order shall automatically terminate upon the payment of the administrative penalty and completion of the course in records keeping and retention by Respondent as outlined in Ordering Paragraph Nos. 2 and 3.

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.

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

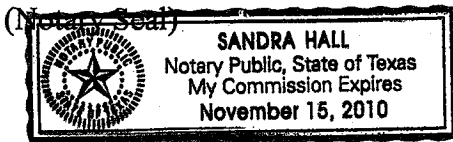
DATED: March 27, 2008.

Andrew Foil Campbell, M.D.
ANDREW FOIL CAMPBELL, M.D.
Respondent

STATE OF Texas §
COUNTY OF Dallas §
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 27 day of March, 2008.

Sandra Hall
Signature of Notary Public



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 11 day of April, 2008.

Roberta M. Kalafut
Roberta M. Kalafut, D.O., President
Texas Medical Board