

LICENSE NO. D6049

IN THE MATTER OF

THE LICENSE OF

WAYNE CHARLES JONES, M.D.

BEFORE THE DISCIPLINARY

PANEL OF THE

TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
OF TEXAS MEDICAL LICENSE
(WITHOUT NOTICE OF HEARING)

On June 8, 2023, came to be heard before the Disciplinary Panel (the "Panel") of the Texas Medical Board (the "Board"), composed of Robert D. Martinez, M.D., Chair; Satish Nayak, M.D.; and Ebony Todd, J.D., members of the Board duly in session, the matter of the Application for Temporary Suspension WITHOUT NOTICE OF HEARING) of the license of Wayne Charles Jones M.D. ("Respondent"). Michael Gilmour represented Board staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension (WITHOUT NOTICE OF HEARING):

FINDINGS OF FACT

1. Respondent is a physician who practices in Richardson, Texas.
2. An investigation by a sister agency uncovered text messages sent by Respondent to a patient of a threatening nature.
3. Respondent states, via text messages, in relevant part, as follows:
 - a. In several instances, Respondent insists quite urgently and even threatens [redacted] to intercede on his behalf to get the Board's complaints against him dismissed. On April 4, 2023, at 10:16 a.m., Respondent states, "I may need to send the police to do a wellness check[.] She may be held prisoner. What did she say about me and rape attempt charge. If she filed any complaint her life will be over. Of that I am positive. She knows the Board response has to be

sent today. She is the only one that can do it. Plus it has to be notarized[.] If she doesn't back off the rape attempt I have to call the police today and get a protective order for from [redacted]. Otherwise I'm in constant danger and I need to get a gun ASAP. This is major league and in life and death issues plus my being criminally charged by the Board.”

- b. Respondent extends promises to provide controlled substances to a witness to cooperate with him, and alternatively, to withhold them as punishment if she does not. In a text message of April 4, 2023, at 4:36 p.m., Respondent states, “.... I'll cut her off from Dr. [redacted]. She'll never be able to get Xanax. The only chance we have is for she and I to work together.” On April 5, 2023, at 3:49 p.m., Respondent states, “The Psychiatrist that prescribed her meds in exchange for me prescribing his wife's meds will have to be alerted to finding another Doctor for her. I'm sure [redacted] won't benefit from that.” The same message continues, “Unless of course you will keep helping her in significant [sic] ways but a better deal may come along and you will join me on the bone pile.” On April 4 at 11:10 a.m., Respondent states, “...I could bring her meds she needs.”
- c. Respondent confirms that a witness is or has practiced as a counselor and is prescribing or has prescribed controlled substance medications to patients. In a text message on April 25, 2023, at 10:42 a.m., Respondent states, “[Redacted] finally got up. But now she has a pt she has to call. For 3 and a 1/2 days she is the only one who can fill meds and she's not even supposed to be doing then [sic].”

4. These text messages from Respondent show that Respondent was allowing an unlicensed individual to prescribe dangerous drugs and/or controlled substances on his behalf.

5. Respondent's texts indicate that he is directing others to contact the Board and/or misrepresent facts to the Board in order to intimidate witnesses to contact and persuade the Medical Board to drop its cases against Respondent.

6. Respondent's Prescription Monitoring Program Report shows that Respondent or someone using Respondent's e-prescribing authority is prescribing controlled substances, including ADHD medication and benzodiazepines to patients.

7. Respondent's text messages state that he and another physician have an agreement to prescribe controlled substances for each others' spouses. The TXPMP report for Respondent's spouse confirms the statements in Respondent's text messages that the other named physician was prescribing in the manner described by the text messages.

8. Respondent is engaged in unprofessional, abusive, and threatening conduct. Respondent is allowing another person who is not licensed to prescribe controlled substances and practice medicine without a license and engage in non-therapeutic prescribing.

9. Respondent's communications along with Respondent's current prescribing history indicates that Respondent practice of medicine is a continuing threat to the public.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the Disciplinary Panel to temporarily suspend or restrict the medical license of Respondent if the Disciplinary Panel determines from evidence presented to it that the Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

2. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel Finds that Respondent violated the following sections of the 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)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided in section 164.053 of the Act, or injury the public, as further defined by the following Board Rules:
 - i. Board Rule 190.8(2)(G) becoming financially or personally involved with a patient in an inappropriate manner.

- ii. Board Rule 190.8(2)(R), commission of the following violations of federal and state laws whether or not there is a complaint, indictment, or conviction for any felony; any criminal violation of the Medical Practice Act of other statutes regulating or pertaining to the practice of medicine; any misdemeanor involving moral turpitude; bribery or corrupt influence; or substance abuse of substance diversion.
 - iii. Board Rule 190.8(2)(S), contacting or attempting to contact a complainant, witness, medical peer review committee member, or professional review body for purposes of intimidation.
- c. Section 164.052(a)(17) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's direct or indirect aiding or abetting the practice of medicine by a person, partnership, association or corporation that is not licensed to practice medicine by the Board.
- d. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act that violates any state or federal law if the act is connected with the physician's practice of medicine; 21 U.S.C. Sec. 841, prohibiting the manufacture, distribution, dispensing or possession with the intent to manufacture, distribute, or dispensing of a controlled substance.
- e. Section 164.053(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's writing prescriptions for or dispensing to a person who the physician knew or should have known was an abuser of narcotic drugs, controlled substances, or dangerous drugs.
- f. Section 164.053(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's writing false or fictitious prescriptions for: (A) dangerous drugs as defined by Chapter 483, Health and Safety Code; or (B) controlled substances scheduled in Chapter 481, Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §§801 *et seq.*).

- g. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is non-therapeutic.
- h. Section 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing, administering, or dispensing in a manner inconsistent with public health and welfare dangerous drugs as defined by Chapter 483, Health and Safety Code; or controlled substances scheduled in Chapter 481, Health and Safety Code; or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §§801 *et seq.*).
- i. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to supervise adequately the activities of those acting under the supervision of the physician.
- j. Section 164.053(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's delegation of professional medical responsibility or acts to a person if the delegating physician knows or has reason to know that the person is not qualified by training, experience, or licensure to perform the responsibility or acts.

3. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

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

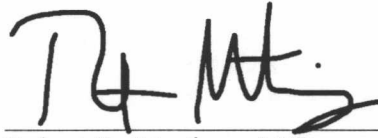
1. Respondent's Texas Medical License No. D6049 is hereby TEMPORARILY SUSPENDED.
2. This Order of Temporary Suspension WITHOUT Notice of Hearing is final and effective on the date rendered.
3. Notice of this Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall be given immediately to Respondent.
4. A hearing on the Application for Temporary Suspension (WITH NOTICE) will hereby be scheduled before a Disciplinary Panel of the Board at a date to be determined as soon as

practicable, at the offices of the Board, unless such hearing is specifically waived by the Respondent.

5. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (WITH NOTICE OF HEARING) is conducted and a Disciplinary Panel enters an order; or until it is superseded by a subsequent Order of the Board.

SIGNATURE PAGE FOLLOWS

Signed and entered this June 8, 2023.

A handwritten signature in black ink, appearing to read 'RD Martinez', written over a horizontal line.

Robert D. Martinez, M.D.
Chair, Disciplinary Panel
Texas Medical Board