

LICENSE NO. K-4443

IN THE MATTER OF THE

COMPLAINT AGAINST:

WILLIAM THIEL GRANGER, III, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

DEFAULT ORDER

During open meeting at Austin, Texas, the Texas Medical Board (the "Board") considered Board Staff's Motion for Default Order ("Motion") against WILLIAM THIEL GRANGER, III, M.D., ("Respondent").

I. FINDINGS OF FACT

PROCEDURAL ISSUES

1. Respondent was issued Texas Medical License No. K-4443, which was in full force and effect at all times relevant to this proceeding.
2. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN., Title 3, Subtitle B, Medical Practice Act (the "Act").
3. Respondent received all notice that may be required by law and by the rules of the Board.
4. A Complaint was filed by the Board on November 23, 2010, with the State Office of Administrative Hearings ("SOAH"), alleging that Respondent had violated the Act and was subject to disciplinary action by the Board. The Complaint referenced the following facts relating to Respondent's writing prescriptions for controlled substances after his DPS certification had expired in 2009:
 - a. From September 25, 2008 through November 4, 2008, Respondent wrote 84 prescriptions without a valid Texas Department of Public Safety (DPS) controlled substances registration.
 - b. DPS notified the Respondent of the violation and the associated administrative penalty of \$5,000 in correspondence dated on or about May 11, 2009.

- c. On or about July 15, 2009, DPS requested assistance from the Office of the Attorney General for the State of Texas to collect the assessed administrative penalty, as no response was received from the Respondent.
- d. On or about May 11, 2009, Respondent was notified of his expired DPS certification. The United States Postal Service confirmed delivery of the May 11, 2009 notification.
- e. After May 11, 2009, Respondent continued to write prescriptions using his expired DPS registration.

Failure of Respondent to Respond to Board Notices:

5. On August 23, 2010, the Texas Medical Board notified Respondent that an Informal Settlement Show Compliance Hearing would be held on September 27, 2010, and Respondent was invited to appear and show compliance with the Act. Respondent failed to appear for the ISC and failed to provide a reasonable explanation for his failure to attend the ISC or request a continuance.
6. The Board served Respondent with a copy of the Complaint via United States Postal Service ("USPS") certified mail, for delivery to Respondent's address of record on November 23, 2010. Delivery was not successful for the Complaint and was returned to Board staff by the USPS after November 26, 2010 (*Exhibit Nos. 2 – return "unclaimed"*). Additionally, the first class mail copy of the Complaint was returned to Board staff by the USPS after December 1, 2010 as "not deliverable as addressed, unable to forward." (*Exhibit Nos. 2 – return "unclaimed"*).
7. Service of the Complaint has been completed as required by Board Rule §187.26(c). Service was made by publication pursuant to Section 164.006(b) of the Act. (*Exhibit No. 4 – publication notices*).
8. The Complaint included all language required by Board Rule §187.27(b), advising Respondent that the failure to file a written answer to the Complaint within 20 days of the date of service may result in the entry of a Default Order.
9. Respondent has failed to file any response to the Complaint.

10. More than 20 days have passed since the date on which the Complaint was served on Respondent.

11. On May 26, 2011, the Hearings Counsel of the Board issued a Determination of Default. The Determination of Default was served on Respondent by delivery to Respondent's address of record with the Board by the U.S. Postal Service by both first class mail and certified mail/return receipt requested.

12. On June 7, 2011, the case was remanded to the Board pursuant to the Board's Motion for Remand.

13. More than 20 days have passed since the Determination of Default was issued.

II. CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. The Board has jurisdiction over the subject matter and Respondent \ pursuant to the Act.
2. 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.
3. Board Rule §187.26(a) authorizes service of process by hand delivery, regular, registered, or certified mail, courier service or otherwise at the address of record on file with the Board and that a certificate of service shall be prima facie evidence of proper service of the Complaint.
4. Service of the Complaint has been made and completed, as required by Board Rule §187.26.
5. Board Rule §187.27(b)(1) authorizes the Board to enter a Default Order when Respondent fails to file a written answer to a Complaint within 20 days of the date Notice was served.
6. Board Rule §187.27(b)(2) authorizes the Hearings Counsel of the Board to issue a Determination of Default when a Respondent fails to answer a Complaint within 20 days of the date of service.

7. Board Rule §187.27(b)(2) authorizes the Board to consider a Determination of Default after at least 20 days from the issuance of the Determination of Default.
8. Pursuant to Board Rule §187.27(b)(5) the Board is authorized to enter a Default Order.
9. 164.001 of the Act authorizes the revocation, suspension, limitation, restriction, or probation of a physician's Texas license for a violation of the Act or a rule of the Board or of any cause for which the Board is authorized to refuse to admit persons to its examination and to issue a license or renewal license.
10. Section 164.001 of the Act authorizes a range of disciplinary actions against a licensed Texas physician for committing any of the conduct set forth in Section 164.051 through 164.054 of the Act.
11. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under Section 164.052 of the Act.
12. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and as further defined by Board Rule 190.8(1)(C), failure to use proper diligence in one's practice.
13. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.
14. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's commission of an act that violates any state or federal law if the act is connected with the physicians practice of medicine, specifically, Texas Health and Safety Code Sec. 481.128(a)(2) that a registrant commits an offense if the registrant knowingly distributes or dispenses a controlled substance not authorized by the person's registration.

III. ORDER

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

1. Respondent's Texas Medical License No. K-4443 is hereby REVOKED.
2. Respondent shall immediately cease practicing as a physician in the State of Texas on the date of the entry of this Order, and shall not again practice in the State of Texas until authorized to do so by the Board.

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 26 day of August, 2011.



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