



TEXAS MEDICAL BOARD

REMEDIAL PLAN
Charles Covert, M.D., License No. D-8182

On the 13 day of April, 2012, this matter came on to be heard before the Texas Medical Board ("Board"). This Remedial Plan was offered by George Willeford, M.D., a member of the Board, and Larry Buehler, a member of a District Review Committee, and was prepared by Claudia Kirk. Respondent was represented by Rainey Gibbs.

FINDINGS

Respondent failed to adequately document medical records as follows: there were no records between 1977 and 1987; some records for sessions were blank except for date of visit and cost; some records did not have documented specific monitoring with objective assessments; and the records failed to document the rationale for using the medications prescribed. The patient was successfully treated for 32 years by Respondent, as a psychiatric outpatient in coordination with over a dozen other medical care providers, for paranoid schizophrenia with depressed features, complicated by alcohol dependence.

Respondent claims that records kept between 1977 through 1987 were destroyed by flooding as a result of tropical storm Allison in 2001. Respondent provided two affidavits to support that records were kept but were destroyed by flooding as a result of tropical storm Allison in 2001. Respondent, however, still provided the Board with 1,598 pages of medical records.

Respondent does not admit or deny the Findings and Conclusions of Law contained herein but, rather, has agreed to settle in good faith to avoid the cost, expense, and uncertainty of litigation.

BOARD HISTORY

Respondent has not had a prior Remedial Plan with the Board.

MITIGATING FACTOR

Respondent cooperated in the investigation of the allegations that resulted in this Remedial Plan.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and Respondent pursuant to Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code ("Act").
2. Section 164.051(a)(3) of the Act, as further defined by Board Rule 165.1(a), failure to meet standards for the maintenance of adequate medical records, authorizes the Board to take action against Respondent.
3. Section 164.0015 of the Act authorizes the Board to resolve this matter with a Remedial Plan.
4. Section 164.002(d) of the Act provides that this Remedial Plan is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

REMEDIAL PLAN TERMS

Based on the above, Respondent shall:

1. For eight (8) monitoring cycles, Respondent's practice shall be monitored by a physician ("monitor"), in accordance with §164.001(b)(7) of the Act. The Compliance Division of the Board shall designate the monitor and may change the monitor at any time for any reason. The monitor shall have expertise in a similar specialty area as Respondent. The Compliance Division shall provide a copy of this Order to the monitor, together with other information necessary to assist the monitor.
 - a. As requested by the Compliance Division, Respondent shall prepare and provide complete legible copies of selected patient medical and billing records ("selected records"). The Compliance Division shall select records for at least 30 patients seen by Respondent during each three-month period following the last day of the month of entry of this Order ("reporting

period"). The Compliance Division may select records for more than 30 patients, up to 10 percent of the patients seen during a reporting period. If Respondent fails to see at least 30 patients during any three-month period, the term of this Order shall be extended until Respondent can submit a sufficient number of records for a monitor to review.

b. The monitor shall perform the following duties:

- 1) Personally review the selected records;
- 2) Prepare written reports documenting any perceived deficiencies and any recommendations to improve Respondent's practice of medicine or assist in the ongoing monitoring process. Reports shall be submitted as requested by the Compliance Division; and
- 3) Perform any other duty that the Compliance Division determines will assist the effective monitoring of Respondent's practice.

c. A "monitoring cycle" begins when the Compliance Division selects patient records for review, and concludes when Respondent receives the monitor's report for that group of records.

d. The Compliance Division shall provide to Respondent a copy of any deficiencies or recommendations submitted by the monitor. Respondent shall implement the recommendations as directed by the Compliance Division.

e. The monitor shall be the agent of the Board, but shall be compensated by the Respondent through the Board. Such compensation and any costs incurred by the monitor shall be paid by Respondent to the Board and remitted by the Board to the monitor. Respondent shall not charge the compensation and costs paid to the monitor to any patients.

2. The cost for administering the Remedial Plan is \$500 per year. For each subsequent year that Respondent is subject to the terms and conditions of this Remedial Plan, a payment in the amount of \$500 is due on or before the anniversary date of entry of this Remedial Plan. The cost shall be paid by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Executive Director for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund.

3. The terms of this Remedial Plan are not subject to modification and or termination.

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

5. Respondent shall fully cooperate with the 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 Remedial Plan.

6. Any violation of the terms, conditions, or requirements of this Remedial Plan 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.

7. This Remedial Plan shall automatically terminate upon Respondent's submission to the Board of evidence deemed to be sufficient by the Compliance Division of the Board that Respondent successfully completed the requirements set forth in the Remedial Plan Terms Paragraph Nos. 1 and 2.

THIS REMEDIAL PLAN IS A PUBLIC RECORD.

THIS REMEDIAL PLAN IS NON-DISCIPLINARY.

[SIGNATURE PAGE(S) FOLLOW]

I, CHARLES COVERT, M.D., HAVE READ AND UNDERSTAND THE FOREGOING REMEDIAL PLAN. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS REMEDIAL PLAN IS A FINAL, NON-APPEALABLE AGREEMENT THAT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Charles Covert, M.D.

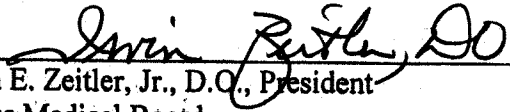
CHARLES COVERT, M.D.

Respondent

4-4-12

DATE

13 SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
day of April, 2012.



Irvin E. Zeitler, Jr., D.O., President
Texas Medical Board