

J-3167

IN THE MATTER OF )(  
THE LICENSE OF )(  
FRANK STUART MURPHY, D.O. )(  
BEFORE THE  
TEXAS STATE BOARD  
OF MEDICAL EXAMINERS

ORDER

On this the 19th day of August, 1994, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Frank Stuart Murphy D.O., ("the Respondent"). Respondent appeared in person without legal representation. Board staff was represented by Jerry W. Stone. Upon consideration of the evidence and argument presented, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Frank Stuart Murphy, D.O., holds Texas medical license J-3167.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. On April 15, 1994, the Board entered an Agreed Order suspending the Texas Medical license of the Respondent.
4. Respondent has requested that the suspension of his Texas Medical license be lifted.
5. Respondent has satisfied the minimum requirements as set out in the Agreed Order of April 15, 1994, as a prerequisite for staying the suspension.
6. It is in the best interest of the public and of the Respondent that Respondent's license be reinstated through staying the suspension.

### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that it has authority under Section 4.10 of the Act to stay the suspension previously imposed on the Respondent's Texas Medical license, subject to certain terms and conditions.

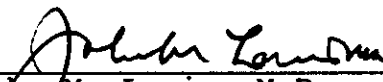
Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that the suspension of Respondent's Texas Medical license imposed by the Agreed Order of April 15, 1994, is hereby stayed and Respondent is placed on probation for ten (10) years effective as of August 19, 1994, under the following terms and conditions:

Respondent shall abide by all of the terms and conditions set out in the Agreed Order of April 15, 1994, a copy of which is attached hereto and incorporated herein for all purposes, including, but not limited to, provisions 1 through 20 as set out therein.

Any violation of the terms, conditions and requirements of this Order shall constitute conclusive evidence of unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public within Section 3.08(4) of the Act, and may result in disciplinary action pursuant to Section 4.01(a) of the Act.

The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting for 12 months following entry of this Order. If, after the passage of the 12 month period, the Respondent wishes to seek amendment or termination of these conditions, then he may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition. Petitions for modifying or terminating may be filed only once a year thereafter.

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 30th day of September, 1994.

  
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John M. Lewis, M.D.  
President, Texas State Board of  
Medical Examiners