

LICENSE NO. L-3013

IN THE MATTER OF  
THE LICENSE OF  
MILA QUILLIAN MCMANUS, M.D.

BEFORE THE  
  
TEXAS MEDICAL BOARD

ADMINISTRATIVE AGREED ORDER

On the 30 day of November, 2007, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Mila Quillian Mcmanus, M.D. ("Respondent").

By the signature of the Respondent on this Administrative Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to Section 164.004, Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code ("Act") and Board Rule 187.18 and all rights pursuant to Sections 2001.051 and 2001.054, Texas Government Code, including, but not limited to the right to notice and hearing, and instead agrees to the entry of the Administrative Agreed Order pursuant to Section 164.0025 of the Act and Board Rule 187.14. Lee Bukstein represented Board staff.

With the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Administrative Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. 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 Act or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. L-3013 . Respondent was originally issued this license to practice medicine in Texas on December 7, 2001. Respondent is not licensed to practice in any other state.
3. Respondent is primarily engaged in family practice and is board certified in this specialty by the American Board of Family Practice, a member board of the American Board of Medical Specialties.

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4. Respondent is 34 years of age.
5. Respondent has not received a disciplinary order from the Board.
6. In December 2006, Respondent emailed an advertisement that was an uninvited solicitation to several persons that offered to award a gift payment of \$250 to the recipient of the message if that person referred someone who later came in for a Comprehensive Wellness Program appointment on or before January 12, 2007.
7. After receiving a complaint about this advertisement, Respondent withdrew the advertisement and the offer.
8. Respondent's advertisement constituted a promise to pay for soliciting patients.
9. Respondent's advertisement constituted an unsolicited invitation to "drum up" patients.
10. Respondent has cooperated in the investigation of the allegations related to this Administrative Agreed Order. Respondent's cooperation, through consent to this Administrative Agreed Order, pursuant to the provisions of Section 164.002 of the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Administrative Agreed Order and to comply with its terms and conditions.

#### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 165.155 of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's efforts to engage others to solicit patients.
3. Section 164.051(a)(3) of the Act and Board Rule 164.3(17) authorizes the Board to take disciplinary action against Respondent based upon Respondent's advertised promises to pay persons for the solicitation of patients.
4. Section 164.0025 of the Act and Board Rule 187.14 authorize the Board to resolve and make a disposition of this matter through an Administrative Agreed Order.

5. Section 164.002(d) of the Act provides that this Administrative Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings of Fact 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 \$500 within 90 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 Director of Enforcement for 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 following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination ("JP Exam") given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE**

**NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

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.

5. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within 10 days of the address change. This information shall be submitted to the Permits Department and the Director of Enforcement for 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.


6. This Order shall automatically terminate upon the payment of the administrative penalty and a successful passing of the JP Exam by Respondent.

**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.**

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

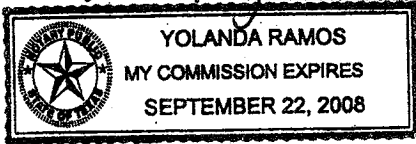
DATED: 8/30, 2007.

  
MILA QUILLIAN MCMANUS, M.D.  
Respondent

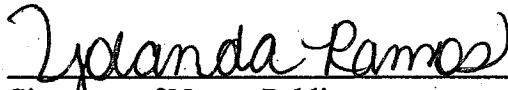
STATE OF Tx  
COUNTY OF Montgomery

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 30 day of August, 2007.



(Notary Seal)

  
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 30 day of November, 2007.

  
Roberta M. Kalafut, D.O., President  
Texas Medical Board