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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
503-21-1144
1/22/2021 11:00 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

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HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-21-____.MD
TEXAS MEDICAL BOARD LICENSE NO. L-2853

IN THE MATTER OF THE

COMPLAINT AGAINST

WOODROW WILLIAM COPPEDGE, M.D.

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

COMPLAINT

TO THE HONORABLE TEXAS MEDICAL BOARD AND THE HONORABLE
ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Staff of the Texas Medical Board (Board Staff), by and through its attorney of record, Michelle A. McFaddin, and files this Complaint against Woodrow William Coppedge, M.D., (Respondent), for alleged violations of the Medical Practice Act (Act), Title 3, Subtitle B, TEX. OCC. CODE ANN. §§151.001 *et seq.* (Vernon Supp. 2019) and the rules adopted thereunder, and would respectfully show the following:

I. SUMMARY OF FACTUAL ALLEGATIONS

Board Staff alleges that Respondent exhibited signs of alcohol-related impairment while employed at the Harris Center for Mental Health (Harris Center) and that Respondent resigned from Harris Center on or around January 3, 2020 rather than be terminated from employment.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas physician, License No. L-2853 originally issued by the Board on December 7, 2001. Respondent's permit was in full force and effect at all times material and relevant to this Complaint.

2. Respondent received notice of one or more Informal Settlement Conferences (ISC). The Board complied with all procedural rules, including but not limited to, Board Rules 182 and 187, as applicable.

3. No agreement to settle this matter has been reached by the parties.
4. All jurisdictional requirements have been satisfied.
5. The filing of this Complaint and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas, as provided in §151.003 of the Act.

III. APPLICABLE STATUTES AND STATUTORY VIOLATIONS

The following statutes, rules, and agency policy are applicable to the procedures for conduct of the hearing this matter:

A. GENERAL STATUTES AND RULES

1. Section 164.007(a) of the Act requires that the Board adopt procedures governing formal disposition of a contested case before the State Office of Administrative Hearings (SOAH).
2. 22 TEX. ADMIN. CODE CHAPTER 187 sets forth the procedures adopted by the Board under the requirement of Section 164.007(a) of the Act.
3. 22 TEX. ADMIN. CODE CHAPTER 190 sets forth aggravating factors that warrant more severe or restrictive action by the Board.
4. 1 TEX. ADMIN. CODE CHAPTER 155 sets forth the rules of procedure adopted by SOAH for contested case proceeding.
5. 1 TEX. ADMIN. CODE §155.507 requires the issuance of a Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law.
6. Section 164.007(a) of the Act, Board Rule 187, and Board Rule 190 provide the Board with the sole and exclusive authority to determine the charges on the merits, to impose sanctions for violation of the Act or a Board rule, and to issue a Final Order.

B. SPECIFIC VIOLATIONS CITED

Respondent has violated one or more of the following provisions of the Act:

1. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under §164.052 of the Act.

2. Section 164.051(a)(4)(B) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety because of drunkenness.

3. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent for being subject to a disciplinary action by a licensed hospital including limitation of hospital privileges or other disciplinary action, as further defined by Board Rule 190.8(4), disciplinary action by peer groups.

4. Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent for using alcohol or drugs in an intemperate manner that, in the opinion of the Board, could endanger the lives of patients.

5. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for engaging in unprofessional or dishonorable conduct that is likely to deceive or defraud the public, or injure the public, as further defined in Board Rule 190.8(2)(R)(xii), substance abuse or substance diversion.

IV. FACTUAL ALLEGATIONS

Based on information and belief, Board Staff alleges:

1. Respondent exhibited symptoms of alcohol impairment while employed at the Harris Center for which he received warnings including a written warning dated September 17, 2019 for being late to work on several occasions. On October 30, 2019, Respondent received a second warning for late arrivals without notification to his direct supervisor. On November 19, 2019, Respondent was placed on probation for several reasons including sleeping in his office, coming back late from lunch, and staring at his computer screen for prolonged periods of time. Finally, a witness reported seeing ten large bottles of liquor, some empty, individually kept in a brown paper "Specs" bag in his car. Respondent's conduct violates provisions of the Act and Board rules; specifically:

Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under §164.052 of the Act.

Section 164.051(a)(4)(B) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety because of drunkenness.

Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent for using alcohol or drugs in an intemperate manner that, in the opinion of the Board, could endanger the lives of patients.

Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for engaging in unprofessional or dishonorable conduct that is likely to deceive or defraud the public, or injure the public, as further defined in Board Rule 190.8(2)(R)(xii), substance abuse or substance diversion.

2. At a meeting on January 3, 2020 with Dr. Daryl Knox, Respondent was observed to be slurring his words, having difficulty walking, focusing his attention, and displaying “odd mannerisms.” Respondent stated that he would resign. After he left, he was observed to be yelling, cursing, and talking to himself in the bathroom loudly. He fell walking out to his car and stated that he had experienced a seizure. Respondent’s conduct constitutes a violation of the Act and Board Rules; specifically:

Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent’s commission of an act prohibited under §164.052 of the Act.

Section 164.051(a)(4)(B) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent’s inability to practice medicine with reasonable skill and safety because of drunkenness.

Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent for being subject to a disciplinary action by a licensed hospital including limitation of hospital privileges or other disciplinary action, as further defined by Board Rule 190.8(4), disciplinary action by peer groups.

Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent for using alcohol or drugs in an intemperate manner that, in the opinion of the Board, could endanger the lives of patients.

Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for engaging in unprofessional or dishonorable conduct that is likely to deceive or defraud the public, or injure the public, as further defined in Board Rule 190.8(2)(R)(xii), substance abuse or substance diversion.

3. From January 9, 2020 until February 7, 2020, Respondent was enrolled in a residential treatment program, Serenity Light Recovery. His primary diagnosis was alcohol dependence.

4. Respondent self-referred to the Texas Physicians Health Program (TXPHP) on January 7, 2020; however, TXPHP was unable to conduct a proper evaluation after he paid the interview fee because they could not contact him. Respondent is not currently a participant in the TXPHP program.

5. Respondent has a previous disciplinary history with the Board and TXPHP. On or around August 31, 2012, the Board entered into an Agreed Order with Respondent that required him to submit to an evaluation by the Texas Physician Health Program within 30 days and to comply with all resulting TXPHP recommendations. This action was based on a Board finding that Respondent had been terminated from TXPHP due to non-compliance with program requirements. This order was terminated on January 4, 2013.

6. By letter dated June 17, 2020 sent via Overnight Delivery, Respondent was notified that the Board had investigated this matter and that Board Staff was convening an informal settlement conference (ISC) to consider the matter on August 6, 2020. This letter was returned by Federal Express on June 25, 2020 as undeliverable.

7. The ISC on this matter was convened via videoconferencing technology, Microsoft Teams, as scheduled on August 6, 2020. Respondent did not appear at the ISC. The parties were therefore unable to reach a settlement in this matter.

V. AGGRAVATING AND MITIGATING FACTORS

Board Rule 190.14 provides that the Board may impose more restrictive sanctions when there are multiple violations of the Act. Board Rule 190.15 provides that the Board may consider aggravating factors that warrant more severe or restrictive disciplinary action. This case includes the following aggravating factors: 5) increased potential for harm to the public; 6) attempted concealment of the act constituting a violation 7) intentional, premeditated, knowing or grossly negligent acts constituting a violation; 8) prior similar violations; 9) previous disciplinary action by the Board; and 11) other relevant circumstances increasing the seriousness of the misconduct.

Board staff is aware of no mitigating factors that apply and demands that Respondent submit proof to substantiate any alleged mitigating factors.

VI. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS MEDICAL BOARD.

VII. PRAYER

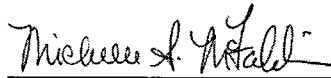
WHEREFORE, PREMISES CONSIDERED, Board Staff requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint, and issue a Proposal for Decision containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act and Board Rules, as set forth in this Complaint.

Respectfully submitted,

TEXAS MEDICAL BOARD

SUSAN RODRIGUEZ
Litigation Manager

By:



Michelle A. McFaddin, Senior Staff Attorney
Texas State Bar No. 13594020
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701
Email: Michelle.McFaddin@tmb.state.tx.us
Telephone: (512) 305-7015
FAX: (512) 305-7007

Filed with the Texas Medical Board on the 22nd day of January 2021.

A handwritten signature in black ink that reads "Stephen Brint Carlton". The signature is written in a cursive style with a horizontal line underneath it.

Stephen Brint Carlton, J.D.
Executive Director
Texas Medical Board

CERTIFICATE OF SERVICE

I certify that on the 22nd day of January 2021, a true and correct copy of the foregoing Complaint has been served as follows:

Via E-Filing

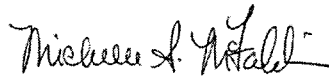
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649

Via CMRRR No. 7008 2810 0000 1408 4441 and First Class Mail to:

Woodrow William Coppedge, M.D.
Harris Center for Mental Health
5901 Long Drive
Houston, TX 77087

Via E-Filing:

Robin Etheridge
Hearings Coordinator
Texas Medical Board
333 Guadalupe, Tower 3, Suite 610
Austin, TX 78701



Michelle A. McFaddin, J.D.
Senior Staff Attorney