

LICENSE NO. F-2999

IN THE MATTER OF
THE COMPLAINT AGAINST
ROBERT LEE WOODHAM, M.D.

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BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 2nd day of April, 2004, 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 license of Robert Lee Woodham, M.D. ("Respondent").

On November 21, 2003, Respondent appeared in person, with counsel, Suzan Cardwell, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Scott M. Freshour represented Board Staff The Board's Representatives were Roberta Kalafut, D.O. and Melinda S. Fredricks, members of the Board.

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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. F-2999. Respondent was originally issued this license to practice medicine in Texas on December 12, 1978. Respondent is not licensed to practice in any other state.
3. Respondent is primarily engaged in the practice of psychiatry and addiction psychiatry. Respondent is Board Certified in this specialty by the American Board of Medical Specialties.
4. Respondent is 52 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. The allegations concerned inadequate record keeping.

7. The Respondent admitted that his record keeping could use some improvement. Respondent has implemented corrective action including transcribing of all his office notes, and better documentation/charting of psychiatric findings.

8. The Panel was concerned that Respondent prescribed medication to patient for non-psychiatric conditions. Respondent issued these prescriptions, while the patient was under the care of her primary care physician who had previously prescribed the medications, and still does. None of these prescriptions were controlled substances. There was some overlap on refills by the patient of some of the prescriptions. Although, Respondent represented there was ongoing communication between himself and the PCP regarding the patient and her medication, Respondent failed to document this coordination of care in the patient's chart.

9. Respondent has stopped prescribing any medications to the patient other than psychiatric medications.

10. Respondent presented affidavits from the patient and her husband, that neither the patient nor her husband were unhappy with Respondent's care, and they felt Respondent helped the patient. The patient continues to see Respondent for her psychiatric care.

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 Respondent's violation of Board Rule 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's Texas license is hereby subject to the following terms and conditions for one (1) year from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. While under the terms of this Order, 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 records ("selected records"). "Selected records" are defined as psychiatric evaluations, progress notes and medication logs. Those selected records are from the date of the entry order forward, excluding records prior to the entry of the order. The Compliance Division shall select records for at least thirty patients seen by Respondent during each three-month period following the last day of the month of entry of this Order ("reporting period"), these selected records will be only those authored during the current three-month reporting period. The Compliance Division may select records for more than thirty patients, up to ten percent of the patients seen during a reporting period.

b. The monitor shall perform the following duties:

- 1) Personally review the selected records;
- 2) Prepare written reports documenting whether or not the records meet the standards of appropriate medical records documentation; and
- 3) Perform any other duty that the Compliance Division determines will assist the effective monitoring of Respondent's practice for corrective action related to medical records deficiency.

c. 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.

d. 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. Within six (6) months from the entry of this Order, Respondent shall enroll in, attend in person and successfully complete continuing medical education courses in medical record keeping of at least eight (8) hours total duration, 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 Compliance 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 Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.

3. Respondent shall maintain a logbook of outpatient prescriptions and refills written or authorized by Respondent for controlled substances, injectibles, and medications without psychiatric indications in chronological order by date issued. This logbook shall be made available for inspection by compliance officers, investigators, and other representatives of the Board during regular office hours, with or without notice to Respondent. For each prescription or refill, Respondent shall legibly record in the logbook (a) the specific dosage and amount of medication authorized, (b) the date of the prescription, (c) the patient's name, (d) the number of

amount of medication authorized, (b) the date of the prescription, (c) the patient's name, (d) the number of refills authorized, and (e) the medical basis for the initial prescription/medication and number of authorized refills. There is no need for continued recording of medical basis after the initial prescription, unless there is change/additional reason or basis for a medication.

4. Respondent shall pay an administrative penalty in the amount of two thousand dollars (\$2,000.00) within sixty (60) days 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 State Board of Medical Examiners and shall be submitted to the Director of Compliance 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 Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

5. The time period of this Order shall be tolled if (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of tolling ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of tolling.

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

7. 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.

9. 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. Respondent agrees that twenty-one 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 all notice requirements under Section 164.003 of the Medical Practice Act related to informal proceedings, and Section 2001.054(c) of the Administrative Procedure Act.


10. 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, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

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, ROBERT LEE WOODHAM, 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: March 31, 2004.



Robert Lee Woodham, M.D.
Respondent

STATE OF TEXAS

COUNTY OF HARRIS

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 31~~st~~ day of March, 2004.

Laura Ortiz
Signature of Notary Public

(Notary Seal)



Laura Ortiz
Printed or typed name of Notary Public
My commission expires:
7/26/05

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 2nd day of April, 2004.

Larry Pineda for
Lee S. Anderson, M.D., President
Texas State Board of Medical Examiner