

LICENSE NO. G-9499

IN THE MATTER OF
THE LICENSE OF
ARNOLD WALTER MECH, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 26 day of August, 2011, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Arnold Walter Mech, M.D. ("Respondent").

On June 17, 2011, Respondent appeared in person, with counsel Michael C. Lawrence, 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 Wynne M. Snoots, M.D., and Timothy J. Webb, J.D., members of the Board ("Panel"). Sandra M. Zimmerman represented Board staff.

BOARD CHARGES

Respondent wrote prescriptions for controlled substances after his Department of Public Safety ("DPS") controlled substance registration expired.

BOARD HISTORY

Respondent and the Board entered a five-year Agreed Order on June 27, 2008, based on non-therapeutic prescribing and inadequate medical records. Under the Order, Respondent was required to: (1) have a practice monitor; (2) complete 30 hours of continuing medical education (CME) per year with 10 hours on the subject of child and adolescent psychopathology, 10 hours on the subject of child and adolescent psychopharmacology, and 10 hours on the subject of medical record-keeping; and (3) pay an administrative penalty of \$2,500.

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-9499. Respondent was originally issued this license to practice medicine on February 22, 1986. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.
- d. Respondent is 58 years of age.

2. Specific Panel Findings:

- a. Respondent's DPS registration expired on June 30, 2010, and was renewed on September 16, 2010.
- b. During the period when his registration had expired and before he renewed it, Respondent wrote 750 Schedule II controlled drug prescriptions and 1436 Schedule III - V prescriptions for 467 patients.
- c. Respondent told the Panel that he erroneously thought his office manager had handled the DPS registration renewal fee and the expiration was inadvertent.

3. Mitigating Factor:

In determining the appropriate sanctions in this matter, the Panel considered as a mitigating factor that 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, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act that violates a law of this state that is connected with Respondent's practice of medicine.
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 and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent shall pay an administrative penalty in the amount of \$2,000 within 60 days of the date 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 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. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

3. 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.

4. 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).

5. 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.

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

7. 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, ARNOLD WALTER MECH, 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: 3 August, 2011.

Arnold Walter Mech

ARNOLD WALTER MECH, M.D.
Respondent

STATE OF Texas
COUNTY OF Collin

§
§
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 3rd day of August, 2011.

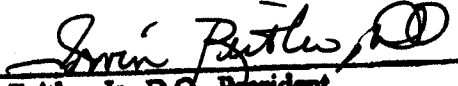
Joe Austin
Signature of Notary Public

(Notary Seal)

JOE AUSTIN
Notary Public, State of Texas
My Commission Expires
August 18, 2012

JOE AUSTIN
Notary Public, State of Texas
My Commission Expires
August 18, 2012

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