

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503- 11-1421, MD
TEXAS MEDICAL LICENSE NO. K-4443

IN THE MATTER OF THE
COMPLAINT AGAINST
WILLIAM THIEL GRANGER, III, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

COMPLAINT

TO THE HONORABLE TEXAS MEDICAL BOARD AND THE HONORABLE
ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Staff of the Texas Medical Board (the "Board"), and files this Complaint against William Thiel Granger, III, M.D., ("Respondent"), based on Respondent's alleged violations of the Medical Practice Act ("the Act"), Title 3, Subtitle B, Texas Occupations Code, and would show the following:

I. INTRODUCTION

The filing of this Complaint and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas, as provided in Section 151.003 of the Act.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas Physician and holds Texas Medical License No. K-4443, that was originally issued on February 7, 1998. Respondent's license was in full force and effect at all times material and relevant to this Complaint.

2. Respondent received notice of the Informal Settlement Conference ("ISC") but did not appear at the ISC, which was conducted in accordance with §2001.054(c), GOV'T CODE and §164.004 of the Act. All procedural rules were complied with, including but not limited to, Board Rules 182 and 187, as applicable.

3. No agreement to settle this matter has been reached by the parties.

4. All jurisdictional requirements have been satisfied.

III. FACTUAL ALLEGATIONS

Board Staff has received information and on that information believes that Respondent has violated the Act. Based on such information and belief, Board Staff alleges:

1. From September 25, 2008 through November 4, 2008, Respondent wrote 84 prescriptions without a valid Texas Department of Public Safety (DPS) controlled substances registration.

2. DPS notified the Respondent of the violation and the associated administrative penalty of \$5,000 in correspondence dated on or about May 11, 2009.

3. On or about July 15, 2009, DPS requested assistance from the Office of the Attorney General for the State of Texas to collect the assessed administrative penalty, as no response was received from the Respondent.

4. On or about May 11, 2009, Respondent was notified of his expired DPS certification. The United States Postal Service confirmed delivery of the May 11, 2009 notification.

5. After May 11, 2009, Respondent continued to write prescriptions using his expired DPS registration.

6. The actions of Respondent as specified above violate one or more of the following provisions of the Medical Practice Act:

a. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under Section 164.052 of the Act;

b. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare; and as further defined by Board Rule 190.8(1)(C), failure to use proper diligence in one's practice;

c. 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;

d. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's commission of an act that violates any state or

federal law if the act is connected with the physicians practice of medicine, specifically, Texas Health and Safety Code Sec. 481.128(a)(2) that a registrant commits an offense if the registrant knowingly distributes or dispenses a controlled substance not authorized by the person's registration.

7. Pursuant to Board Rule 190.15, the Board may consider aggravating factors in determining the appropriate sanctions in this matter. This case involves multiple violations of the Act and Board rules, all of which are aggravating factors that may be considered by the Board in determining appropriate sanctions in this case.

IV. APPLICABLE STATUTES, RULES, AND AGENCY POLICY

The following statutes, rules, and agency policy are applicable to this matter:

1. Section 164.007(a) of the Act requires that the Board adopt procedures governing formal disposition of a contested case before the State Office of Administrative Hearings.
2. 22 TEX. ADMIN. CODE, Chapter 187 sets forth the procedures adopted by the Board under the requirement of Section 164.007(a) of the Act.
3. 1 TEX. ADMIN. CODE, CHAPTER 155 sets forth the rules of procedure adopted by SOAH for contested case proceedings.
4. 1 TEX. ADMIN. CODE, CHAPTER 155.507, requires the issuance of a Proposal for Decision ("PFD") containing Findings of Fact and Conclusions of Law.
5. Section 164.007(a) of the Act, Board Rule 187.37(d)(2) and Board Rule 190 et. seq., provides the Board with the sole and exclusive authority to determine the charges on the merits, to impose sanctions for violation of the Act or a Board rule, and to issue a Final Order.

V. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE.

A COPY OF ANY RESPONSE YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS MEDICAL BOARD.

WHEREFORE, PREMISES CONSIDERED, Board Staff requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint, and issue a Proposal for Decision ("PFD") containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act as set forth in this Complaint.

Respectfully submitted,

TEXAS MEDICAL BOARD

By:



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THE STATE OF TEXAS

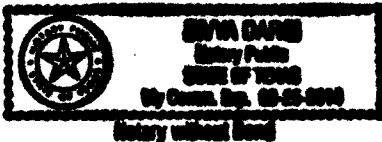
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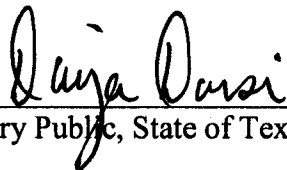
COUNTY OF TRAVIS

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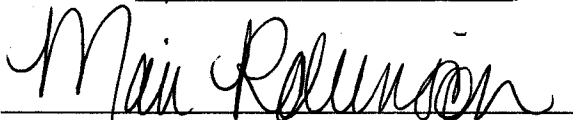
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SUBSCRIBED AND SWORN to before me by the said Lee Bukstein, on
11/23/10, 2010.




Notary Public, State of Texas

Filed with the Texas Medical Board on Nov. 18, 2010.


Mari Robinson, J.D.
Executive Director, Texas Medical Board

SERVICE LIST

On this 23rd day of November, 2010, I certify that a true and correct copy of this Complaint has been served on the following individuals at the following locations:

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7008 2810 0000 1316 8159 and FIRST CLASS MAIL:

William Thiel Granger, III, M.D.
820 W. Milam, #312
Mexia, TX 76667

BY FAX TRANSMISSION TO: 475-4994

Rommel Corro, Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 502
Austin, Texas 78701-1649

BY HAND DELIVERY:

Sonja Aurelius
Hearings Coordinator
Texas Medical Board
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701



Lee Bukstein