

LICENSE NO. G-9744

IN THE MATTER OF
THE LICENSE OF
ELMA GONZALES GRANADO, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 29 day of May, 2009, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Elma Gonzales Granado, M.D. ("Respondent").

On March 6, 2009, Respondent appeared in person, with counsel, Jordan Parker, 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 Timothy Webb, a member of the Board, and John Guerra, M.D., a member of a District Review Committee. Lee Bukstein 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. G-9744. Respondent was originally issued this license to practice medicine in Texas on June 10, 1986. Respondent is also licensed to practice in Wisconsin.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry, a member of the American Board of Medical Specialties.

4. Respondent is 59 years of age.

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

6. During a one-year period prior to October 11, 2007, patient RR had been hospitalized at the Tarrant County Hospital District Department of Psychiatry ("TCHD") multiple times due to uncontrolled behavior and/or suicidal threats. Some of RR's prior records from TCHD contain documentation of an allergy to Haldol, a butyrophenone. Some of RR's prior records from TCHD reference a dystonic reaction to Haldol and others reflect no allergy to Haldol at all.

7. On October 11, 2007, RR was taken to TCHD due to a report to the police about her uncontrolled behavior and suicidal threats. Respondent saw RR upon her admission to TCHD. RR engaged in violent behavior during the intake process and the situation was deemed a psychiatric emergency. Respondent asked RR during the intake process if RR had any allergies and RR responded that she did not. Respondent ordered Haldol 10mg., Benadryl 50 mg., and Ativan 2 mg. via intra muscular injection for RR to address her psychiatric emergency.

8. Respondent failed to use reasonable diligence to inquire into RR's prior documented allergies or dystonic reactions to Haldol. In the midst of RR's psychiatric emergency at TCHD on October 11, 2007, Respondent did not review RR's prior medical records before ordering Haldol for RR. Respondent should have questioned whether RR was competent to answer questions about her drug allergies at that time. Respondent relied exclusively on RR's verbal response that RR had no known drug allergies.

9. After the Haldol was administered to RR, Respondent reviewed RR's prior charts from TCHD and discovered that RR's had a prior documented possible allergy or dystonic reaction to Haldol. Respondent was aware that Benadryl can counteract extrapyramidal symptoms. Respondent also ordered Cogentin 2 mg. via intra muscular injection to address any extra pyramidal symptoms that might arise. Respondent later evaluated RR and determined that RR did not have any extrapyramidal symptoms. However, Respondent failed to document an adequate medical record for RR with respect to Respondent's concerns about possible contraindicated medications administered to RR.

10. RR died at TCHD within 24 hours of her October 11, 2007 admission while under the care of another physician. Respondent had not been on duty for over 10 hours at the time of RR's death.

11. The Board did not make a determination regarding breach of the applicable standard of care or the cause of RR's death.

12. Respondent does not admit or deny the Findings of Fact and Conclusions of Law set forth in this Agreed Order. However, 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. Sections 164.051(a)(3) authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board Rule, specifically 22 Texas Administrative Code, §165.1 which requires the maintenance of adequate medical records
3. 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, as further defined by: 22 Texas Administrative Code, §190.8(1)(C) failure to exercise proper diligence in professional practice; and §190.8(1)(D) failure to safeguard against potential complications.
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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

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 obtain, in addition to any other requirement of continuing medical education ("CME") for license renewal or other CME required in this Order, 10 hours of CME approved for Category I credits by the American Medical Association in the area of risk management. Upon completion of the required CME, Respondent shall submit proof to the Board of successful completion of the CME. A copy of attendance certificates or a detailed report that can be readily verified by the Board shall satisfy this requirement.

2. Within one year of the date of the entry of this Order, Respondent shall obtain, in addition to any other requirement of continuing medical education ("CME") for license renewal or other CME required in this Order, 10 hours of CME approved for Category I credits by the American Medical Association in the area of pharmacology. Upon completion of the required CME, Respondent shall submit proof to the Board of successful completion of the CME. A copy of attendance certificates or a detailed report that can be readily verified by the Board shall satisfy this requirement.

3. Within one year of the date of the entry of this Order, Respondent shall obtain, in addition to any other requirement of CME for license renewal or other CME required in this Order, 10 hours of CME approved for Category I credits by the American Medical Association in the area of medical record-keeping. Upon completion of the required CME, Respondent shall submit proof to the Board of successful completion of the CME. A copy of attendance certificates or a detailed report that can be readily verified by the Board shall satisfy this requirement.

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 shall terminate upon the successful completion of the requirements contained in Ordering Paragraphs Nos. 1, 2 and 3 above.

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.

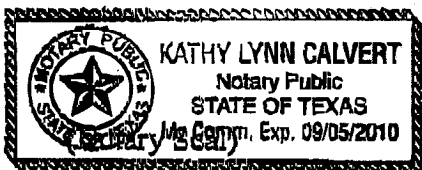
I, ELMA GONZALES GRANADO, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: July 27, 2009.

Elma Gonzales Granado
ELMA GONZALES GRANADO, M.D.
Respondent

STATE OF TEXAS §
COUNTY OF TARRANT §
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 27th day of July, 2009.



Kathy Lynn Calvert
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 7th day of August, 2009.

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