LICENSE NO. K-0420

IN THE MATTER OF
THE LICENSE OF
RAYMOND BIXBY, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 24th day of August, 2018, came on to be heard before the Texas Medical Board (Board), duly in session, the matter of the license of Raymond Bixby, M.D. (Respondent).

On May 16, 2018, Respondent appeared in person without counsel at an Informal Show Cause Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board’s representatives were Frank Denton, a member of the Board, and Stanley Duchman, M.D., a member of a District Review Committee (Panel). Kevin Moczygemba represented Board staff and Susan Rodriguez prepared this Agreed Order.

BOARD CHARGES

Board staff charged that Respondent failed to complete the requirements of his Agreed Order on Formal Filing entered June 10, 2016. Specifically, Board Staff charged that Respondent failed to complete timely the University of California San Diego Physician Assessment and Clinical Education (PACE) Clinical Competence Course Phases I and II, the PACE medical record keeping course, and his required continuing medical education (CME).

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board.

a. On July 10, 2006, the Board entered an Agreed Order (2006 Order) imposing certain terms and conditions. In particular, Respondent was required to: pass the medical jurisprudence (JP) examination within one year; complete 10 hours of in-person, pre-approved CME divided equally between the topics of medical recordkeeping and ethics within one year; and pay an administrative penalty of $1000 within 90 days. This action by the Board was based upon Respondent’s failure to timely release medical records.
b. On April 11, 2008, the Board entered an Agreed Order (2008 Order) publicly reprimanding Respondent and imposing certain terms and conditions. In particular, Respondent was required to: pass the JP examination within 90 days; complete 10 hours of in-person, pre-approved CME divided equally between medical record-keeping and ethics within 90 days; and submit to a psychiatric evaluation, and treatment, if recommended. This action by the Board was based upon Respondent’s violation of the JP and CME provisions of the 2006 Order.

c. On June 10, 2016, the Board entered an Agreed Order on Formal Filing (2016 Order) imposing certain terms and conditions. In particular, Respondent was required to: surrender his controlled substances registration certificates within seven days and not re-register without written authorization from the Board; pass the JP examination within one year; complete the PACE Clinical Competence Assessment, Phase I and II, or an equivalent, pre-approved course, within one year; complete the PACE medical recordkeeping or an equivalent pre-approved course within one year; complete 16 hours of pre-approved CME in risk management within one year; pay an administrative penalty of $3000 within 60 days; and provide a copy of the order to all healthcare entities where privileged or practicing and provide proof of delivery within 30 days. This action by the Board was based upon violation of the standard of care in pain management, inadequate medical records, and failure to timely provide medical records.

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

FINDINGS

The Board finds the following:

1. General Findings:
   a. 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 (Act) or the Rules of the Board.
b. Respondent currently holds Texas Medical License No. K-0420. Respondent was originally issued this license to practice medicine in Texas on August 17, 1996. Respondent is not licensed to practice in any other state.

c. Respondent is primarily engaged in the practice of family practice. Respondent is not board certified.

d. Respondent is 64 years of age.

2. Specific Panel Findings:

a. Respondent violated the 2016 Order by failing to complete timely the PACE Clinical Competence Course Phases I and II and the PACE medical record keeping course.

b. Respondent represented to the Panel that he has only completed eight of the required 16 hours of CME.

c. Respondent admitted he violated the terms of the 2016 Order and stated he could not comply because he lacked funds to attend the courses.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered as mitigating that Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. 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, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent’s commission of an act prohibited under Section 164.052 of the Act.
3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent’s violation of a Board Rule, specifically Board Rule 189.3, requiring compliance with all terms of a Board Order.

4. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent’s unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, as further defined by Board Rules: 190.8(2)(A), failure to comply with a Board Order.

5. 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.

6. 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 Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Respondent shall not practice medicine in Texas until such time as Respondent requests permission in writing to resume the practice of medicine in Texas, personally appears before the Board to orally petition for permission to resume such practice, and provides clear and convincing evidence and information which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice medicine. Such evidence and information shall include at a minimum, but shall not be limited to, proof that Respondent is in compliance with and/or has completed all terms and conditions of the 2016 Order.

   Upon an adequate showing before the Board that Respondent is able to safely practice, Respondent may be granted permission to practice in Texas under such terms and conditions and for such time that the Board, in its discretion, determines are necessary to adequately protect the public.

3. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health
care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery showing that the Order was delivered to all such facilities.

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 office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of 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. 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 45-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).

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.

8. This Order shall remain in full force and effect without opportunity for amendment, except for clear error in drafting, until Respondent complies with Ordering Paragraph No. 2 of this Order and the Board enters a superseding order.
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.

(SIGNATURE PAGES FOLLOW)
I, RAYMOND BIXBY, 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: June 27, 2018.

RAYMOND BIXBY, M.D.
Respondent

STATE OF Texas

COUNTY OF Dallas

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 27th day of June, 2018.

JACKELYN VIVAS
My Commission Expires January 22, 2019

Signature of Notary Public
SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 24 day of August, 2018.

[Signature]

Sherif Z. Elafran, M.D., President
Texas Medical Board