

LICENSE NO. L-1446

IN THE MATTER OF
THE LICENSE OF
HILDEBRANDO SALINAS, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 29 day of August, 2008, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Hildebrando Salinas, M.D. ("Respondent").

On June 23, 2008, Respondent appeared in person, with counsel Robert S. Bennett 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 Michael Arambula, M.D., a member of the Board, and Sharon J. Barnes, a member of a District Review Committee. Claudia Kirk, substituting for Scott M. Freshour, represented Board staff.

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 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.
2. Respondent currently holds Texas Medical License No. L-1446. Respondent was originally issued this license to practice medicine in Texas on February 2, 2001. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is not board certified by the American Board of Psychiatry, a member of the American Board of Medical Specialties. Respondent is board eligible.

4. Respondent is 42 years of age.

5. Respondent has not received a disciplinary order from the Board.

6. The issues presented to the Panel concerned billing, the adequacy of Respondent's initial patient evaluation, and the lack of communication with the patient.

7. Of the three issues presented, the Panel only found Respondent's initial evaluation was not thorough and was inadequate. There was no violation found regarding billing or communication. The Panel encouraged better communication between Respondent and his patients.

8. Respondent does not admit or deny the Findings of Fact and Conclusions of Law set forth in this Agreed Order. However, Respondent has cooperated with Board staff 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. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically, Board Rule 165, which requires the maintenance of adequate medical records.

2. The Board has jurisdiction over the subject matter and Respondent pursuant to the Section 164.051(a)(6) of the Act, as defined by Board Rule 190.8(1)(C), authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to use diligence in one's professional practice.

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. Sections 165.001 and 165.003 of the Act authorize the Board to impose a monetary administrative penalty not to exceed five thousand dollars (\$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(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

6. 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 Respondent shall be subject to the following terms and conditions:

1. Within one year of the date of the entry of this Order, Respondent shall enroll in and successfully complete Continuing Medical Education Courses ("CME"), approved in advance by the Executive Director of the Board, in the following subjects: 8 hours in psychiatric interviews/evaluations and 4 hours in physician-patient communication. To obtain approval for these courses, Respondent shall submit in writing to the Director of Enforcement for the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall deliver documentation of attendance and successful completion of this requirement to the Director of Enforcement for the Board on or before the expiration of the time limit set forth for completion of the course. These CME hours shall be in addition to the CME requirements for licensure.

2. Respondent shall pay an administrative penalty in the amount of \$1,000 within 90 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 Director of Enforcement 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.

3. The time period of this Order shall be extended for any period of time that (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently canceled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the extended Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension.

4. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

5. 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.

6. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within 10 days of the address change. This information shall be submitted to the Permits Department and the Director of Enforcement for 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.

7. 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. 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).

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

9. This Order will automatically terminate upon successful completion and verification of the requirements of Ordering Paragraph Nos. 1 and 2.


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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, HILDEBRANDO SALINAS, 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: Aug. 13, 2008.

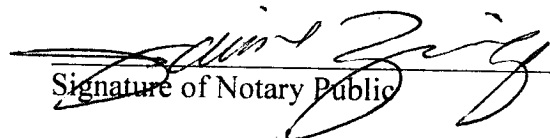


HILDEBRANDO SALINAS, M.D.
Respondent

STATE OF Texas
COUNTY OF Hidalgo

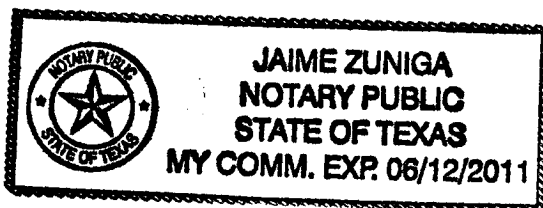
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 13 day of Aug, 2008.

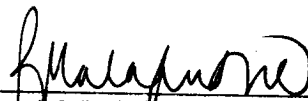


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
28 day of August, 2008.



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