

IN THE MATTER OF
THE COMPLAINT AGAINST
FRANK ELMER LANE, M.D.

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BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 13 day of August, 2004, came on to be heard before the Texas State Board of Medical Examiners ("the Board", or "The Texas Board"), duly in session, the matter of the license of Frank E. Lane, M.D. ("Respondent").

On April 30, 2004, Respondent appeared in person, without counsel, at an Informal Settlement Conference in response to a letter of invitation from the staff of the Board. Joyce Smith represented Board staff.

The Board's Representatives were Amanullah Khan, M.D., a member of the Board, and Manuel Guajardo, M.D., a member of the District Review Committee.

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 further right to notice or hearing under TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002)(the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No.G-3541. Respondent was originally issued this license to practice medicine in Texas in 1983. Respondent is not licensed to practice in any other state.
3. Respondent is currently engaged in the solo practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology.

4. Respondent is 48 years of age.
5. The Board received information of Respondent's alleged failure to release T.L.S.' medical records upon receiving her request.
6. On July 2, 2003 T.L.S.' disability attorney, Elinor P. Smith, sent Respondent a request for T.L.S.' medical records by U.S. Mail.
7. Respondent did not send Smith the records until November 20, 2003.
8. Respondent reported that he was delayed in releasing the clinical summary on T.L.S. because he sent a copy of her clinical summary to EMSI in Waco, and he released a copy to her mental health provider in Tampa, Florida. Respondent added that several months ago he called Smith and explained to her that he had doubts about T.L.S.' claims regarding her injury to her arm. Respondent told the panel that he sent a complete copy of T.L.S.' psychiatric clinical summary to Smith on November 20, 2003.
10. 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 of 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. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(1) of the Act based on Respondent's commission of a prohibited act under Section 164.052 of the Act.
2. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(3) of the Act by committing a direct or indirect violation of a rule adopted under this Act, either as a principal, accessory, or accomplice.
3. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
4. Section 165.001 and 165.003 of the Act authorizes the Board to impose a monetary administrative penalty not to exceed \$5,000.00 for each separate violation of the Act or Board rule by a person licensed or regulated under the Act.

5. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence, Rule 408, for purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that:

1. Respondent shall pay an administrative penalty in the amount of \$500.00.

The administrative penalty shall be paid in two payments. Two hundred and fifty dollars is due on or before July 30, 2004. The second payment is due on or before October 30, 2004. The payments are to be made by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund.

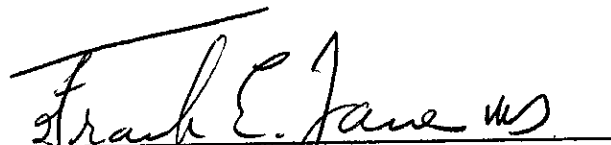
Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR 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, FRANK ELMER LANE, 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.

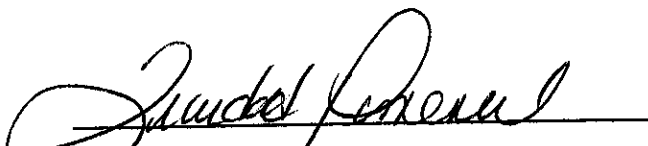
DATED: June 25, 2004.


FRANK ELMER LANE, MD
RESPONDENT

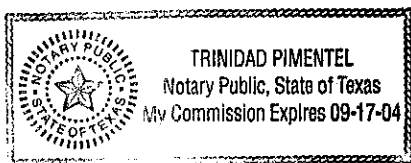
STATE OF Texas §

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COUNTY OF Dallas §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
25th day of June, 2004.

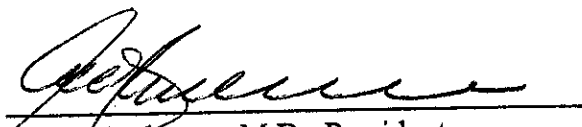

Signature of Notary Public

(Notary Seal)



Trinidad Pimentel
Printed or typed of Notary Public
My commission expires: 9-17-2004

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 13 day of August, 2004.


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