

IN THE MATTER OF
THE LICENSE OF
ALEJANDRO MUNOZ, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 9 day of December, 2005, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Alejandro Munoz, M.D. ("Respondent").

On October 19, 2005, Respondent appeared in person, with counsel, Timothy E. Weitz, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Nancy Leshikar represented Board staff. The Board's representatives were Melinda S. Fredricks,, a member of the Board, and Leah R. Mabry, M.D., a member of the District Review Committee.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this 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 Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. G-8549. Respondent was originally issued this license to practice medicine in Texas on August 23, 1985. Respondent is also licensed to practice in Oklahoma.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is not board certified.

4. Respondent is 52 years of age.

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

6. C.S., a 23-year-old female, was diagnosed with depressive disorder and bipolar disorder. She was receiving treatment from Respondent through the West Texas Centers for Mental Health Mental Retardation (MHMR). Respondent began treating her on July 2, 2003.

7. On October 3, 2004, MHMR received information that Respondent had become personally involved in an inappropriate manner with C.S.

8. The Department of Family and Protective Services (DFPS) investigated the matter and concluded that evidence did exist substantiating the inappropriate relationship.

9. The Respondent acknowledged that his actions were inappropriate.

10. 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 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 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 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.

3. 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 this Act.

4. Texas Administrative Code § 190.8(2)(G) provides that becoming personally involved with a patient in an inappropriate manner constitutes unprofessional or dishonorable conduct.

5. 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 or counseling programs, monitored practice, public service, and an administrative penalty.

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

7. 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 of Fact and Conclusions of Law, the Board **ORDERS** that:

1. Within six months from the entry of this Order, Respondent shall enroll in and successfully complete the Maintaining Proper Boundaries course given by the Vanderbilt Medical Center, or a similar or equal course, as approved in writing in advance 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 at least a reasonably detailed description of the course content and faculty, as well as the course location

and dates of instruction. Respondent shall deliver documentation of attendance and successful completion of this requirement to the Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.

2. Respondent shall pay an administrative penalty in the amount of \$2,000 within 90 days 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 Compliance 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.

3. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

4. This Order shall terminate automatically upon the successful completion of the requirements contained herein as evidenced by the submission of adequate documentation to the Board as may be determined in the Board's discretion.

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, ALEJANDRO MUNOZ, 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: Dec 15, 2005.

Alejandro Munoz

Alejandro Munoz, M.D.
Respondent

STATE OF TX

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COUNTY OF Wichita

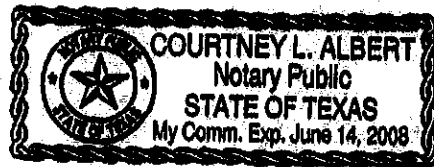
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
5th day of December, 2005.

Courtney Albert
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
9 day of December, 2005.

Roberta M. Kalafut

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