

IN THE MATTER OF  
THE LICENSE OF  
DANIEL ERIC ROUSCH, D.O.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 16 day of June, 2017, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Daniel Eric Rousch, D.O. (Respondent).

On March 31, 2017, Respondent appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were LuAnn Morgan, a member of the Board, and Kathy Flanagan, M.D., a member of a District Review Committee (Panel). Kevin Moczygamba represented Board Staff.

BOARD CHARGES

Board Staff charged that Respondent closed his office without providing proper notice to patients and an appropriate opportunity to obtain medical records. Respondent further failed to timely respond to communications from a patient who contacted Respondent several times regarding her treatment after the office was closed.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board.

1. On February 8, 2013, the Board entered an Agreed Order imposing certain terms and conditions: requiring that Probationer's practice be monitored for 12 cycles and that he implement the recommendations of the monitor; requiring that he obtain, within one year, 44 hours of pre-approved continuing medical education (CME), including 24 hours in the treatment of pediatric bipolar disorder, eight hours in medical recordkeeping, and 12 hours in monitoring for adverse effects of drug interactions; and requiring that he pay an administrative penalty of

\$3000 within 90 days. The action was based upon inadequate medical records and violation of the standard of care.

2. On November 7, 2014, the Board entered an Agreed Order imposing certain terms and conditions: requiring Probationer to within one year and three attempts pass the Medical Jurisprudence Examination, and within 90 days complete all deficient CME hours ordered by the 2013 Order. The action was based on Probationer's noncompliance with the 2013 Order.

3. On April 10, 2015, the Board entered a Modified Agreed Order imposing certain additional terms and conditions on the 2013 Agreed Order: six additional cycles of physician monitoring and modifying CME requirements as follows: 20 hours in the topic of evaluation and treatment of bi-polar disorder in adults and children, 10 hours in the topic of evaluation and treatment of Attention Deficit Hyperactive Disorder, and 10 hours in the topic of psychopharmacology. The action was based on Probationer's noncompliance with the 2013 Order.

4. On April 9, 2016, the Board entered an Automatic Suspension Order because Respondent failed to comply with the 2013 Agreed Order by failing to remit physician monitor compensation.

5. On July 20, 2016, the Board entered an Order Rescinding Automatic Suspension Order after Respondent came into compliance with his 2013 Agreed Order by remitting physician monitor compensation.

### FINDINGS

The Board finds the following:

1. General Findings:
  - a. 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 the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
  - b. Respondent currently holds Texas Medical License No. J-4488. Respondent was originally issued this license to practice medicine in Texas on November 20, 1993. Respondent is not licensed in any other state.

- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is not board certified.
- d. Respondent is 53 years of age.

2. Specific Findings:

- a. Respondent closed his office without providing proper notice to patients and an appropriate opportunity to obtain medical records.
- b. Respondent failed to timely respond to communications from a patient who contacted Respondent several times regarding her treatment after the office was closed.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. Respondent has complied with the terms of his 2013 Order, including the required physician monitoring.
- b. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. 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, 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 a Board rule; specifically Board Rules 165.5(a)(1) and 165.5(b)(1-2), failing to provide proper notice to patients of the closing of physicians practice and an opportunity obtain their records or have such records transferred.
- 3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is

likely to deceive or defraud the public or injure the public, as further defined by Board Rule 190.8(2)(L), failing to timely respond to communications from a patient.

4. 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.

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 and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least eight hours of continuing medical education (CME) in the topic of risk management, approved for Category I credits by the American Medical Association or American Osteopathic Association and approved in writing in advance by the Executive Director or an authorized designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department 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 Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

3. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

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

5. 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.

6. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 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 the 45-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

7. Any violation of the terms, conditions, or requirements of this Order by Respondent 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 against Respondent pursuant to the Act.

8. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

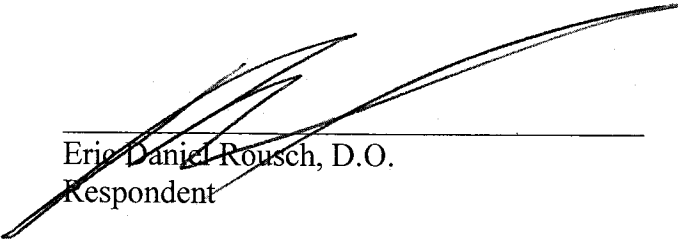
9. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraphs Nos. 2 - 3.

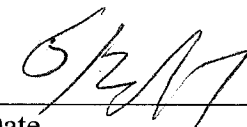
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**[SIGNATURE PAGES TO FOLLOW]**

I, ERIC DANIEL ROUSCH, 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 IS A FINAL, NON-APPEALABLE AGREEMENT THAT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

  
Eric Daniel Rousch, D.O.  
Respondent

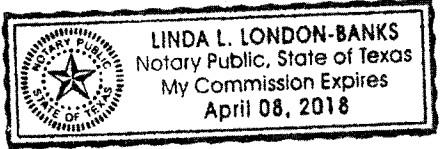
  
Date

STATE OF Texas §  
COUNTY OF Tarrant §  
§

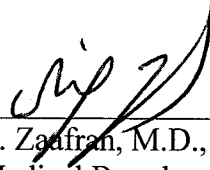
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 2 day of May, 2017.

  
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
16 day of June, 2017.



---

Sherif Z. Zafran, M.D., President  
Texas Medical Board