

HEARING CONDUCTED BY THE  
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS  
SOAH DOCKET NO. 503-10-5512  
LICENSE NO. J-6160

IN THE MATTER OF  
THE COMPLAINT AGAINST  
ALAN T. LLOYD, 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 ALAN T. LLOYD, M.D., ("Respondent").

**I. FINDINGS OF FACT**

**PROCEDURAL ISSUES**

1. Respondent was issued Texas Medical License No. J-6160, 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 July 28, 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 violation of Board rules:
  - a. Respondent treated one Patient from May 2001 to April 2008 for a diagnosis of Bipolar Disorder Type I, mixed, with Psychotic Features.
  - b. Respondent's progress notes do not document routine assessments of the Patient for potential medication side effects or suicidal ideation.
  - c. Respondent prescribed controlled substances to the Patient without obtaining a medical history or a proper assessment for substance abuse.

Respondent also prescribed antipsychotic medications for mood stabilization without documenting that he ordered and/or reviewed necessary laboratory reports for these medications which would show the Patient's metabolic profile.

- d. Respondent's progress notes do not document his treatment rationale for medications or the etiology of the Patient's pain.
- e. Respondent continued to prescribe opiates and other controlled substances and dangerous drugs even after he was aware in August 2005 that the Patient had been a drug abuser.
- f. Respondent opened up a joint checking account with the Patient.

5. On July 28, 2010, the Complaint was filed with the State Office of Administrative Hearings ("SOAH") and a copy of the Complaint was served on Respondent via US Postal Service by certified mail/return receipt requested delivery at Respondent's address of record on file with the Board. (*Exhibit No. 1 – Complaint*)

6. Delivery initially seemed successful for the Complaint and a "green card" return receipt was returned to Board staff by the US Postal Service in August 2010 signed by a "Patti Jones." (*Exhibit No. 2 – "green card"*). Ms. Jones subsequently called and informed Board Staff that she had mistakenly accepted the Complaint and that she was not associated with Respondent.

7. On January 26, 2011, Board staff attempted to serve another copy of the Complaint on Respondent via US Postal Service by certified mail/return receipt requested delivery at Respondent's address of record on file with the Board. (*Exhibit No. 3 – Notice and "green card"*)

8. Delivery was not successful, and the Complaint was returned to Board Staff as "unable to forward." (*Exhibit No. 4 – "unable to forward" return*)

9. 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. 5 – publication notices*).

10. 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.

11. Respondent has failed to file any response to the Complaint.

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

13. 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.

14. On May 31, 2011, the case was remanded to the Board pursuant to the Board's Motion for Remand.

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

16. As a result of Respondent's failure to respond, all facts alleged in the Complaint should be deemed as admitted.

## **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. Section 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)(3) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's violation of a Board Rule, specifically Board Rule 165.1, failure to maintain an adequate medical records and Board Rule 170.3, failure to comply with Board guidelines for use of pain medicines.

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, as further defined by Board Rule(s); 190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; 190.8(1)(B), negligence in performing medical services; 190.8(1)(C), failure to use proper diligence in one's practice; 190.8(1)(D), failure to safeguard against potential complications; and 190.8(1) (L), prescription of any

dangerous drug or controlled substance without first establishing a proper professional relationship with the patient by establishing a diagnosis through the use of acceptable medical practices.

13. Section 164.052 (a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional conduct that is likely to deceive or injure the public, as further defined by Board Rule 190.8(2)(G), becoming financially involved with a patient in an inappropriate manner;

14. Section 164.053(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's writing prescriptions for a person who is known or should be known to be an abuser of narcotic drugs, controlled substances, or dangerous drugs;

15. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's non-therapeutic prescribing or treatment.

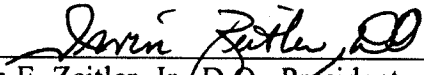
16. Section 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing, administering or dispensing controlled substances and/or dangerous drugs in a manner inconsistent with public health and welfare.

### **III. ORDER**

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

1. Respondent's Texas Medical License No. J-6160 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.

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