

H-6586

IN THE MATTER OF  
THE LICENSE OF  
JEFFREY M. SCHLUETER, D.O.

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BEFORE THE  
TEXAS STATE BOARD  
OF MEDICAL EXAMINERS

ORDER

On this the 14 day of May, 1999, 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 Jeffrey M. Schlueter, D.O. ("Respondent"). On May 5, 1999, Respondent appeared in person, without counsel, before representatives of the Board to report on and address issues related to Respondent's compliance with the terms and conditions of an Order entered on May 15, 1996 pertaining to Respondent's Texas medical license H-6586.

The Board was represented at Respondent's appearance by Mrs. Ernest Angelo, Jr., a member of the Board, and H. Jane Chihal, M.D., a member of District Review Committee #2. Upon recommendation of the Board's representatives, and with the consent and request of Respondent, the Board makes the following findings of fact and enters this Order as set forth herein:

FINDINGS OF FACT

A. On May 15, 1996, the Board entered an Agreed Order, which indefinitely restricted Respondent's Texas medical license under various terms and conditions, based on the following Findings of Fact.

1. Respondent, Jeffrey M. Schlueter, D.O. holds Texas Medical license H-6586.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. Respondent is not certified by the American Board of Medical Specialties, but is primarily engaged in the practice of psychiatry.

4. Respondent has been licensed to practice medicine in Texas for approximately 7 years.
5. Respondent has been diagnosed with adjustment disorder with mixed disturbance emotions and conduct, as well as occupational problems which in part are related to adjustment to chronic debilitating multiple sclerosis.
6. In or around March and April of 1995, Respondent engaged in inappropriate behavior during counseling of three different psychiatric patients.
7. The inappropriate behavior involved verbal statements which were considered to be embarrassing to the patients and in some instances had sexual content or involved sexual innuendo.
8. This behavior took place while Respondent was employed by the Navarro County Mental Health Mental Retardation (MHMR) facility in Corsicana, Texas. Inappropriate behavior of the same type occurred while Respondent practiced at Huguley Memorial Medical Center during 1995.
9. Respondent's employment was terminated at the MHMR facility on April 5, 1995. Respondent's privileges were surrendered December 15, 1995 at Huguley Memorial Medical Center.
10. During the summer of 1995, Respondent sought assessment and treatment at the Abbott Northwestern Hospital in Minneapolis - St. Paul, Minnesota, where Respondent underwent psychiatric inpatient care for one week.
11. Respondent was subsequently referred to the Mayo Intensive Psychotherapy Center (Mayo Center) where Respondent was assessed and treated from December 26, 1995 to January 19, 1996.
12. During treatment at the Mayo Center, Respondent was involved in intensive group therapy for a four week period, and received neuropsychological testing and a neurological assessment.
13. The Mayo Center psychiatrists recommended that Respondent reduce his workload, be supervised at work, engage in follow-up psychotherapy, and obtain neurologic follow-up.
14. Respondent reports significant improvement in his ability to refrain from inappropriate comments since his treatment at the Mayo Center.

15. Respondent reports receiving ongoing treatment from a physician for multiple sclerosis (MS) and reports participation in a MS support group.

16. Respondent has cooperated with Board staff in the investigation of the allegations related to this Agreed Order.

17. Respondent has entered into this Agreed Order pursuant to the provisions of Sections 4.02 (h) and (i) of the Medical practice Act ("the Act"), V.A.C.S., article 4495b.

18. So as to avoid the expense and inconvenience of litigating the allegations, in lieu of further investigation or a hearing, Respondent agrees to the entry of this Agreed Order, and further agrees to comply with the terms and conditions set forth herein.

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

B. Based on information available on May 5, 1999, and upon Respondent's history of compliance with the May 15, 1996 Order, the Board's representatives recommend that May 15, 1996 Order be modified as follows:

1. Paragraph eight (8) which limits Respondent's medical practice to 25 hours per week in an institutional or group setting only, should be modified to only restrict his practice to 25 hours per week.

2. Paragraph eleven (11) which requires monitoring of Respondent's medical practice should be modified to require monitoring of his hospital practice only.

### ORDER

Based on available information, the above Findings of Fact, and the recommendation of the Board's representatives, the Board ORDERS that the May 15, 1996 Order is MODIFIED as follows:

1. Paragraph eight (8) on page seven (7) of the May 15, 1996 Order is hereby modified as follows:

"8. Respondent shall practice medicine no more than twenty-five (25) hours per week."

2. Paragraph eleven (11) on page seven of the May 15, 1996 Order is hereby modified as follows:

"11. Beginning no later than sixty (60) days from the effective date of this Order, Respondent's hospital in-patient medical practice shall be monitored by a licensed Texas physician approved in advance in writing by the Executive Director of the Board based on the monitoring physician's licensure status and history, general qualifications, area of specialty, business affiliation with Respondent, and specialty certifications and training. Respondent shall provide a copy of this Order to the monitoring physician and shall allow the monitoring physician access to Respondent's patient medical records, patient billing records, and offices. The monitoring physician shall include but not be limited to the following activities as part of the monitoring process:

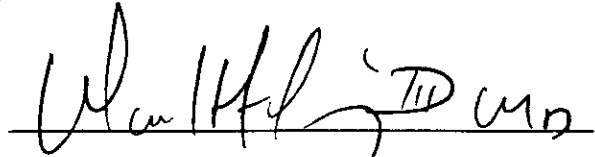
- a) On-site inspection of Respondent's hospital in-patient medical practice no less than one time each month.
- b) Personal review of no less than 10% of the charts of patients seen during the current review period.
- c) Personal counseling of the Respondent of any perceived deficiencies.
- d) The monitoring physician shall provide quarterly reports to Board representative through the Director of Compliance for the Board on February 1, June 1, September 1, and December 1, and at other times upon the request of the Board representatives or Board staff. The report shall fully document the monitoring performed, any perceived deficiencies discussed with Respondent and any improvements observed.

Respondent shall follow the appropriate guidance provided by the monitoring physician. Any costs incurred by the monitoring physician shall be the responsibility of Respondent and shall not be charged to patients. To request approval of a monitoring physician, Respondent shall submit in writing to the Director of Compliance of the Board the names and practice addresses of at least three physicians who are willing and able to effectively monitor Respondent's hospital in-patient medical practice. The monitoring physician may be changed at any time by

the Executive Director of the Board based upon good cause.

THIS IS A PUBLIC RECORD.

Signed and entered on this the 14 day of May, 1999.

A handwritten signature in black ink, appearing to read "William H. Fleming, III, M.D.", written over a horizontal line.

William H. Fleming, III, M.D.  
President, Texas State Board of  
Medical Examiners