

**IP-35314**

**IN THE MATTER OF** § **BEFORE THE**  
**INSTITUTIONAL PERMIT OF** § **TEXAS STATE BOARD**  
**LISA DIANE ALLOJU, D.O.** § **OF MEDICAL EXAMINERS**

**AGREED ORDER**

On this the 17th day of May, 2002, came on to be heard before the Texas State Board of Medical Examiners (the "Board"), duly in session the matter of the institutional permit of Lisa Diane Alloju, D.O. ("Respondent"). On April 12, 2001, Respondent appeared in person, with counsel, Tim Weitz, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board. Scott Tatum represented Board Staff.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Joyce A. Roberts, M.D., and Penny Angelo, members of the Board. Upon 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 Order as set forth herein:

**FINDINGS OF FACT**

1. Respondent, Lisa Diane Alloju, D.O., holds Texas institutional permit IP-35314.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notices that may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Subtitle B (Vernon 2000), (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. §§2001.051-54 (Vernon 2000); and the Rules of the State Board of Medical Examiners (22 TEX. ADMIN. CODE Chapter 187(2001)).

3. Respondent is thirty-three (33) years of age.
4. Respondent is a 1997 graduate of the University of North Texas Health Science Center, Fort Worth, Texas. Respondent does not hold full licensure in Texas, but is permitted to practice medicine under TSBME Institutional Permit # 35314.
5. Respondent is employed in a psychiatric residency at John Peter Smith Health Network Hospital and sees an average of 20 patients weekly. There have been no prior investigations into her practice.
6. On May 15, 1999, Respondent was arrested by the Bedford, Texas Police Department (BPD) for illegal possession of gamma hydroxybutyrate (GHB), a controlled substance.
7. On September 3, 1999, Respondent was arrested by the Euless, Texas Police Department (EPD) for Driving While Intoxicated (DWI). A white powder found in her possession at the time was analyzed by the EPD's outside forensic laboratory. The forensic lab report indicated that the powder was the controlled substance cocaine. The EPD issued an arrest warrant and took Respondent into custody at the John Peter Smith Health Network Hospital on January 20, 2000, during her on-duty status.
8. After Respondent's arrest on September 3, 1999 for DWI, she was so intoxicated that EPD transported her to the Harris Methodist HEB Hospital in Bedford, Texas. Respondent's medical records indicate that on the night of her arrest her blood contained cocaine metabolites. Records indicate that Respondent worked and cared for patients on September 2, 1999 to September 3, 1999 as well as being "on-call" for the emergency department during this period.
9. Respondent reports a sobriety date of May 2, 2000.
10. The criminal charges against Respondent resulting from her arrests were dismissed with Respondent successfully completing the DIRECT Court Program designed to address Respondent's substance abuse problems.
11. Respondent has been attending AA at least five (5) times a week and has begun participation in the Texas Osteopathic Medical Association program for health and rehabilitation of physicians suffering from substance abuse problems. In addition,

Respondent completed an intensive outpatient rehabilitation program in November of 2001, attends four (4) caduceus meetings each month, sees a counselor weekly, and sees her psychiatrist on a monthly basis.

12. Dr. James K. Witschy, Director of Residency Training in Psychiatry for John Peter Smith Hospital has supplied a letter, dated April 11, 2001, wherein he states that Respondent "has attended every meeting, supplied every specimen, and generally been very responsive to all our demands. There has been no indication of any recurrence of drug use or other unacceptable behavior during this interval."

13. Respondent has cooperated with law enforcement and the Texas State Board of Medical Examiners in regard to the investigations of her substance abuse.

### **CONCLUSIONS OF LAW**

Based on the above Findings of Fact, the Board concludes that Respondent is subject to the disciplinary action of the Board pursuant to the following:

1. Respondent is subject to disciplinary action by the Board pursuant to Section 164.051(a)(1) of the Act as a result of committing a prohibited act or practice as defined in Section 164.052.

2. 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.

3. 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.

4. Sections 164.001(a)(1) and 164.001(b)(3) of the Act authorize the Board to cancel or limit Respondent's institutional permit.

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

## ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's Texas institutional permit is hereby RESTRICTED and Respondent is placed on PROBATION under the following terms and conditions for as long as Respondent holds an institutional permit from the date of the signing of this 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 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 and may result in further disciplinary action pursuant to the Act.

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. Unless otherwise provided for by the terms of this Order, Respondent shall not possess, administer, dispense, or prescribe any controlled substances or dangerous drugs with addictive potential or potential for abuse except as is medically necessary for treatment of patients seen by Respondent in a hospital or clinic setting where Respondent has privileges or practices medicine pursuant to her authority to practice under her institutional permit.

5. Within thirty (30) days of the signing of this Order by the presiding officer of the Board, Respondent shall submit in writing to the Director of Compliance of the Board, for approval by the Executive Director, the names of three (3) psychiatrists board certified in forensic or addiction psychiatry to serve as the evaluating psychiatrist. Within 30 days of notification by the Director of Compliance of approval of an evaluating psychiatrist, Respondent shall submit to and obtain a complete forensic evaluation from the approved evaluating psychiatrist.

The psychiatric evaluation will include at a minimum: social history and background information, history of present illness, mental status exam, review of records and other pertinent collateral information, DSM IV multi-axial diagnosis, and treatment recommendations. The Board and Respondent shall furnish a copy of this Order to the approved evaluating psychiatrist as authorization to make a full report to the Board

regarding Respondent's evaluation and any subsequent reports regarding Respondent's compliance with this Order. Respondent shall follow all recommendations made by the evaluating psychiatrist regarding continued care and treatment.

If the evaluating psychiatrist recommends continued psychiatric care and treatment, within 30 days of that recommendation, Respondent shall submit in writing to the Director of Compliance of the Board, for approval by the Executive Director, the names of three (3) psychiatrists board certified in psychiatry to serve as the treating psychiatrist. Respondent may submit the name of her current treating psychiatrist. Respondent shall begin the recommended care and treatment with the approved treating psychiatrist within thirty (30) days of notification of approval by the Director of Compliance. The Board and Respondent shall furnish a copy of this Order to the approved treating psychiatrist as authorization for the treating psychiatrist to make reports to the evaluating psychiatrist regarding Respondent's compliance with the terms of this Order. Respondent shall follow all recommendations made by the treating psychiatrist regarding continued care and treatment.

During any continued care and treatment, Respondent shall be monitored for purposes of compliance with this Order. The evaluating forensic psychiatrist will monitor Respondent's treatment and rehabilitation, and provide progress reports to the Board every six (6) months. The reports are due on March 15 and September 15. The monitoring reports shall include current mental status examinations; pertinent history and social background information; progress with treatment and rehabilitation; and updated recommendations for Respondent's care. Respondent shall authorize the monitoring psychiatrist to obtain any collateral information necessary for preparation of the monitoring reports from any third party, including the treating psychiatrist. The collateral information obtained shall be strictly limited to the minimum information necessary to ensure adequate assessment of Respondent's rehabilitation and compliance with the terms of this Order.

Board staff may furnish to each approved psychiatrist any Board information that it determines in its discretion may be helpful or required for the evaluation and treatment of Respondent.

Respondent's failure to cooperate with either approved psychiatrist or failure to follow the recommendations of either approved psychiatrist shall constitute a violation of this Order.

6. 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.

7. 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.

8. 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.

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), Narcotics Anonymous (NA) or any other substantially similar program which has been approved in writing by the Executive Director of the Board, on a regular basis of not less than five (5) times a week for the first six (6) months of this Order, and at least four (4) times a week for the remainder of the time she is under this Order. Respondent shall maintain documentation as to the number and location 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.

12. Respondent shall comply with the terms and conditions of Respondent's continuing care contract with John Peter Smith Hospital (Ft. Worth), and shall authorize and request in writing that John Peter Smith Hospital provide quarterly written reports to the Director of Compliance for the Board or his designee(s) regarding Respondent's adherence to the terms and conditions of the contract and the status of Respondent's recovery and rehabilitation. Respondent shall also authorize and request in writing that John Peter Smith Hospital provide additional written reports on Respondent's recovery and rehabilitation upon written or oral request from the Director of Compliance or his designee(s). Respondent shall execute any and all releases necessary to effectuate the provisions of this paragraph.

13. This Order does not in any way restrict any future decision of the Licensure Committee of the Board should Respondent seek to be licensed. It is recommended that, if licensed, Respondent's practice be restricted to an institutional or group setting for the remainder of her probationary period. This Order has been drafted such that as to allow the Licensure Committee the option of adopting the terms and conditions of this Order regarding Respondent should she at some future date be licensed by the Board.



14. Upon request by any person or entity, either orally or in writing, Respondent shall provide a complete and legible copy of this Order to the requesting party within ten (10) calendar days of the request.

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 23, 2002.

  
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LISA DIANE ALLOJU, D.O.  
RESPONDENT

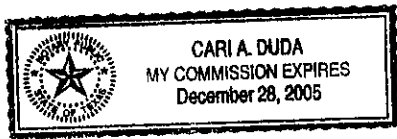
STATE OF Texas

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COUNTY OF Tarrant

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 23<sup>rd</sup> day of April, 2002.



Cari A. Duda  
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 17<sup>th</sup> day of May, 2002.

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