

LICENSE NO. G-0049

IN THE MATTER OF
THE LICENSE OF
PATRICIA SALVATO, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER ON FORMAL FILING

On the 15 day of June, 2018, came to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Patricia Salvato, M.D. (the "Respondent").

On June 27, 2017, Respondent appeared in person with counsel, Mary Kathleen Evans, 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 Michael Cokinos, a member of the Board, and Melissa Tonn, M.D., a member of a District Review Committee (the "Panel"). Ann Skowronski represented Board staff.

Following the ISC, the matter did not resolve and a formal Complaint was filed at SOAH under Docket No. 503-18-0892.MD. Prior to a Final Hearing on the Merits, the parties agreed to this Order. Respondent was represented by Mary Kathleen Evans and Lauren M. Virene. The Board's representatives were Michael Cokinos and Melissa Tonn, M.D. Jerry Bergman prepared this Order.

BOARD CHARGES

Board staff charged that Respondent failed to maintain adequate medical records for one patient during the evaluation and treatment of Lyme disease.

BOARD HISTORY

Respondent has previously received a Remedial Plan from the Board, to wit: On June 10, 2016, the Board approved a Remedial Plan which required Respondent to take 16 hours of continuing medical education, divided equally between the topics of risk management and medical recordkeeping. The underlying case involved allegations that Respondent

nontherapeutically prescribed controlled substances at a pain management clinic registered with the Board.

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. G-0049. Respondent was originally issued this license to practice medicine in Texas on August 23, 1981. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of Internal Medicine. Respondent is board certified by the American Board of Internal Medicine and the American Board of Addiction Medicine, members of the American Board of Medical Specialties.
- d. Respondent is 65 years of age.

2. Specific Panel Findings:

- a. Respondent failed to maintain adequate medical records for one patient during the evaluation and treatment of Lyme disease.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. To improve the legibility of her medical charts, Respondent now uses an electronic medical record system.
- b. 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 rule adopted under the Act, specifically, Board Rule 165.1(a), failure to maintain an adequate medical record; and 200.3, standards for alternative/complimentary treatments.
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.
5. Section 164.002(d) of the Act provides that this Agreed Order is a SETTLEMENT AGREEMENT under the Texas Rules of Evidence for purposes of civil litigation

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 at least 12 hours of continuing medical education (CME) in the

following topics: at least four hours in the topic of medical recordkeeping and at least eight hours in the topic of risk management. All CME must be approved for Category I credits by the American Medical Association or American Osteopathic Society and approved in writing in advance by the Compliance Division of the Board. To obtain approval for the 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 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 Division of the Board 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.

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 proving that the Order was delivered to all such facilities.

3. 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.

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

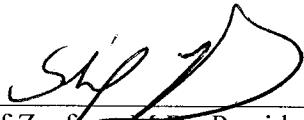
9. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 and 2.

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)

SIGNED AND ENTERED by the president of the Texas Medical Board on this 15
day of June, 2018.



Sherif Zaafan, M.D., President
Texas Medical Board