

LICENSE NO. G-9499

IN THE MATTER OF  
THE LICENSE OF  
ARNOLD WALTER MECH, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 27th day of June, 2008, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Arnold Walter Mech, M.D. ("Respondent").

On April 7, 2008, Respondent appeared in person, with counsel Kirk D. Willis, 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 Michael Arambula, M.D., a member of the Board, and Paul R. Carrozza, a member of a District Review Committee. Scott M. Freshour represented Board staff.

Upon the 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 Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. 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.

2. Respondent currently holds Texas Medical License No. G-9499. Respondent was originally issued this license to practice medicine in Texas on February 22, 1986. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry, a member of the American Board of Medical Specialties.

4. Respondent is 55 years of age.

5. Respondent has not received a disciplinary order from the Board.

6. Respondent treated a minor patient K.W. with a variety of psychotropic medications.

7. Respondent did not adequately document in the medical records, the initial evaluation, the various medications prescribed, and his treatment rationale for the medication regimen.

8. Respondent prescribed Geodon and Seroquel concurrently. These medications appeared to be given in excessively high doses based on PDR and manufacturer recommendation.

9. Respondent acknowledges the medications were used in an "off-label" manner, but denies the medications were given in excessively high doses based on patient's favorable response.

10. Respondent ordered a Quantitative Electroencephalogram ("QEEG") test that is normally used in research, but not used for clinical diagnosis

11. Respondent maintains the use of the QEEG was not for diagnosis, but to study the brain activity of the patient.

12. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. 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 of Fact, 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 failure to comply with Board Rule 165, related to maintaining adequate medical records.

3. Section 164.051(a)(6) of the Act, as defined by Board Rule 190.8(1)(H), authorizes the Board to take disciplinary action based on Respondent not disclosing alternative treatments.

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

5. 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.

#### ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions for five years from the date of the signing of this Order by the presiding officer of the board:

1. While under the terms of this Order, Respondent's practice shall be monitored by a physician ("monitor"), in accordance with §164.001(b)(7) of the Act. The Compliance Division of the Board shall designate the monitor and may change the monitor at any time for any reason. The monitor shall have expertise in a similar specialty area as Respondent. The Compliance Division shall provide a copy of this Order to the monitor, together with other information necessary to assist the monitor.

a. As requested by the Compliance Division, Respondent shall prepare and provide complete legible copies of selected patient medical and billing records ("selected records"). The Compliance Division shall select records for at least 30 patients seen by Respondent during each three-month period following the last day of the month of entry of this Order ("reporting period"). The Compliance Division may select records for more than 30 patients, up to ten percent of the patients seen during a reporting period. If Respondent fails to see at least 30

patients during any three-month period, the term of this Order shall be extended until Respondent can submit a sufficient number of records for a monitor to review.

b. The monitor shall perform the following duties:

- 1) Personally review the selected records;
- 2) Prepare written reports documenting any perceived deficiencies and any recommendations to improve Respondent's practice of medicine or assist in the ongoing monitoring process. Reports shall be submitted as requested by the Compliance Division; and
- 3) Perform any other duty that the Compliance Division determines will assist the effective monitoring of Respondent's practice.

c. The Compliance Division shall provide to Respondent a copy of any deficiencies or recommendations submitted by the monitor. Respondent shall implement the recommendations as directed by the Compliance Division.

d. The monitor shall be the agent of the Board, but shall be compensated by the Respondent through the Board. Such compensation and any costs incurred by the monitor shall be paid by Respondent to the Board and remitted by the Board to the monitor. Respondent shall not charge the compensation and costs paid to the monitor to any patients.

2. Each year this Order is in effect, Respondent shall attend, in person, at least 20 hours of Continuing Medical Education (CME), approved for Category I credits, and pre-approved by the Executive Director, as follows: 10 hours of Child & Adolescent psychopathology, and 10 hours of Child & Adolescent psychopharmacology. Respondent shall submit to the Board proof of CME attendance for any requested period. A copy of an attendance certificate or a detailed report that can be readily verified by the Board shall satisfy this requirement. These hours shall be in addition to bi-annual CME requirement for licensure.

3. For the first two years that this Order is in effect, Respondent shall attend, in person, at least 10 hours per year of CME approved for Category I credits, and pre-approved by the Executive Director, in the area of medical record keeping. Respondent shall submit to the Board proof of CME attendance. A copy of an attendance certificate or a detailed report that can be readily verified by the Board shall satisfy this requirement. These hours shall be in addition to

bi-annual CME requirement for licensure, and the requirements for CME hours described in Ordering Paragraph No. 2.

4. Respondent shall pay an administrative penalty in the amount of \$2,500 within 90 days of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Director of Enforcement for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

5. The time period of this Order shall be extended for any period of time that (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently canceled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the extended Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension.

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

7. 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.

8. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within 10 days of the address change. This information shall be submitted to the Permits Department and the Director of Enforcement for 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.

9. 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. 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 30-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).

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

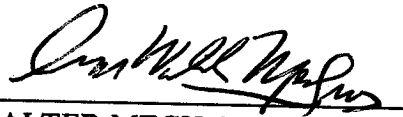
11. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following the date of the entry of this Order. If, after the passage of the 12-month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

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.

I, ARNOLD WALTER MECH, M.D., 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: June 2, 2008.



ARNOLD WALTER MECH, M.D.  
Respondent

STATE OF Texas

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COUNTY OF Collin

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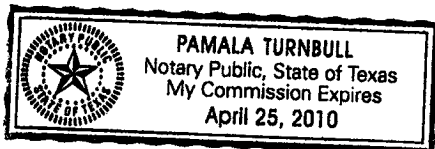
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 2nd day of June, 2008.

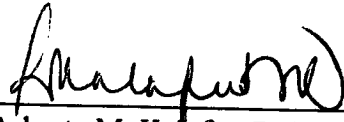


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
27th day of June, 2008.



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Roberta M. Kalafut, D.O., President  
Texas Medical Board