

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-_____
TEXAS MEDICAL LICENSE NO. J-6160

IN THE MATTER OF THE
COMPLAINT AGAINST
ALAN T. LLOYD, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

COMPLAINT

TO THE HONORABLE TEXAS MEDICAL BOARD AND THE HONORABLE
ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Staff of the Texas Medical Board (the "Board"), and files this Complaint against Alan T. Lloyd, M.D., ("Respondent"), based on Respondent's alleged violations of the Medical Practice Act ("the Act"), Title 3, Subtitle B, Texas Occupations Code, and would show the following:

I. INTRODUCTION

The filing of this Complaint and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas, as provided in Section 151.003 of the Act.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas Physician and holds Texas Medical License No. J-6160, that was originally issued on August 20, 1994. Respondent's license was in full force and effect at all times material and relevant to this Complaint.

2. Respondent received notice of the Informal Settlement Conference ("ISC") and appeared at the ISC, which was conducted in accordance with §2001.054(c), GOV'T CODE and §164.004 of the Act. All procedural rules were complied with, including but not limited to, Board Rules 182 and 187, as applicable.

3. No agreement to settle this matter has been reached by the parties.

4. All jurisdictional requirements have been satisfied.

III. FACTUAL ALLEGATIONS

Board Staff has received information and on that information believes that Respondent has violated the Act. Based on such information and belief, Board Staff alleges:

1. Respondent treated the Patient¹ from May 2001 to April 2008 for a diagnosis of Bipolar Disorder Type I, mixed, with Psychotic Features.

2. Respondent's progress notes do not document routine assessments of the Patient for potential medication side effects or suicidal ideation.

3. Respondent prescribed controlled substances to the Patient without obtaining a medical history or a proper assessment for substance abuse. Respondent also prescribed antipsychotic medications for mood stabilization without documenting that he ordered and/or reviewed necessary laboratory reports for these medications which would show the Patient's metabolic profile.

4. Respondent's progress notes do not document his treatment rationale for medications or the etiology of the Patient's pain.

5. Respondent continued to prescribe opiates and other controlled substances and dangerous drugs even after he was aware in August 2005 that the Patient had been a drug abuser.

6. Respondent opened up a joint checking account with the Patient.

7. Respondent's actions constitute one or more of the following: failure to meet the standard of care; negligence, failure to use diligence; failure to safeguard against potential complications; inadequate medical records; and having an improper financial relationship with a patient.

8. The actions of Respondent as specified above violate one or more of the following provisions of the Medical Practice Act:

a. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(1) of the Act based on Respondent's commission of an act prohibited under Section 164.052 of the Act;

b. Respondent violated Section 164.051(a)(3) of the Act by his violation of Board Rule 165.1(b) by failure to maintain adequate medical records and Board Rule

¹ The name of the Patient will be provided to the Administrative Law Judge under seal in order to protect the Patient's confidentiality rights.

170.3 by his failure to follow Board guidelines for the prescribing of pain medications.

- c. Respondent violated Section 164.051(a)(6) by his failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and as further defined by Board Rule(s): 190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; 190.8(1)(B), negligence in performing medical services; 190.8(1)(C), failure to use proper diligence in one's practice; 190.8(1)(D), failure to safeguard against potential complications; and 190.8(1) (L), prescription of any dangerous drug or controlled substance without first establishing a proper professional relationship with the patient by establishing a diagnosis through the use of acceptable medical practices;
- d. Respondent violated Section 164.052(a)(5) of the Act by Respondent's unprofessional or dishonorable conduct likely to deceive, defraud or injure the public, as further defined by Board Rule 190.8(2)(G), becoming financially involved with a patient in an inappropriate manner;
- e. Respondent violated Section 164.053(a)(3) of the Act by writing prescriptions for a person who is known or should be known to be an abuser of narcotic drugs, controlled substances, or dangerous drugs;
- f. Respondent violated Section 164.053(a)(5) of the Act by administering a treatment that is non-therapeutic in nature or non-therapeutic in the manner the treatment is administered;
- g. Respondent violated Section 164.053(a)(6) of the Act by Respondent's prescribing, administering or dispensing dangerous drugs and controlled substances to the Patient in a manner consistent with public health and welfare.

9. On February 6, 2009, the Board entered an Agreed Order due to Respondent's inappropriate sexual relationship with a patient and due to Respondent's non-therapeutic, inappropriate prescriptions of dangerous drugs and controlled substances to the patient while she was in a close personal relationship with Respondent.

10. The present case involves patient harm, severe harm to a patient, increased potential for harm to the public, knowing or grossly negligent acts, prior similar violations of the Act and Board

rules (including a prior history of violation of physician-patient relationship boundaries) and multiple violations of the Act and Board rules as aggravating factors pursuant to Board Rule 190.15.

IV. APPLICABLE STATUTES, RULES, AND AGENCY POLICY

The following statutes, rules, and agency policy are applicable to this matter:

1. Section 164.007(a) of the Act requires that the Board adopt procedures governing formal disposition of a contested case before the State Office of Administrative Hearings.
2. 22 TEX. ADMIN. CODE, Chapter 187 sets forth the procedures adopted by the Board under the requirement of Section 164.007(a) of the Act.
3. 1 TEX. ADMIN. CODE, CHAPTER 155 sets forth the rules of procedure adopted by SOAH for contested case proceedings.
4. 1 TEX. ADMIN. CODE, CHAPTER 155.507, requires the issuance of a Proposal for Decision (“PFD”) containing Findings of Fact and Conclusions of Law.
5. Section 164.007(a) of the Act, Board Rule 187.37(d)(2) and Board Rule 190 et. seq., provides the Board with the sole and exclusive authority to determine the charges on the merits, to impose sanctions for violation of the Act or a Board rule, and to issue a Final Order.

V. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY RESPONSE YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS MEDICAL BOARD.

IF YOU FAIL TO ATTEND THE HEARING, THE ADMINISTRATIVE LAW JUDGE MAY PROCEED WITH THE HEARING AND ALL THE FACTUAL ALLEGATIONS LISTED IN THIS NOTICE CAN BE DEEMED ADMITTED, AND THE RELIEF SOUGHT IN THIS NOTICE MIGHT BE GRANTED.

SERVICE LIST

On this 28th day of July 2010, I certify that a true and correct copy of this Complaint has been served on the following individuals at the locations and the manner indicated below:

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED and FIRST CLASS MAIL

Alan T. Lloyd, M.D.
17720 CORPORATE WOODS DR.
SAN ANTONIO, TX 78259

BY FAX TRANSMISSION TO: 475-4994

Docket Clerk
State Office of Administrative Hearings
300 West 15th, #504
Austin, Texas 78701

BY HAND DELIVERY:

Sonja Aurelius
Hearings Coordinator
Texas Medical Board
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701



Lee Bukstein