

IN THE MATTER OF
THE LICENSE OF
JOHN CHARLES STEFFEK, 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 John Charles Steffek, M.D. ("Respondent").

On January 28, 2008, Respondent appeared in person, with counsel William Sharp, 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 Michael Arambula, M.D., a member of the Board, and Paul R. Carrozza, a member of the District Review Committee. Lee Bukstein represented Board staff.

Upon the recommendation of the Board's representatives and 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 Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. D-6184. Respondent was originally issued this license to practice medicine in Texas on August 27, 1969. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry, a member of the American Board of Medical Specialties.
4. Respondent is 64 years of age.
5. Respondent has not received a disciplinary order from the Board.
6. Respondent began treating patients AS and LS, two minors who are siblings, for attention deficit hyperactivity disorder (ADHD) in April 2003. Respondent saw these children on a regular basis and prescribed medications for their conditions through the present for AS and through October, 2006 for LS.
7. At each office visit with Respondent for these children, it was Respondent's practice to use the written memoranda of the patients' parents submitted at each visit and the verbal communications of the parents and the children and only added progress notes if he perceived something that conflicted with the communications from the parents and the children. In these two cases, the Respondent had not recorded any such information on the progress notes of his files, because he did not perceive anything contrary to the information provided by the parents and patients.
8. Respondent did not record the patients' heights and weights and did not record any mental status exams after the initial evaluating appointments. Respondent also did not record his basis for changing medications and dosages at various appointments during this time frame.
9. Respondent's failure to record patients' heights and weights, mental status exams and basis for changing medications and dosages constituted a failure to maintain adequate records as required under Board rules.
10. Respondent denies each and every of the fact-findings and conclusions of law contained in this Order. However, Respondent agrees to the entry of this Order as a settlement of all issues related to this complaint.
11. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 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 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 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on violation of a Board Rule, specifically 22 Texas Administrative Code, Chapter 165 which requires the maintenance of adequate medical records.
3. 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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
5. 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 of Fact and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within one year of the date of the entry of this Order, Respondent shall obtain, in addition to any other requirement for license renewal or other Continuing Medical Education (CME) required in this Order, five hours of CME approved for Category I credits by the American Medical Association in the area of medical record keeping. Upon completion of the required CME, Respondent shall submit proof to the Board of successful completion of the CME. A copy of attendance certificates or a detailed report that can be readily verified by the Board shall satisfy this requirement.
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 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.

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. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

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

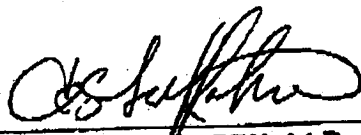
7. This Order shall automatically terminate upon the successful completion of the requirement in Ordering Paragraph No. 1.

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, JOHN CHARLES STEFFEK, 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: 4/4 2008.



JOHN CHARLES STEFFEK, M.D.
Respondent

STATE OF Texas

COUNTY OF Harris


SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 4th day of April, 2008.

Tami M. Kleinpeter
Signature of Notary Public

(Notary Seal)



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



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