

LICENSE NO. E-9252

IN THE MATTER OF  
THE LICENSE OF  
SANG BAI JOO, M.D.

BEFORE THE  
  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 2 day of March, ~~2017~~<sup>2018</sup>, came to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Sang Bai Joo, M.D. (the "Respondent").

On October 27, 2017, Respondent appeared in person with counsel, Robert Simpson, 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 Surendra Kumar Varma and Timothy Webb, J.D., members of the Board (the "Panel"). Ann Skowronski represented Board staff.

BOARD CHARGES

Board staff charged that Respondent's electronic medical records for five patients were inadequate.

BOARD HISTORY

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

On February 5, 2010, the Board entered a Mediated Agreed Order which required Respondent to undergo two years of chart monitoring, take 10 hours of continuing medical education in the topics of risk management and medical recordkeeping; pass the jurisprudence examination, and pay a \$1,000 administrative penalty. The order was based on allegations that Respondent's medical records for patients receiving controlled substances were inadequate.

On February 12, 2012, the Board entered an Agreed Order which required Respondent to develop and submit a pain management contract for approval by Board staff and pay a \$5,000 administrative penalty. The order was based on allegations that Respondent failed to comply

with the February 5, 2010, Mediated Agreed Order by failing to adopt the changes recommended by the chart monitor.

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 Tex. Admin. Code, Title 22, Part 9 ("Board Rules").
- b. Respondent currently holds Texas Medical License No. E-9252. Respondent was originally issued this license to practice medicine in Texas on August 27, 1977. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of addiction medicine. Respondent is not board certified.
- d. Respondent is 76 years of age.

2. Specific Panel Findings:

- a. The electronic medical records for five patients were inadequate due to disorganization in the treatment notes.
- b. Specifically, notes from previous appointments were copied into subsequent visits, making it difficult to determine when the events documented occurred.

3. Mitigating Factors: In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
- a. The disorganization in the medical records did not result in a standard of care violation for any of the patients.
  - b. Respondent has rehabilitative potential, as evidenced by his recognition of the problems with the electronic medical record system he has adopted.
  - c. Respondent has present value to community because he provides care for opiate addiction.
  - d. 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)(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 165.1, which requires the maintenance of adequate medical records.
3. 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.
4. 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. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent course approved in advance by the Executive Director. To obtain approval for a course other than the PACE course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course.

2. Within 90 days of the completion of the PACE medical recordkeeping course described in Ordering Paragraph No. 1, Respondent shall appear before a panel of Board representatives. The Board representatives will consider Respondent's chart assessment results from the PACE medical recordkeeping course and determine if further action is recommended to address any deficiencies found in the PACE results.

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 proving that the Order was delivered to all such facilities.

4. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time

remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

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

6. 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.

7. 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 Section 164.003(b)(2) of the Act and agrees to 10 days' notice, as provided in Board Rule 187.44(4).

8. 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.

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

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

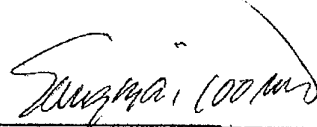
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**

I, SANG BAI JOO, 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: Nov. 27, 2017.

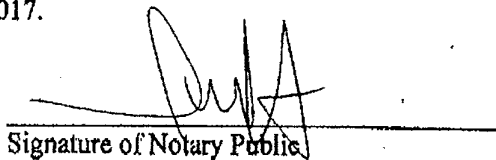


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SANG BAI JOO, M.D.  
Respondent

STATE OF Texas  
COUNTY OF Harris

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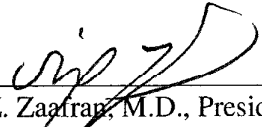
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 27<sup>th</sup> day of November, 2017.



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Signature of Notary Public



SIGNED AND ENTERED by the president of the Texas Medical Board on this 2  
day of March, ~~2017~~  
2018

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