

G-0052

IN THE MATTER OF) (BEFORE THE
THE LICENSE OF) (TEXAS STATE BOARD
HENRY RICHARD SANCHEZ-LEAL, M.D.) (OF MEDICAL EXAMINERS

ORDER

On this the 28th day of September, 1990, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Henry Richard Sanchez-Leal, M.D. ("the Respondent"). On July 13, 1990 Respondent appeared in person without representation at an Informal Settlement Conference at the offices of the Board in response to the Board's letter of invitation dated June 11, 1990.

The Texas State Board of Medical Examiners was represented at the Informal Settlement Conference by R.A.D. Morton, Jr., M.D., a member of the Board and Robert King Bass, M.D., a member of District Review Committee II. Upon recommendation of said representatives and with the consent of Respondent, the Board hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Henry Richard Sanchez-Leal, M.D., holds Texas medical license G-0052.
2. The Board has jurisdiction over the subject matter and the Respondent. The Respondent received notice as required by law and by the rules of the Board. The parties agree that all jurisdictional requirements have been satisfied.
3. Dr. Sanchez-Leal did abuse drugs, including cocaine in 1987.
4. Dr. Sanchez-Leal failed to provide the South Carolina Board of Medical Examiners information concerning his bipolar condition.
5. Dr. Sanchez-Leal voluntarily surrendered his South Carolina medical license which was accepted in lieu of further action.
6. Dr. Sanchez-Leal has used no drugs or alcohol for over 3 years.

7. Dr. Sanchez-Leal is taking Lithium and Tegretol to control his bipolar condition.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that the Respondent has violated article 4495b, section 3.08(3), intemperate use of alcohol or drugs that, in the opinion of the board, could endanger the lives of patients; section 3.08(16), inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition; and section 3.08(21), suspension, revocation, or restriction by another state of a license to practice medicine, or disciplinary action by the uniformed services of the United States, based upon acts by the licensee similar to acts described in this section. These violations subject the Respondent to discipline under section 4.12 of article 4495b. Section 4.04(b) authorizes the Board to dispose of this case by agreement.

Based on the above findings of fact and conclusions of law, the Respondent is placed on probation for three years under the following terms and conditions:

1. The Respondent shall submit himself for appropriate examinations, including screening for alcohol or drugs either through a urine or blood specimen, at the request of a representative of the Board, without prior notice, to determine chemically through laboratory analysis that the Respondent is free of drugs and alcohol. The Respondent shall pay for the costs of these chemical analyses.
2. The Respondent shall participate or continue to participate in the activities and programs of Alcoholics/Narcotics Anonymous including a "12 step" program on a regular basis of

not less than three (3) times per week and shall make a written report directly to the Board as to number and location of meetings attended. Reports shall be regularly submitted in March, June, September, and December, of each year or at such other times as the Board may request, until such time as the Board terminates this requirement in writing. All reports should be addressed to the attention of the Director of Hearings for the Board.

3. (a) The Respondent shall submit himself for psychiatric evaluation to a qualified psychiatrist who is mutually acceptable to the Respondent and to the Executive Director of the Board; (b) shall follow the recommendations regarding continuing care and treatment, if any be recommended, by such psychiatrist; (c) shall submit in writing to the Executive Director of the Board the name of three (3) American Board Certified psychiatrists for approval and, when such approval is received, to expeditiously submit himself for evaluation and treatment; (d) the Board will furnish a copy of this Order to the psychiatrist as authorization for the psychiatrist to make quarterly reports to the Board regarding the Respondent's psychiatric evaluation and such other reports as the Board may request; the Respondent's failure to cooperate with the psychiatrist or with the staff of the Board shall constitute a violation of this Order and shall subject the Respondent to such sanctions by the Board as the law provides, including reinstatement of the Revocation; and Board staff shall furnish to the approved psychiatrist any Board information which may be helpful or required for the evaluation and treatment of the Respondent.
4. The Respondent shall not petition the Board for modification of this order for a period of at least one (1) year from the date of this order. The grant or denial of any relief sought by the Respondent is discretionary with the Board.

5. The Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees, to verify that Respondent has complied and is in compliance with this Board Order.
6. The Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence.
7. The time period during which the restrictions, limitations, or conditions are herein assessed shall not include any periods of time during which Respondent either resides or practices medicine outside the state of Texas. If Respondent leaves Texas to live or practice medicine elsewhere, the Respondent shall immediately notify the Board of the dates of the Respondent's departure from and subsequent return to Texas. Upon Respondent's return to Texas, the time period tolled by his departure shall continue until its expiration or termination by the Board.
8. The Respondent shall comply with all the provisions of Article 4495b, Texas Revised Civil Statutes Annotated, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board. For the violation of any of the terms of this Order or Article 4495b, Texas Revised Civil Statutes Annotated, the Respondent could be cited to appear before the Board in a formal disciplinary hearing for such violations which could result in revocation of the Respondent's license to practice medicine or other disciplinary action.

THIS DOCUMENT IS A PUBLIC RECORD.

Accepted and agreed to as to
substance and form:

Henry Richard Sanchez-Leal, M.D.
Henry Richard Sanchez-Leal, M.D.

08/13/90
Date signed

SIGNED AND ENTERED this 28th day of September, 1990.



Vice-President, Texas State Board of
Medical Examiners
George S. Bayoud, M. D.