

LICENSE G-3069

IN THE MATTER OF  
THE LICENSE OF  
MANSOUR R. SANJAR, M.D.

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BEFORE THE  
TEXAS STATE BOARD  
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 12 day of December, 2003, 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 Mansour R. Sanjar, M.D. ("Respondent"). On September 11, 2003, Respondent appeared in person without counsel, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from staff of the Board. Scott M. Freshour, J.D. represented the Board. The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Elvira Pascua-Lim, M.D, a member of the Board and Sharon J. Barnes. a member of the District Review Committee.

Upon recommendation of the Board's representatives, the Board makes the following findings of fact and conclusions of law and enters this 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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. G-3069. Respondent was originally issued this license to practice medicine in Texas in 1983. Respondent is licensed in California.
3. Respondent is primarily engaged in solo practice specializing in psychiatry. Respondent is not Board certified.
4. Respondent is seventy (70) years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. A complaint was filed with the Board alleging that the Respondent engaged in over-prescribing narcotics to a single patient.

7. A panel of the Board found that the Respondent failed to properly manage the amounts of controlled substances and narcotics prescribed. The Respondent also failed to address concerns about possible abuse of prescriptions reported by family members. The Panel expressed concern over the lack of adequate psychiatric charting to support the diagnosis of several psychiatric disorders by Respondent.

8. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this 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 other expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed order and comply with its terms and conditions.

#### CONCLUSIONS OF LAW

Based on the Findings of Fact, the Board concludes the following:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on failing to practice medicine in an acceptable professional manner, as described in Rule 190, by failing to create and maintain adequate records when prescribing dangerous drugs or controlled substances.

3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent for committing a direct or indirect violation of a rule adopted under this Act, either as a principal, accessory, or accomplice; to wit, failure to keep adequate medical records; and failure to comply with the requirements under Board Rule 170; to wit, failed to discuss and assess, with the patient, the risks of potential misuse of narcotics.

4. 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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice,

counseling or treatment, required educational counseling programs, monitored practice, public service and an administrative penalty.

5. Section 164.002(a) of the Act authorizes the Board to resolve and make disposition of this matter through an Agreed Order.

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

### ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's Texas license is hereby subject to the following terms and conditions for three (3) years from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. While under the terms of this Order, Respondent's practice shall be monitored by a physician ("monitor"), in accordance with §164.001(b)(7) of the Act. The Compliance Division of the Board shall designate the monitor and may change the monitor at any time for any reason. The monitor shall have expertise in a similar specialty area as Respondent. The Compliance Division shall provide a copy of this Order to the monitor, together with other information necessary to assist the monitor.

a. As requested by the Compliance Division, Respondent shall prepare and provide complete legible copies of selected patient medical and billing records ("selected records"). The Compliance Division shall select records for at least ten percent (10%) of the patients seen by Respondent during each three-month period following the last day of the month of entry of this Order ("reporting period"). The Compliance Division may select records for more than thirty patients, up to ten percent of the patients seen during a reporting period.

b. The monitor shall perform the following duties:

- 1) Personally review the selected records;
- 2) Prepare written reports documenting any perceived deficiencies and any recommendations to improve Respondent's practice of medicine or assist in the ongoing monitoring process. Reports shall be submitted as requested by the Compliance Division; and

3) Perform any other duty that the Compliance Division determines will assist the effective monitoring of Respondent's practice.

c. The Compliance Division shall provide to Respondent a copy of any deficiencies or recommendations submitted by the monitor. Respondent shall implement the recommendations as directed by the Compliance Division.

The monitor shall be the agent of the Board, but shall be compensated by the Respondent through the Board. Such compensation and any costs incurred by the monitor shall be paid by Respondent to the Board and remitted by the Board to the monitor. Respondent shall not charge the compensation and costs paid to the monitor to any patients.

2. Respondent shall attend at least fifty (50) hours per year of Continuing Medical Education (CME) approved for Category I credits by the American Medical Association or by the American Osteopathic Association in the area of general psychiatry each year while under this Order.

3. Within one (1) year from the signing of this Order by the presiding officer of the Board, Respondent shall enroll in and successfully complete a three-day course in prescribing controlled substances and dangerous drugs, and a two-day course in medical recordkeeping, which have been approved by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Compliance for the Board information on the course, to include a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Documentation of attendance and successful completion to this requirement shall be delivered to the Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.

4. The CME requirements specified in paragraph 3 are in addition to the 50 hours of CME in general psychiatry specified in paragraph 2 of the Order.

5. All the CME courses specified in paragraphs 2 and 3 are in addition to the annual CME requirement.

6. Upon request Respondent shall submit to the Board proof of CME attendance by the Order's anniversary date. A copy of the attendance certificate issued or a detailed report, which can be readily verified by the Board, shall satisfy this requirement.

7. Respondent shall not be involved in the primary management of chronic pain.

8. Respondent shall not prescribe any narcotic or opiate pain relievers.

9. Respondent shall personally appear before the Board, a committee of the Board, or a panel of Board representatives, upon written request mailed to Respondent's last known address on file with the Board at least ten (10) calendar days before the requested appearance date. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Order. Respondent shall appear one (1) time the first year that Respondent is under the terms and conditions of this Order. Any appearances thereafter shall be as requested by the Board with at least days ten (10) days notice to Respondent at his last known address on file with the Board.

10. Respondent shall comply with all the provisions of the Act, and other statutes regulating the Respondent's practice, as is required by law.

11. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance 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.

12. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

13. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Order, Respondent shall fully cooperate with the Board and the Board staff, including but not limited to, Board attorneys, investigators, compliance officers, consultants, and other such 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 cooperate as required by this paragraph and the terms of this Order shall constitute a basis for disciplinary action against Respondent pursuant to the Act.

14. The time period of this Order shall be tolled if (a) Respondent subsequently resides or practices outside the State of Texas, or (b) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of tolling 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 tolling.


15. 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, 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.

I, MANSOUR R. SANJAR, 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: 11-25-03, 2003.

  
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MANSOUR R. SANJAR, M.D.  
RESPONDENT

STATE OF Texas

COUNTY OF Harris

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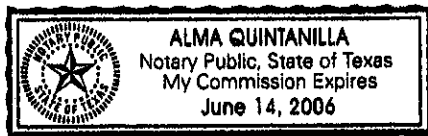
BEFORE ME, the undersigned Notary Public, on this day personally appeared Mansour R. Sanjar, M.D. known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 25 day of November, 2003.

Alma Quintanilla

Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 12 day of December, 2003.

Lee S. Anderson  
Lee S. Anderson, M.D., President  
Texas State Board of Medical Examiners