LICENSE NO. K-7768

IN THE MATTER OF

THE LICENSE OF

KENNETH CRAIG HORTON, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 15 day of June, 2018, came on to be heard before the Texas Medical Board (Board), duly in session, the matter of the license of Kenneth Craig Horton, M.D. (Respondent).

On January 24, 2018, Respondent appeared in person without counsel at an Informal Show Compliance 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 Richard K. Newman, M.D., a member of a District Review Committee (Panel). Kevin Moczygemba represented Board staff.

BOARD CHARGES

Respondent defaulted on a student loan guaranteed by the Texas Guaranteed Student Loan Corporation (TG).

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board. On April 11, 2008, the Board entered an Administrative Agreed Order requiring Respondent to pay an administrative penalty of $1,000 for failure to release medical records timely.

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-7768. Respondent was originally issued this license to practice medicine in Texas on August 28, 1999. Respondent is not licensed to practice in any other state.
c. Respondent is primarily engaged in the practice of family medicine. Respondent is not board certified.
d. Respondent is 45 years of age.

2. **Specific Panel Findings:**
   a. Respondent defaulted on a student loan guaranteed by TG.
   b. As of the date of the ISC, he had not made repayment arrangements with TG.

3. **Mitigating Factors:**
   In determining the appropriate sanctions in this matter, the Panel also considered the as mitigating that Respondent 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 56.003 of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent’s defaulting on a student loan or breached a loan repayment or scholarship contract.
3. 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.

4. 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.

5. 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. 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 showing that the Order was delivered to all such facilities.

3. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent’s practice.

4. 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.

5. 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).

6. 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.

7. Respondent shall be permitted to supervise and delegate prescriptive authority to
physician assistants and advanced practice nurses and to supervise surgical assistants.

8. 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 No. 2.

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, KENNETH CRAIG HORTON, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARIY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


KENNETH CRAIG HORTON, M.D.
Respondent

STATE OF Texas
COUNTY OF Hale

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this __ma__ day of __March__, 2018.

Signature of Notary Public
SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 15 day of June, 2018.

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