

D-1963

IN THE MATTER OF) (BEFORE THE
) (
THE LICENSE OF) (TEXAS STATE BOARD
) (
RAWLE ANDREWS, M.D.) (OF MEDICAL EXAMINERS

AGREED ORDER

On this the 15th day of April, 1994, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Rawle Andrews, M.D. ("the Respondent"). On January 25, 1994, Respondent appeared in person with his attorney, Dean Davis, at an Informal Settlement Conference in response to the Board's letter of invitation dated January 6, 1994.

The Texas State Board of Medical Examiners was represented at the Informal Settlement Conference on January 25, 1994, by James H. Clark, Jr., a Board member, and Gladys C. Keene, M.D. a District Review Committee member. Upon recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Rawle Andrews, M.D., holds Texas medical license D-1963.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. Respondent prescribed controlled substances and substances with addictive potential to patient F.C. for extended periods of time without adequate indication.
4. Respondent prescribed controlled substances and substances with addictive potential to patient D.Y. for extended periods of time without adequate indication.

CONCLUSIONS OF LAW

1. Based on the above Findings of Fact, the Board concludes Respondent has violated the Medical Practice Act of Texas ("the Act"), article 4495b, V.A.C.S., Section 3.08(4)(E), prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed. This violation subjects Respondent to discipline under Section 4.12 of the Act.

2. The Board concludes that the Medical Practice Act authorizes disposition of this matter by an Agreed Order.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that:

1. Respondent's license to practice medicine in the State of Texas shall be restricted for a period of five (5) years under terms and conditions as set forth in this Order.
2. Within one (1) year from the date of this order, the Respondent shall enroll in, and subsequently complete a two (2) week preceptorship on the Prevention and Treatment of Drug Abuse offered by the Department of Psychiatry of either the University of Texas Health Science Center at San Antonio or the University of Texas Medical Branch at Galveston. The Board and its agents will discuss any information in the Board's possession relating to this Order with the appropriate persons at either the University of Texas Health Science Center at San Antonio or the University of Texas Medical Branch at Galveston. The Board will mail to the appropriate facility a copy of this Order as authority for them to report to the Board the Respondent's attendance and

completion of the preceptorship. The Executive Director may, at his discretion and in writing, accept another treatment facility.

3. Within one (1) year from the date of this Order, the Respondent shall enroll in, and subsequently complete a two (2) week preceptorship on Pain Management offered by the Department of Psychiatry of either the University of Texas Health Science Center at San Antonio or the University of Texas Medical Branch at Galveston. The Board and its agents will discuss any information in the Board's possession relating to this Order with the appropriate persons at either the University of Texas Health Science Center at San Antonio or the University of Texas Medical Branch at Galveston. The Board will mail to the appropriate facility a copy of this Order as authority for them to report to the Board the Respondent's attendance and completion of the preceptorship. The Executive Director may, at his discretion and in writing, accept another treatment facility.
4. Respondent shall maintain adequate, legible medical records on all patient office visits. These records will include, at a minimum, the patient's name and address, vital statistics, chief complaint of patient, history and physical findings, diagnosis, treatment plan for each patient visit, a notation of all medications prescribed, administered or dispensed, and detailed records of all follow-up visits including date. Respondent shall make patient medical records available for copying and evaluation by investigators, consultants or staff of the Board.
5. Respondent shall refrain from the prescription or administration of any drug for any patient unless the drug is

medically indicated and is prescribed in therapeutic doses. Respondent shall not prescribe, administer, or dispense any drug with a potential for abuse to any person unless there is a legitimate medical and therapeutic need after the Respondent has taken an appropriate medical history and conducted an examination which is clinically adequate to determine a proper diagnosis and course of treatment. Respondent shall conduct adequate follow-up examinations on all patients to determine whether the course of treatment, including the prescribing of drugs, is appropriate for the medical condition of the patient and to determine if the drug regimen being prescribed or administered should be modified in any way.

6. Separate from patient records, Respondent shall maintain a file consisting of a copy of every prescription written by Respondent for any dangerous drugs which may be habit forming, including, but not limited to, Stadol, Nubain, Phenergan, or Talwin, or for any controlled substances, by date issued. This file of prescription copies shall be available for inspection by representatives of the Board during regular office hours without notice. Respondent shall not telephone any prescription to a pharmacy for controlled substances or dangerous drugs, as defined above.
7. Respondent shall appear before the Board or a committee of the Board one (1) time a year during each year of the period of restriction imposed in this Order to report on Respondent's compliance with this Order and the Medical Practice Act.
8. Respondent shall give a copy of this Order to all hospitals and health care entities where he has privileges.

9. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees and agents, to verify that Respondent has complied and is in compliance with this Board Order.
10. Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence.
11. The time period of this Order shall be extended for any period of time in which Respondent subsequently resides or practices medicine outside the State of Texas, is in official retired status with the Board, or for any period during which Respondent's license is subsequently cancelled for nonpayment of licensure fees. If Respondent leaves Texas to live or practice medicine elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas or Respondent's relicensure, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order when Respondent left the practice of medicine in Texas, retired, or had his license cancelled for nonpayment of licensure fees.
12. Respondent shall comply with all the provisions of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.

Any violation of the terms, conditions, and requirements of this Order shall constitute conclusive evidence of unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public within Section 3.08(4) of the Act, and may result in disciplinary action pursuant to Section 4.01(a) of the Act.


The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12 month period, the Respondent wishes to seek amendment or termination of these conditions, then he may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition. Petitions for modifying or terminating may be filed only once a year thereafter.

In regard to all terms and conditions of this Agreed Order, Respondent waives any further hearings or appeal to the Board or to any court regarding this Order and the terms thereunder. Nothing in this paragraph shall be deemed a waiver of Respondent's rights under rule, statute, or the United States or Texas Constitutions to appeal any decision or action which may later be taken by the Board subsequent to this Order, except as Respondent may have agreed herein. Respondent agrees that this Order is a final Order.

THIS ORDER IS A PUBLIC RECORD.

I, RAWLE ANDREWS, 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: 4/5, 1994



Rawle Andrews, M.D.
Respondent

STATE OF TEXAS))
))
COUNTY OF HARRIS))

BEFORE ME, on this day personally appeared Rawle Andrews, M.D., known to me, who, first, being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this the 5 day of APRIL, 1994.

Albert E. Hofner
Notary Public, in and for
the State of TEXAS

Notary Seal

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 15th day of April, 1994.

John M. Lewis
John M. Lewis, M.D.
President, Texas State Board of
Medical Examiners

IN THE MATTER OF
THE LICENSE OF
RAWLE ANDREWS, M.D.

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

ORDER

On the 4th day of April, 1997, came on to be heard before representatives of the Texas State Board of Medical Examiners ("the Board"), the petition of Rawle Andrews, M.D., ("Petitioner") requesting modification of a Board Order entered on April 15, 1994, and pertaining to Petitioner's Texas medical license, D-1693.

Petitioner appeared in person, without counsel, before representatives Vernon L. Ryan, M.D., a member of the Board, and Buddy R. Siebenlist, M.D., a District Review Committee member. Information concerning the petition was considered and Petitioner argued for modification of the Order.

Based on Petitioner's history of compliance, his cooperation with Board staff, his insight into the allegations the basis of the Order, and because Petitioner has substantially complied with all operable provisions of his Order, the Board representatives recommend that the modification request be GRANTED, and that the April 15, 1994 Order be modified as follows:

1. Paragraph seven (7), on page four (4), which requires that Petitioner appear before the Board or a committee of the Board once a year, should be deleted.

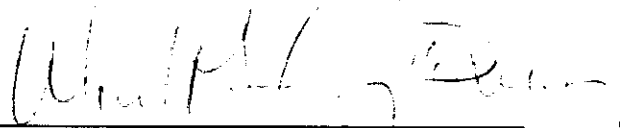
Based on the available information and the recommendation of the Board representatives, the Board ORDERS that the Petition is GRANTED, and the Order is hereby MODIFIED as follows:

1. Paragraph seven (7), on page four (4) is DELETED.

All other provisions of the April 15, 1994 Order remain in full force and effect until superseded by a subsequent Order of the Board.

THIS IS A PUBLIC RECORD.

Signed and entered on this the 10th day of May, 1997.



William H. Fleming, III, M.D.
President, Texas State Board of
Medical Examiners

D-1963

IN THE MATTER OF
THE LICENSE OF
RAWLE ANDREWS, M.D.

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

ORDER

On this the 29th day of January, 1999, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Rawle Andrews, M.D. ("Respondent"). On December 16, 1998, Respondent appeared in person, without counsel, before representatives of the Board to report on and address issues related to Respondent's compliance with the terms and conditions of an Order entered on April 15, 1994 pertaining to Respondent's Texas medical license D-1963, and to request termination of the April 15, 1994 Order.

The Board was represented at Respondent's appearance by Mrs. Ernest Angelo, Jr., a member of the Board, H. Jane Chihal, M.D., a member of District Review Committee # 2, and Kevin R. Smith, M.D., a member of District Review Committee #1. Upon recommendation of the Board's representatives, and with the consent and request of Respondent, the Board makes the following findings of fact and enters this Order as set forth herein:

FINDINGS OF FACT

A. On April 15, 1994, the Board entered an Order which RESTRICTED Respondent's Texas medical license for five (5) years, under various terms and conditions, based on the following Findings of Fact.

1. Rawle Andrews, M.D., holds Texas medical license D-1963.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.

3. Respondent prescribed controlled substances and substances with addictive potential to patient F.C. for extended periods of time without adequate indication.

4. Respondent prescribed controlled substances and substances with addictive potential to patient D.Y. for extended periods of time without adequate indication.

B. On April 4, 1997, the Board entered an Order which modified the April 15, 1994 Order by deleting the requirement for Respondent to appear before the Board or a committee of the Board once a year.

C. Respondent has successfully completed four and one half (4 1/2) years of the five (5) year term of restriction and has complied with the terms and conditions of the April 15, 1994 Order.

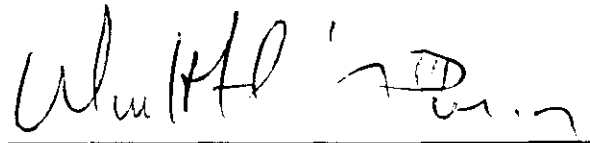
D. Based on the available information, the Board representatives recommend that Respondent's request to have the April 15, 1994 Order terminated should be granted.

ORDER

Based on available information, the above Findings of Fact, and the recommendation of the Board representatives, the Board ORDERS that the April 15, 1994 Order is hereby TERMINATED.

THIS IS A PUBLIC RECORD.

Signed and entered on this the 29 day of January, 1999.



William H. Fleming, III, M.D.
President, Texas State Board of
Medical Examiners