LICENSE NO. M-5152

IN THE MATTER OF
THE LICENSE OF
RICHARD THOMAS ETHRIDGE, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 3 day of MARCH, 2017, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Richard Thomas Ethridge, M.D. (Respondent).

On September 16, 2016, Respondent appeared in person, with counsel Michael Sharp, at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. The Board’s representatives were Karl Swann, M.D., and Timothy Webb, members of the Board (Panel). Amy Swanholm represented Board Staff at the ISC. Johnathan Stone prepared this Order.

BOARD CHARGES

Respondent engaged in unprofessional conduct by posting confidential information regarding a patient without consent on the Ethridge Plastic Surgery Facebook page.

BOARD HISTORY

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

On March 4, 2016, the Board entered an Agreed Order requiring the documented presence of a chaperone when Respondent examines female patients, imposing a $2,500 administrative penalty, requiring Respondent to complete an independent medical examination, the Physician Assessment and Clinical Education (PACE) program, and eight hours of continuing medical education (CME) in ethics within one year arising from patient sexual boundary violations.

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 (the Act) or the Rules of the Board.
   b. Respondent currently holds Texas Medical License No. M-5152. Respondent was originally issued this license to practice medicine in Texas on December 8, 2006. Respondent is not licensed to practice in any other states.
   c. Respondent is primarily engaged in the practice of Plastic and Reconstructive Surgery. Respondent is certified by the American Board of Plastic Surgery, a member of the American Board of Medical Specialties.
   d. Respondent is 43 years of age.

2. Specific Panel Findings:
   Respondent acted unprofessionally and violated confidentiality laws by disclosing a patient’s protected health information on Facebook without consent.

3. Mitigating Factors:
   In determining the appropriate sanctions in this matter, the Panel considered, as mitigating, that Respondent admitted wrongdoing and accepted full responsibility for his misconduct, has rehabilitative potential, and 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 Rules 164.5(a), all advertising is presumed to have been approved by the licensee, and 165.1(a), failure to maintain an adequate medical record.

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 Rule 190.8(2)(N), failing to maintain the confidentiality of a patient.

5. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act that violates a law of this state that is connected with Respondent's practice of medicine.

6. 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.

7. 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. Respondent shall pay an administrative penalty in the amount of $3,000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

2. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least eight hours of CME approved for Category I credits by the
American Medical Association or American Osteopathic Association with at least four CME hours in the topic of risk management and at least four hours of CME in the topic of the Health Insurance Portability and Accountability Act, approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

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 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, 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 noncompliance 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).

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. 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 automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos.1-3.

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, RICHARD THOMAS ETIRIDJE, 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: February 8th, 2017.

[Signature]
RICHARD THOMAS ETIRIDJE, M.D.
Respondent

STATE OF Texas
COUNTY OF Tarrant

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 8th day of February, 2017.

[Signature]
Signature of Notary Public

(Notary Seal)
SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 3 day of March, 2017.

[Signature]

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