

IN THE MATTER OF
THE LICENSE OF
WILLIAM EDWARD SKIBA, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER MODIFYING PRIOR ORDER

On the 29th day of August, 2014, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of William Edward Skiba, M.D. (Probationer).

On June 10, 2014, Probationer appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board regarding Probationer's compliance with an Agreed Order (2013 Order) entered on October 18, 2013, a copy of which 2013 Order is referred to and incorporated herein. The Board's representatives were Hari Reddy, D.O., and Catherine "Trinka" Taylor, members of a District Review Committee (Panel). Rodney Montes represented Board staff.

Upon the recommendation of the Board's representatives and with the consent of Probationer, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

BOARD CHARGES

Board staff charged that Probationer violated the terms of the 2013 Order by failing to obtain the recommended six sessions of psychotherapy as recommended by the evaluating psychiatrist. Board staff also charged that Probationer failed to cooperate with Board staff.

BOARD HISTORY

Probationer has previously been the subject of disciplinary action by the Board:

On October 18, 2013, the Board entered the 2013 Order, which is still in effect, requiring that Probationer undergo a psychiatric evaluation and follow all treatment recommendations;

requiring that he provide a copy of the Order to all HCEs where privileged or practicing; and requiring that he cooperate with Board staff. The action was based upon his criminal justice history of disorderly conduct and indecent exposure.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Probationer received all notice required by law. All jurisdictional requirements have been satisfied. Probationer 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. Probationer currently holds Texas Medical License No. H-2785. Probationer was originally issued this license to practice medicine in Texas on December 1, 1987. Probationer is not licensed to practice in any other state.
- c. Probationer is not currently practicing, but previously primarily engaged in the practice of psychiatry. Probationer is board certified by the American Board of Psychiatry, a member of the American Board of Medical Specialties.
- d. Probationer is 61 years of age.

2. Specific Panel Findings:

- a. Probationer failed to obtain the recommended six sessions of psychotherapy as recommended by the evaluating psychiatrist.
- b. Probationer failed to cooperate with Board Staff.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Probationer pursuant to the Act.
2. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Probationer based upon Probationer's violation of Board Rules. Specifically, Board

Rules: 179.4(e), failure to respond to Board requests for information; and 189.3, requiring Probationer to comply with all terms and conditions of his Order.

3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Probationer based upon Probationer's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public as provided by section 164.053 of the Act, and as defined by Board rule 190.8(2)(A), violation of a Board Order; 190.8(2)(B), failure to comply with Board request for information; and 190.8(2)(D), failure to cooperate with Board staff.

4. 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.

5. 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 the 2013 Order is hereby MODIFIED, as follows:

The 2013 Order shall include the following additional ordering paragraphs:

11. This Order shall constitute a PUBLIC REPRIMAND of Probationer, and Probationer is hereby reprimanded.

12. Within 45 days from the date of the entry of this Order, Probationer shall have complied with the terms of the 2013 Order, including compliance with any recommendations from the evaluating psychiatrist regarding recommended sessions of psychotherapy. Probationer's failure to comply with the terms of the 2013 Order within 45 days following the date of the entry of this Agreed Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Probationer's violation of this provision and has determined that Probationer has not fulfilled the requirements of this provision, Probationer's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Probationer from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Probationer's violation of this

provision and have determined that Probationer has not fulfilled the requirements of this provision. Although Probationer shall be invited to provide information or testimony to the Board Representatives, Probationer specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND PROBATIONER SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Probationer shall be notified of any suspension by certified mail, return receipt requested to Probationer's last known address on file with the Board. If Probationer's license is suspended on such a basis, the suspension shall remain in effect until such time as Probationer complies with the terms of the 2013 Order and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Probationer possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

13. All other terms and conditions of the 2013 Order shall remain in full force and effect.

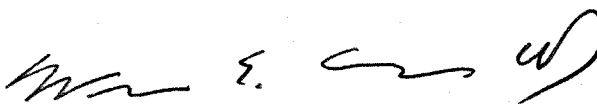
PROBATIONER WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. PROBATIONER AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

SIGNATURE PAGES FOLLOW

I, WILLIAM EDWARD SKIBA, 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: 7/24/14, 2014.

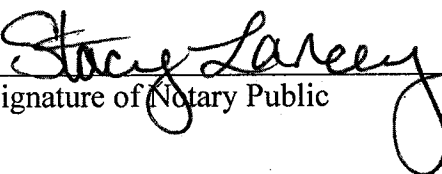


WILLIAM EDWARD SKIBA, M.D.
Probationer

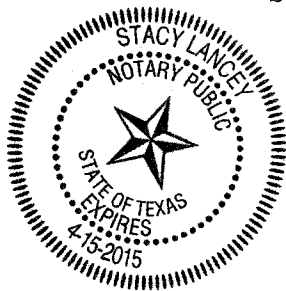
STATE OF Texas
COUNTY OF Harris

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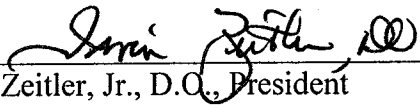
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 24th day of July, 2014.


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
29th day of August, 2014.



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