

IN THE MATTER OF
THE APPLICATION

FOR A TEXAS MEDICAL LICENSE BY

LISA DIANE ALLOJU, D.O.

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BEFORE THE

TEXAS STATE BOARD

OF MEDICAL EXAMINERS

AGREED ORDER

On this the 28th day of March, 2003, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session, the matter of the licensure application of Lisa Diane Alloju, D.O. ("Respondent"). Respondent personally appeared before the Licensure Committee ("Committee") on March 27, 2003 with counsel, Tim Weitz, in response to a letter of invitation from the Licensure Staff of the Board.

The Committee, after hearing from Respondent and after considering Respondent's application, recommended that upon passage of the Board's Medical Jurisprudence examination, Respondent should be granted a Texas medical license with the restrictions and conditions contained herein and subject to the consideration and approval of the Board.

Based on the recommendation of the Committee and with the consent of Respondent, as evidenced by Respondent's signature on this Agreed Order, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Lisa Diane Alloju, D.O., does not currently hold a Texas license.
2. Respondent filed with the Board a written application for Texas medical license.
3. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice that may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Title 3 Subtitle B (Vernon 2002), (hereinafter the "Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice or hearing under the Act; TEX. GOV'T CODE ANN. §§2001.051 through .054; and the Rules of the State Board of Medical Examiners (22 TEX. ADMIN. CODE, Chapter 187).

4. Respondent is a 1997 graduate of the University of North Texas Health Science Center in Fort Worth, Texas and completed a psychiatry residency in June 2002 with John Peter Smith Hospital in Fort Worth, Texas.

5. Respondent began using cocaine and marijuana when she was 20. While in her residency program, Respondent was arrested on May 15, 1999 for illegal possession of gamma hydroxybutyrate and on September 3, 1999 for driving while intoxicated and possession of cocaine. Respondent was on-call on the date of the latter arrest. All criminal charges were dismissed after she successfully completed a substance abuse program. The residency program was made aware of her substance abuse problem and monitored Respondent through the rest of her training.

6. Respondent was placed on a public agreed order with the Board on May 17, 2002 to run the length of her institutional permit due to her substance abuse problems. According to the Board's compliance officer, Respondent has remained in compliance with her order since that time, despite her institutional permit expiring nine months ago.

7. Respondent had her first depressive episode while in college. She began seeing Dr. Cathal Grant on February 23, 2000 and changed her treating psychiatrists on October 24, 2001, to Dr. Jhansi Raj. She has been under the care of Dr. Raj since that time and Dr. Raj reports that if Dr. Alloju continues with the current treatment plan, her prognosis is good.

8. Respondent did properly disclose her arrest history and substance abuse problems when she applied for licensure with the Board in 2002.

9. Respondent has entered into this Agreed Order pursuant to the provisions of Section 164.002 of the Act.

CONCLUSIONS OF LAW

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

1. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this manner through an Agreed Order.

2. Section 164.001(b)(3) of the Act authorizes the Board to limit or restrict Respondent's license or practice of medicine including limiting Respondent's practice to or excluding one or more specified activities of medicine, or stipulating periodic Board review.

3. Respondent has committed a prohibited act or practice within the meaning of Section 164.052(a)(4) of the Act by using alcohol or drugs in an intemperate manner that, in the Board's opinion, could endanger a patient's life.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's license is hereby GRANTED upon passage of the Jurisprudence Examination; and in addition, the Board ORDERS that Respondent's Texas license is hereby restricted under the following terms and conditions for seven (7) years from the signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall abstain from the consumption of alcohol, dangerous drugs, or controlled substances in any form unless prescribed by another physician to Respondent for a legitimate and documented therapeutic purpose.

In the event that Respondent receives alcohol, dangerous drugs, or controlled substances from another physician for the purpose of treating Respondent, Respondent shall cause the treating physician to report in writing within forty-eight (48) hours to the Director of Compliance of the Board the medical condition being treated, the substance prescribed, dispensed, or administered, the amount of such substance and any refills authorized, or shall have the treating physician provide the Board with a copy of Respondent's medical record which substantially reflects this information.

Respondent shall give any and all treating physician(s) a copy of this Order and shall ensure that a report to the Board is made by the treating physician or that a copy of Respondent's medical record is provided by the treating physician to the Board.

Respondent shall immediately report by telephone to Respondent's compliance officer or the Director of Compliance, to be followed by a letter within twenty-four (24) hours, an explanation of any incident in which Respondent ingests any alcohol, controlled substances, or dangerous drugs in any manner not prescribed by another physician for a legitimate and therapeutic medical purpose.

2. Respondent shall submit herself for appropriate examinations, including screening for alcohol or drugs either through a urine, blood, or hair specimen, at the request of a representative of the Board, without prior notice, to determine chemically through laboratory analysis that Respondent is free of prohibited drugs and alcohol. Respondent shall pay for the costs of these chemical analyses. A positive screen for drugs or alcohol consumed in violation of the terms of this Order, or a refusal to submit to random screenings shall constitute a violation of this Order. The information related to Respondent's violation of this provision will be considered by a committee of the Board or a panel of Board representatives and, if it is determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be immediately revoked pursuant to correspondence to Respondent from the Executive Director of the Board. **THIS REVOCATION SHALL BE EFFECTIVE WITHOUT THE NEED OF A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.** Respondent shall be notified of any revocation by certified mail, return receipt requested to Respondent's last known address on file with the Board.

3. Respondent shall be solely responsible for the payment of all costs and charges by any facility which conducts screens on Respondent pursuant to this Order to determine whether or not Respondent has ingested alcohol or drugs in violation of the terms set forth herein. Respondent shall promptly pay all such costs and charges. Respondent's failure to promptly pay the legitimate costs and charges associated with such screens shall constitute unprofessional and dishonorable conduct, a violation of this Order, and grounds for disciplinary action under the Act.

4. Respondent shall continue to receive care and treatment from Jhansi Raj, M.D., Fort Worth, Texas, and shall see this approved physician no less than every three (3) months. Respondent shall authorize and request in writing that the approved physician provide written periodic reports no less than quarterly during Respondent's treatment which reflect the status of Respondent's physical and mental condition, as well as Respondent's efforts at cooperation with treatment. Respondent shall authorize and participate in alcohol or drug screens directed by the approved physician and shall authorize in writing the approved physician to immediately provide the positive results of any such screens to Board staff. Respondent shall authorize and request in

writing that the approved physician immediately provide such other written or oral reports as Board representatives and staff may request regarding Respondent's care and treatment. Respondent shall follow all recommendations of the approved physician to the extent that the recommendations are consistent with the terms of this Order as determined by the Board. Respondent shall not unilaterally withdraw from treatment, and shall request and authorize in writing that the approved physician immediately report to the Board any unilateral withdrawal from treatment by Respondent. A copy of this Order shall be provided by Respondent to the approved physician as a reference for evaluation and treatment, and as authorization for the physician to provide to the Board any and all records and reports related to the evaluation and treatment conducted pursuant to this paragraph. Respondent shall execute any and all releases for medical records necessary to effectuate the provisions of this paragraph.

5. Respondent's unilateral withdrawal from evaluation, treatment, or medical care required by this Order shall constitute unprofessional and dishonorable conduct, a violation of this Order, and grounds for disciplinary action under the Act.

6. In addition to any other requirements in this Order, Respondent shall submit to alcohol and drug screens by any of the physicians or other healthcare professionals required and authorized to evaluate or treat Respondent pursuant to the terms of this Order. A copy of this Order shall be provided by Respondent to the approved healthcare professionals as authorization for the healthcare professionals to provide to the Board any and all records and reports related to the evaluation and treatment of Respondent to include, but not limited to, immediate transmission of the results of any drug or alcohol screens which may indicate Respondent has ingested alcohol or drugs in violation of this Order. Respondent shall execute any releases of medical records necessary to effectuate the provisions of this paragraph. Respondent's failure to promptly submit to such screens, or a test result which indicates that Respondent has ingested alcohol or drugs in violation of the terms of this Order, shall constitute professional and dishonorable conduct, a violation of this Order, and grounds for disciplinary action under the Act.

7. Respondent shall notify the Director of Compliance for the Board or a Board Compliance Officer in writing within forty-eight (48) hours upon discontinuation for any reason of any care and treatment required by the terms of this Order.

8. Respondent shall not unilaterally withdraw from the evaluation, care, or treatment required by this Order, and shall request and authorize in writing that Respondent's physician or any other individuals involved in Respondent's care and treatment immediately report to the Board any unilateral withdrawal from treatment by Respondent.

9. When requested by the Board or Board staff, Respondent shall provide to Board staff complete legible written reports regarding any aspect of Respondent's physical or mental condition and Respondent's compliance with the terms of this Order.

10. The Respondent shall participate in the activities and programs of Alcoholics Anonymous (AA), or any other substantially similar program that has been approved in writing by the Executive Director of the Board, on a regular basis of not less than three (3) times a week. Respondent shall maintain documentation as to the number and locations of meetings attended and make such documentation available to the Board staff upon request.

11. Respondent shall participate in the activities of the Texas Osteopathic Medical Association (TOMA) Physicians Assistance Program Committee, and shall abide by the terms of any aftercare program contract required by the committee. Respondent shall request in writing that the chairman of the committee or the chairman's designee make written quarterly reports of Respondent's attendance and participation in the committee's activities in March 15, June 15, September 15, and December 15 of each year, or more often if desired by the chairman or requested by the Board or Board staff. The chairman shall be provided with a copy of this Order by Respondent and authorized in writing by Respondent to report both orally and in writing to the Board or Board staff on Respondent's rehabilitation efforts or failure to adequately participate in committee activities. Respondent shall also immediately submit to drug and alcohol screens upon the request of the chairman of the committee or the chairman's designee, and shall authorize in writing the chairman or the chairman's designee to transmit the results of such screens to the Board staff.

13. Respondent shall comply with the terms and conditions placed upon Respondent in regard to her hospital privileges and shall report in writing to the Director of Compliance for the Board or his designee any restriction, suspension, revocation, limitation, surrender, or denial of renewal in regard to any hospital privileges held, sought, or relinquished by Respondent.

13. Respondent shall personally appear before the Board, a committee of the Board, or panel of Board representatives, upon written request mailed to Respondent's last known

address on file with the Board at least ten (10) calendar days before the requested appearance date. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Order.

14. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Order, Respondent shall fully cooperate with the Board and the Board staff, including but not limited to, Board attorneys, investigators, compliance officers, consultants, and other such 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 cooperate as required by this paragraph and the terms of this Order shall constitute a basis for disciplinary action against Respondent pursuant to the Act.

15. Respondent shall comply with all the provisions of the Act, and other statutes regulating the Respondent's practice, as is required by law.

16. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the address change. This information shall be submitted to the Permits Department and the Director Compliance 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.

17. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

18. 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.


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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT

TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, LISA DIANE ALLOJU, D.O., 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: April 7, 2003.



LISA DIANE ALLOJU, D.O.
RESPONDENT

STATE OF Texas
COUNTY OF Tarrant

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BEFORE ME, the undersigned Notary Public, on this day personally appeared LISA DIANE ALLOJU, D.O., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that she executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 7th day of April, 2003.

Cari A. Duda
Signature of Notary Public

(Notary Seal)



Cari A. Duda
Printed or typed name of Notary Public

My commission expires: 12-28-05

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 15 day of April, 2003.

Lee S. Anderson, M.D.
Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners