

IN THE MATTER OF
THE LICENSE OF
ALAN DAVID KOENIGSBERG, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

ADMINISTRATIVE AGREED ORDER

On the 25th day of August, 2006, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Alan David Koenigsberg, M.D. ("Respondent").

By the signature of the Respondent on this Administrative Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to Section 164.004, Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code ("Act") and Board Rule 187.18 and all rights pursuant to Sections 2001.051 and 2001.054, Texas Government Code, including, but not limited to the right to notice and hearing, and instead agrees to the entry of the Administrative Agreed Order pursuant to Section 164.0025 of the Act and Board Rule 187.14.

Nancy Leshikar represented Board staff.

With the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Administrative 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 Act or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. G-7837 . Respondent was originally issued this license to practice medicine in Texas in June 9, 1985. Respondent is not licensed to practice in any other state.

3. Respondent was primarily engaged in the practice of psychiatry and is board certified in this specialty by the American Board of Medical Specialties.

4. Respondent is 54 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. Board Rule 166.2(a) provides that as a prerequisite to the registration of a physician's permit, the physician must complete 24 hours of continuing medical education (CME) every 12 months. Further, Section 166.2(a)(1) of the rule requires that at least 12 hours of the 24 annually-required hours are to be from "formal" courses, the types of which are specifically delineated in that section. Section 166.2(a)(2) of the rule requires that at least one of the 12 formal hours of CME that are required by Board Rule 166.2(a)(1) must involve the study of medical ethics and/or professional responsibility. The determination of whether a particular hour of the formal hours involves medical ethics and/or professional responsibility is to be determined by the organizations enumerated in Board Rule 166.2(a)(1) as part of their course planning.

7. On July 8, 2005, Respondent was notified that he had been selected as part of the Board's random audit of physicians for compliance with annual CME requirements, including the required one hour of medical ethics and/or professional responsibility. Respondent was asked to forward to the Board, by September 6, 2005, copies of certificates of completion for the 12 hours of required "formal" CME for the period June 1, 2004 through May 31, 2005.

8. Respondent did not respond by the designated date and another letter was sent to Respondent again requesting the documentation relating to his completion of the required annual formal CME, including ethics and/or professional responsibility.

9. Respondent did not respond and a third letter was sent to Respondent on October 4, 2005, seeking the requested documentation and setting a deadline of November 4, 2005 for receipt of the material.

10. Respondent did not forward any of the requested material to the Board until January 5, 2006. The material furnished did not include any certificate of completion of the required one hour of medical ethics and/or responsibility.

11. 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 violation of a rule adopted under this Act.
3. Board Rule 166.2 requires the annual completion of 24 hours of formal CME with at least one hour of that amount to be in medical ethics and/or professional responsibility.
4. Board Rule 190.8(2)(M) provides that failing to complete the required amounts of CME constitutes a violation of 164.052(a)(5).
5. 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.
6. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
7. 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:

1. Respondent shall pay an administrative penalty in the amount of \$250 within 30 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 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, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

2. This order shall automatically terminate upon the payment of the administrative penalty by Respondent.

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, ALAN DAVID KOENIGSBERG, 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 5, 2006.


Alan David Koenigsberg, M.D.
Respondent

STATE OF Texas

COUNTY OF Collin

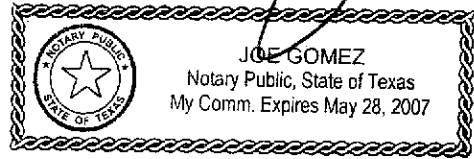
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public,
on this 5 day of June, 2006.

[Handwritten Signature]

Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board
on this 25th day of August, 2006.

[Handwritten Signature]

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