

IN THE MATTER OF  
THE LICENSE OF  
MARVIN CLIFFORD CORNETTE, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

ORDER DENYING TERMINATION

On the 8th day of February, 2013, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Marvin Clifford Cornette, M.D. (Probationer).

On June 18, 2012, Probationer appeared in person, with counsel Jennifer King, before representatives of the Board to petition the Board for termination of an Agreed Order entered on October 10, 2008 (2008 Order), a copy of which is incorporated herein and attached hereto. The Board's representatives were Margaret McNeese, M.D., and Paulette Southard, members of the Board (Panel). Susan Rodriguez represented Board staff.

Upon the recommendation of the Board's representatives, the Board makes the following Findings and Conclusions of Law and enters this Order.

FINDINGS

The Board finds that:

A. Prior Disciplinary History:

On October 10, 2008, the Board entered an Agreed Order suspending Probationer's medical license for at least one year and until he provides evidence of competency to safely practice medicine, including, but not limited to: reports from a treating psychiatrist clearly indicating that he is able to safely practice medicine; proof of at least one year of sobriety; regular participation in Alcoholics Anonymous and Caduceus; participation in a county or state medical society committee on physician health and rehabilitation, including participation in weekly meetings, if any; compliance with the terms of deferred adjudication set out by the court; and records of negative independent drug screens. This action by the Board was based on Probationer's substance abuse history and criminal history.

B. Status of Compliance with the 2008 Order as of June 18, 2012:

1. Probationer has served more than three and a half years of the 2008 Order.
2. Probationer is in compliance with all terms and conditions of the 2008 Order.

C. Probationer's Request:

Probationer requests termination of the 2008 Order based on the above referenced compliance.

D. Recommendation:

Based on the above Findings and information available at the meeting on June 18, 2012, the Panel recommended that Probationer's petition for termination of the 2008 Order be denied.

E. Basis for Panel's Recommendation:

Probationer has not yet been cleared to practice without limitations or restrictions by his current treating psychiatrist. Probationer has not yet determined a particular practice setting that would comport with his treating psychiatrist's recommendations for quarterly review of his overall status and initial peer supervision of his practice. Additionally, although Probationer has obtained the requisite continuing medical education hours to maintain licensure during his suspension, he has not actively practiced medicine since October 2008.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

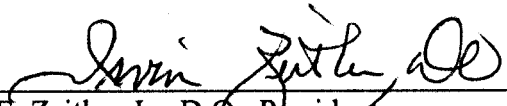
1. The Board has jurisdiction over this matter and Probationer pursuant to the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act).
2. 22 TEX. ADMIN. CODE §187.43 authorizes the Board to consider petitions for termination of Agreed Orders and Disciplinary Orders.

ORDER

Based on the available information, the above Findings and Conclusions of Law, and the recommendation of the Board's representatives, the Board ORDERS that Probationer's petition for termination of the 2008 Order is hereby DENIED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
8th day of February, 2013.

  
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Irvin E. Zeitler, Jr., D.O., President  
Texas Medical Board

LICENSE NO. F-9328

IN THE MATTER OF  
THE LICENSE OF  
MARVIN CLIFFORD CORNETTE, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 10th day of October, 2008, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Marvin Clifford Cornette, M.D. ("Respondent").

On July 11, 2008, Respondent appeared in person, with counsel Ace Pickens, 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 Timothy Webb, J.D., a member of the Board, and Richard K. Newman, M.D., a member of a District Review Committee. Claudia Kirk represented Board staff.

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. F-9328. 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.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified in this area by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.
4. Respondent is 53 years of age.
5. Respondent has not received a prior disciplinary order from the Board.
6. On November 4, 2006, the Respondent went to an Albertson's Sav-On Pharmacy and filled prescriptions for Adderall (a Schedule II narcotic) and Cialis (an erectile dysfunction medication) he had prescribed for his former partner. At the pharmacy, the Respondent claimed he was the person for whom the prescription was written.
7. The Respondent failed to produce identification required to obtain the prescription. The police were summoned after Respondent's driver's license was found on the pharmacy floor. The police subsequently arrested the Respondent.
8. The police investigation revealed that between April 27, 2006 and February 13, 2007, the Respondent had filled 10 prescriptions under another person's name.
9. On January 19, 2007, a Dallas County Grand Jury indicted the Respondent. Respondent later signed two voluntary statements admitting that on November 4, 2006, he had illegally tried to obtain Adderall and Cialis and had successfully illegally obtained narcotics on numerous occasions prior to his arrest.
10. On November 19, 2007, the Respondent stipulated to the evidence and received deferred adjudication for a three-year term requiring community supervision. Respondent's deferred adjudication probationary terms include: performance of 120 hours community service; submission to random urine testing; and submission to a psychiatric evaluation with a commitment to comply with any recommendation of the psychiatrist for continuing treatment.
11. Respondent has been regularly attending Alcoholics Anonymous (AA) since his arrest.
12. Dr. Timothy Wolff, Respondent's private psychiatrist, has treated Respondent since December 7, 2007. Dr. Wolff diagnosed Respondent with: recurrent, severe major depressive disorder, which includes psychotic features; dysthymic disorder; and amphetamine dependence.
13. In determining the appropriate sanction in this matter, the Board considered the following mitigating factors: there was no evidence of patient harm based on his amphetamine dependence, and Respondent voluntarily stopped practicing in June of 2006, and sought treatment, once he realized he impaired due to substance abuse.

14. 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 164.051(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, as further defined by Board Rule 190.8(1)(M), regarding inappropriate prescription of dangerous drugs or controlled substances to oneself.
3. Sections 164.051(a)(4) and 164.056 of the Act authorize the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety to patients because of illness; drunkenness; excessive use of drugs, narcotics, chemicals, or another substance; or as a result of any mental or physical condition.
4. 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.
5. Sections 164.052(a)(5) and 164.053(a)(1) of the Act authorize the Board to take disciplinary action against Respondent based on Respondent's commission of an act that violates a law of this state that is connected with Respondent's practice of medicine, as further defined by Board Rule(s): §190.8(R)(i), violation of federal and state laws, felony; §190.8(R)(xii), violation of federal and state laws, substance abuse or substance diversion.
6. Sections 164.052(a)(5) and 164.053(a)(4) of the Act authorize the Board to take disciplinary action against Respondent based on Respondent writing false or fictitious prescriptions for dangerous drugs as defined by Chapter 483, Health and Safety Code, controlled substances scheduled in Chapter 481, Health and Safety Code or controlled substances scheduled

in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).

7. 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.

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

9. 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. Respondent's Texas medical license is hereby **SUSPENDED** until such time as Respondent requests in writing to have the suspension stayed or lifted, and personally appears before the Board and provides clear and convincing evidence and information which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice medicine. Such evidence and information should include at a minimum, but shall not be limited to: reports from a treating psychiatrist clearly indicating that he is able to safely practice medicine; proof of at least one year of sobriety; regular participation in AA and Caduceus; participation in a county or state medical society committee on physician health and rehabilitation county or state medical society committee on physician health and rehabilitation, county or state medical society committee on physician health and rehabilitation county or state medical society committee on physician health and rehabilitation, including participation in weekly meetings if any; compliance with the deferred adjudication terms set out by the court; and records of negative independent drugs screens.

2. Any treating psychiatrist must be certified by the American Board of Medical Specialties in Psychiatry. The treating psychiatrist records, reports, and evaluations shall specifically



address any potential or actual impairment of Respondent due to substance abuse or an organic mental condition, and shall address any tendencies toward compulsive behavior, relapse, recidivism, or recurrence in regard to the possibility of actions, conditions, or misconduct similar to that described in the preceding findings of fact. A copy of this Order shall be provided by Respondent to the approved psychiatrist as a reference for the evaluations, and as authorization for the psychiatrist to provide to the Board any and all records and reports related to the evaluations conducted pursuant to this paragraph. Respondent shall execute any and all releases for medical records necessary to effectuate the provisions of this paragraph.

3. After a period of at least one year from the date of the entry of the Order and upon an adequate showing before the Board that Respondent is able to safely practice, Respondent shall be granted permission to practice in Texas under such terms and conditions and for such time that the Board in, its discretion, determines are necessary to adequately protect the public.

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.

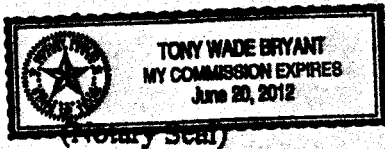
I, MARVIN CLIFFORD CORNETTE, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 9/29/, 2008.

*Marvin Clifford Cornette* *MD*  
MARVIN CLIFFORD CORNETTE, M.D.  
Respondent

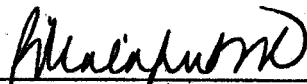
STATE OF TEXAS §  
COUNTY OF DALLAS §  
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 29 day of SEPTEMBER, 2008.



*Tony Wade Bryant*  
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
10th day of October, 2008.



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