

IN THE MATTER OF  
THE LICENSE OF  
RAUL R. J. CAPITAIN, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER OF VOLUNTARY SURRENDER

On the 15 day of October, 2021, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Raul R.J. Capitaine, M.D. (Respondent).

On September 17, 2021, Respondent appeared via videoconference, with counsel Dan Ballard 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 James Distefano, D.O., a member of the Board, and Ruth Villareal, a member of a District Review Committee (Panel). Nikki Karr represented Board staff on behalf of Kemisha Williams.

With the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order of Voluntary Surrender.

FINDINGS

The Board finds the following:

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. H-4885. Respondent was originally issued this license to practice medicine in Texas on December 6, 1988.
3. Respondent is currently engaged in the practice of psychiatry. Respondent is not board certified.
4. Respondent has the following Board history:
  - a. On March 28, 2003, the Board entered an Agreed Order against Respondent imposing a public reprimand and requiring Respondent to take and pass the Jurisprudence Examination (JP Exam), obtain 20 hours of

continuing medical education (CME) including 10 hours of addiction medicine and 10 hours of risk management; and pay an administrative penalty of \$5,000. The Order was based on allegations that Respondent failed to comply with state regulations as medical director for a Narcotic Treatment Program, failed to adequately supervise his delegates and engaged in unprofessional conduct.

b. On August 10, 2015, the Board and Respondent entered into an Agreed Order requiring Respondent to within one year complete at least eight hours of CME in risk management. The Board found that a midlevel provider under Respondent's supervision failed to correct a medication error that had been generated by the dispensing pharmacy regarding the dosage of a medication for a patient, and that Respondent repeated the erroneous dosage in a follow up prescription of that medication. The Order terminated on February 9, 2016.

5. Respondent is 77 years of age.

6. Respondent prescribed controlled substances to and became sexually involved with one psychiatric patient.

7. Respondent has been experiencing health issues and wishes to retire.

8. By Respondent's signature on this Agreed Order, Respondent requests that the voluntary surrender of his Texas Medical License be accepted in lieu of further disciplinary proceedings and that the voluntary surrender of his Texas Medical License be effective on November 15, 2021.

9. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. 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, the Board concludes that:

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

2. Section 164.061 of the Act and 22 TEX. ADMIN. CODE 196.2 authorize the Board to accept the voluntary surrender of Respondent's Texas Medical License.

3. This Order is based on Finding No. 6 and 7 and the specific authority of Section 164.052(a)(5), 164.053(a)(3), 164.053(a)(5) and 164.053(a)(6) of the Act.

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

### ORDER

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

1. The voluntary and permanent surrender of Respondent's Texas Medical License should be, and is, accepted by the Board effective on November 15, 2021, and after it is signed by the President of the Board.

2. On or after November 15, 2021, Respondent's Texas Medical License H-4885 is, therefore, permanently canceled.

3. Respondent shall immediately cease practice in Texas on or before 5:00pm on November 15, 2021. Respondent's practice after 5:00pm on November 15, 2021 shall constitute a violation of this Order, subjecting Respondent to disciplinary action by the Board or prosecution for practicing without a license in Texas.

4. By this voluntary and permanent surrender of Respondent's Texas Medical License, Respondent resolves any complaints currently before the Board.

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 SUPERCEDES ALL PREVIOUS ORDERS OF THE BOARD.

THIS ORDER IS A PUBLIC RECORD.

**[SIGNATURE PAGE(S) FOLLOW]**

I, RAUL R.J. CAPITAINE, 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.



RAUL R.J. CAPITAINE, M.D.  
Respondent

STATE OF Texas

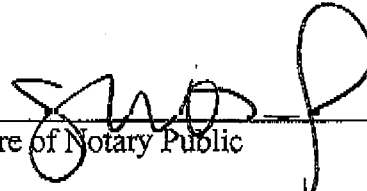
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COUNTY OF Nueces

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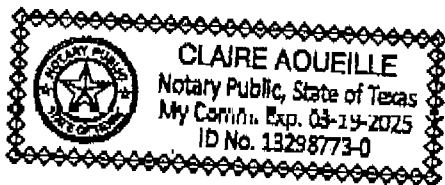
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 13 day of October, 2021.

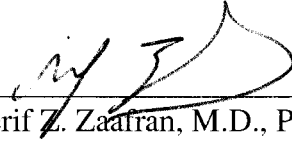


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
15 day of October, 2021.



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Sherif Z. Zaafran, M.D., President  
Texas Medical Board