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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH Docket No. 503-23-20928

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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-23-_____.MD
TEXAS PHYSICIAN LICENSE NO. L2853

IN THE MATTER OF THE

COMPLAINT AGAINST

WOODROW W. 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:

The Staff of the Texas Medical Board (the Board), by and through its attorney of record, Claudia Kirk, files this Complaint against Woodrow W. Coppedge, M.D. (Respondent), for alleged violations of the Medical Practice Act (the Act), Texas Occupations Code, Title 3, Subtitle B, Chapters 151 to 165 and the rules adopted by the Board thereunder and would show the following:

I. SUMMARY OF FACTUAL ALLEGATIONS

Respondent is unable to safely practice medicine due to impairment. Respondent entered into an agreement with the Texas Physician Health Program (PHP) on June 3, 2022. Respondent failed to comply with his monitoring agreement and had positive Phosphatidylethanol (Peth) tests. In addition, Respondent has committed unprofessional conduct by violating his current active Agreed Order, entered in June of 2021, requiring that he fully cooperate with Board Staff. Respondent has stopped communicating with his Board Staff Compliance Officer.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas Physician and holds Texas Medical License No. L2853 that was originally issued on December 7, 2001. Respondent's license 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.

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.

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 proceedings.

5. 1 TEX. ADMIN. CODE, CHAPTER 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 187.37(d)(2) and Board Rule 190 provides 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 the Act and Board Rules.

1. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent committing an act prohibited under §164.052 of 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 a Board rule; specifically, Board Rule 189.3(a), requirement to comply with the terms and conditions of a Board Order or Remedial Plan.

3. Section 164.051(a)(4) 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 to patients because of: (A) illness; (B) drunkenness; (C) excessive use of drugs, narcotics, chemicals, or another substance; or (D) a mental or physical condition.

4. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public as provided by §164.053 of the Act or injure the public; as further defined by Board Rules: 190.8(2)(A), violating a Board Order; 190.8(2)(B), failing to comply with a board subpoena or request for information or action; and 190.8(2)(D), failing to cooperate with Board Staff.

5. Section 167.009 of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to comply with Texas Physician Health Program. (a) The board or the physician assistant board, through an agreed order or after a contested proceeding, may make a referral to the program and require participation in the program by a specified physician or physician assistant as a prerequisite for issuing or maintaining a license under Chapter 155 or 204. (b) The Board or the physician assistant board may discipline a physician or physician assistant required to participate in the program under Subsection (a) who does not participate in the program.

IV. FACTUAL ALLEGATIONS

Based on information and belief, Board Staff alleges:

Impairment and Physician Health Program (PHP) Noncompliance:

1. On June 11, 2021, the Board and Respondent entered into an Agreed Order on Formal Filing (2021 Order) which included a voluntary suspension of Respondent's license and a public referral to the PHP. The 2021 Order was a result of his reported alcohol-related impairment

at Harris Center for Mental Health and his subsequent resignation from that facility rather than be terminated.

2. On June 3, 2022, Respondent entered into a five-year Monitoring and Assistance Agreement with PHP. Respondent missed initial check-ins and deadlines for completing enrollment forms in June of 2022.

3. Respondent had a positive Phosphatidylethanol (PEth) test result on June 20, 2022, the initial test within his first week of testing, and also tested positive on four subsequent tests.

4. On October 7, 2022, Respondent missed a check-in due to his suspended RecoveryTrek account because of a declined credit card. Respondent has not completed any check-ins or scheduled tests since that date.

5. The Clinical Coordinator and the Medical Director of PHP made multiple attempts to contact Respondent through emails and phone calls. There was no response from him since October 24, 2022. Respondent's account with RecoveryTrek remains suspended and he has not completed any check-ins or further PEth tests since October of 2022.

6. Respondent's inability to safely practice medicine due to impairment authorizes the Board to take disciplinary action based on the Act and Board Rules as follows:

Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unable to practice medicine with reasonable skill and safety to patients because of: (A) illness; (B) drunkenness; (C) excessive use of drugs, narcotics, chemicals, or another substance; or (D) a mental or physical condition.

7. Respondent's failure to participate in the PHP program authorizes the Board to take disciplinary action based on the Act and Board Rules as follows:

Section 167.009 of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to comply with Texas Physician Health Program. (a) The board or the physician assistant board, through an agreed order or after a contested proceeding, may make a referral to the program and require participation in the program by a specified physician or physician assistant as a prerequisite for issuing or maintaining a license under Chapter 155 or 204. (b) The Board or the physician assistant board may discipline a physician or physician assistant required to participate in the program under Subsection (a) who does not participate in the program.

Agreed Order Violation:

8. Respondent has committed unprofessional conduct pursuant to the 2021 Order, Ordering Paragraph No. 7, which states that any violation of the terms, conditions, or requirements of the Order 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 pursuant to the Act.

9. Respondent has violated Ordering Paragraph No. 5, requiring that he fully cooperate with Board Staff. Respondent has stopped communicating and responding to his Board Staff Compliance Officer.

10. Respondent's violation of the 2021 Order is a violation of the Act and Board Rules as follows:

Section 164.051(a)(1) of the Act which authorizes the Board to take disciplinary action against Respondent for committing an act that violates §164.052 of the Act.

Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule; specifically, Board Rule 189.3(a), requiring compliance with the Terms and Conditions of Order or Remedial Plan.

Section 164.052(a)(5) of the Act which authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public as provided by §164.053 of the Act or injure the public; and as further defined by Board Rules: 190.8(2)(A), violating a Board Order, 190.8(2)(B), failing to comply with a board subpoena or request for information or action; and 190.8(2)(D), failing to cooperate with Board Staff.

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: 190.15(a)(5), increased potential for harm to the public; 190.15(a)(8), prior similar violations; 190.15(a)(9), previous disciplinary action by the Board; and 190.15(a)(10), violation of a Board Order.

Previous Disciplinary Action and Similar Violations:

1. On August 31, 2012, the Board and Respondent entered into an Agreed Order (2012 Order). The 2012 Order required that Respondent submit to an evaluation by the Texas Physicians Health Program (PHP) within 30 days. The action was based upon Respondent's non-compliance with the PHP.

2. On June 11, 2021, the Board and Respondent entered into an Agreed Order of Formal Filing (2021 Order). The 2021 Order suspended Respondent's license until such a time as he personally appears before the Board to provide clear evidence that he is physically, mentally, and otherwise competent to safely practice medicine; publicly referring him to the PHP; and requiring that he give a copy of the order to all health care entities (HCEs) where privileged or practicing and provide proof of delivery within 30 days. The action was based upon Respondent's substance abuse history and resignation from an HCE in lieu of termination.

Board staff is not aware of any 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

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

AMY SWANHOLM, J.D., MSEL
Litigation and Enforcement Support Manager

By:



Claudia Kirk, J.D., Attorney-in-Charge
Texas State Bar No. 24041087
Telephone: (512) 305-7071
Claudia.kirk@tmb.state.tx.us
FAX: (888) 391-2366
1801 Congress Ave., Ste. 9-200
Austin, Texas 78701

Filed with the Texas Medical Board on June 5, 2023.

A handwritten signature in black ink that reads "Stephen Brint Carlton". The signature is written in a cursive, flowing style.

Stephen Brint Carlton, J.D.
Executive Director

CERTIFICATE OF SERVICE

I certify that on the 6th day of May 2023, a true and correct copy of the foregoing Complaint has been served as follows:

VIA E-FILING:

Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649
DOCKETING@SOAH.TEXAS.GOV

VIA FIRST CLASS MAIL & CMRRR NO. 7021 1970 0000 7577 6311

Woodrow W. Coppedge, M.D.
306 Roans Prairie Lane
Richmond, TX 77469
Respondent

VIA E-FILING:

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



Claudia Kirk, J.D.