

LICENSE NO. G-1284

IN THE MATTER OF  
THE LICENSE OF  
ANDREW FOIL CAMPBELL, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 7th day of June, 2010, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Andrew Foil Campbell, M.D. ("Respondent").

On February 12, 2010, Respondent appeared in person, with counsel Tony Cobos, 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 Paulette Southard, a member of the Board, and Charles Stiernberg, M.D., a member of a District Review Committee. Sandy Zimmerman represented Board staff at the ISC. Darrin Dest drafted the Order.

BOARD CHARGES

Initially, Board staff charged that Respondent failed to maintain an adequate medical record for a patient and that the recordkeeping deficiency adversely affected Respondent's ability to meet the standard of care in his treatment of the patient.

The Board finds that Respondent met the standard of care in regard to the patient. However, the Board further finds that Respondent failed to maintain adequate medical records.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board: On April 11, 2008, the Board entered an Agreed Order ("2008 Order"), publicly reprimanding the Respondent, requiring that he complete 10 hours of continuing medical education ("CME") in the topics of HIPAA requirements and the disposal/maintenance of medical records, and

requiring that he pay a \$1,500 administrative penalty. The action was based upon Respondent's failure to properly dispose of patient records.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

### 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. G-1284. Respondent was originally issued this license to practice medicine in Texas on February 20, 1982. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is not board certified in the area.
- d. Respondent is 57 years of age.

2. Specific Panel Findings:

- a. Respondent first saw the 75-year-old, female patient on February 8, 2008, after the patient's family doctor referred her to Respondent for treatment of her behavioral and psychiatric disorders.
- b. Other records indicate that Respondent did evaluate the patient at that first visit, but there are no contemporaneous records from the Respondent indicating that he did an evaluation at that time.
- c. The patient was seen on a monthly basis from that first visit through November 23, 2008.

d. Documentation: The Board finds that Respondent's documentation was inadequate. Specifically, Respondent's documentation of patient evaluations, diagnoses, and justifications for treatment choices were inadequate.

3. Mitigating Factors:

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

- i. The documentation at issue was from 2008 and Respondent has since completed five hours of CME in recordkeeping.
- ii. Respondent has acknowledged his medical recordkeeping deficiencies.
- iii. 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 committing a direct or indirect violation of a rule adopted under this Act, either as a principal, accessory, or accomplice, specifically Board Rule 165.1, requiring maintenance of adequate medical records.
3. 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.
4. 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 shall be subject to the following terms and conditions:

1. Within one year from date of the entry of this Order, Respondent shall enroll in and successfully complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent course approved in advance by the Executive Director. To obtain approval for a course other than the PACE course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course.

2. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. 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 Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

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

4. 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.

5. 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 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).

6. 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.

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

8. 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 Paragraph No. 1.

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, ANDREW FOIL CAMPBELL, 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: April 6, 2010.

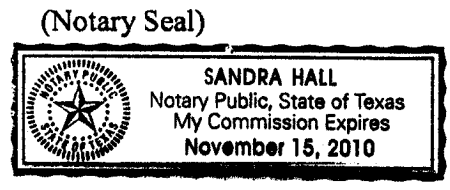
Andrew Foil Campbell M.D.  
ANDREW FOIL CAMPBELL, M.D.  
Respondent

STATE OF Texas  
COUNTY OF Dallas

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 6 day of April, 2010.

Sandra Hall  
Signature of Notary Public



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 4th day of June, 2010.

Irvin Zeitler, Jr.  
Irvin E. Zeitler, Jr., D.O., President  
Texas Medical Board