

IN THE MATTER OF
THE LICENSE OF
MARLON P. QUINONES, M.D.

LICENSE NO. Q4829

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 21 day of March, 2025, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Marlon P. Quinones, MD (Respondent).

On December 18, 2024, Respondent appeared by videoconference without counsel 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 Devinder Bhatia, MD and LuAnn Morgan, members of the Board (Panel). Kerby Blanchard represented Board Staff and prepared this Order.

BOARD CHARGES

Board Staff charged Respondent failed to communicate with patients, failed to provide timely referrals, improperly billed for services not rendered and failed to timely refill medications for his patients at iKare Clinic placing patients at risk. Respondent also failed to provide appropriate notice to patients when his practice moved locations.

BOARD HISTORY

On December 8, 2017, the Board and Respondent entered an Agreed Order requiring Respondent to, within one year and three attempts, pass the Medical Jurisprudence exam; within one year complete at least 16 hours of CME, divided as follows: eight hours in medical recordkeeping and eight hours in risk management; and within 60 days pay an administrative

penalty of \$3,000. The Board found Respondent voluntarily surrendered his privileges at Laurel Ridge Treatment Center in San Antonio while an investigation was pending and failed to cooperate with Board staff's request for information.

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

FINDINGS

The Board finds the following:

1. General Findings:

- a. 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.
- b. Respondent currently holds Texas Medical License No. Q4829. Respondent was originally issued this license to practice medicine in Texas on June 12, 2015. Respondent is not licensed to practice in any other state.
- c. Respondent specializes in Psychiatry and is certified by the American Board of Psychiatry and Neurology.

2. Specific Panel Findings:

- a. Respondent's poor practice organization and keeping patients updated on the office closure led to the disruption in treatment for multiple patients.
- b. Respondent neglected to timely refill patient prescriptions, failed to respond to patient requests for refill medications and failed to provide timely specialist referrals placing them at risk of harm.
- c. Respondent was the physician in charge of prescribing medications for established patients.

- d. Respondent failed to create and maintain adequate medical records and failed to properly terminate physician/patient relationships or provide patients with notice of iKare Clinic closure.

3. Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
 - i. 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 164.001 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.
3. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
4. 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.
5. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's committing an act prohibited under Section 164.052 of the Act.
6. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violating the Act or Board Rules, specifically Board Rules: 165.1(a), failure to maintain an adequate medical record; and 165.5(a)(1), when a physician retires, terminates employment or otherwise leaves a medical practice, he is responsible to ensure

that patients receive reasonable notification and are given the opportunity to obtain copies of their records or arrange for the transfer of their medical records to another physician.

7. 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 defined by the following Board Rules: 190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; 190.8(1)(B), negligence in performing medical services; 190.8(1)(C), failure to use proper diligence in one's professional practice; 190.8(1)(D), failure to safeguard against potential complications; and 190.8(1)(J), termination of patient care without providing reasonable notice to the patient.

8. Section 164.052(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 §164.053 of the Act, or injure the public as further defined by the following Board Rules: 190.8(2)(J), providing medically unnecessary services to a patient or submitting a billing statement to a patient or a third-party payer that the licensee knew or should have known was improper; and 190.8(2)(L), failing to timely respond to communications from a patient.

9. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's committing an act that violates any state or federal law if the act is connected with the physician's practice of medicine: as further defined by Tex. Health & Safety Code Sec. 3.11 0025(a) a hospital, treatment facility, mental health facility, or health care professional may not submit to a patient or a third-party payor a bill for a treatment that the hospital, facility, or a professional knows was not provided or knows was improper, unreasonable, or medically or clinically unnecessary

10. Section 164.053(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's improper billing practices that violate Section 311.0025, Texas Health & Safety Code.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a **PUBLIC REPRIMAND** of Respondent, and Respondent is hereby reprimanded.

2. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Jurisprudence Examination (JP Exam) given by the Board. Respondent is allowed three attempts to successfully pass this examination. Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and

knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

3. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least twenty-eight (28) hours of continuing medical education (CME) approved for Category I credits by the American Medical Association, divided as follows: at least eight (8) hours CME in the topic of risk management, at least four (4) hours CME in the topic of ethics, at least four (4) hours CME in the topic of patient communications, at least eight (8) hours CME in the topic of proper billing, and at least four (4) hours CME in the topic of medical recordkeeping; each approved in writing in advance by the Executive Director or a designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department 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 submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

4. Respondent shall pay an administrative penalty in the amount of \$5,000.00 within sixty (60) days of the date 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 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.

5. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

6. Pursuant to Board Rule 189.15, the time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) this Order is stayed or enjoined by Court Order; or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, 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 extension or tolling. Tolling shall be in accordance with Board Rule 189.15.

7. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

8. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other 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 fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

9. Respondent shall inform the Board in writing of any change of Respondent's practice or mailing address within 10 days of the address change. Respondent shall also provide an email address to the Board and inform the Board with 10 days of any change to the email address. This information shall be submitted to the Registrations Department and the Compliance Department of 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. Respondent agrees that 10 days' notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance with this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent agrees that any proceeding related to this Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

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

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

12. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, until the terms of the Agreed Order have been completed. Upon successful completion of the Agreed Order requirements this Order shall automatically terminate.

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.

(SIGNATURE PAGES FOLLOW)


I, MARLON P. QUINONES, 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: February 2^d, 2025.

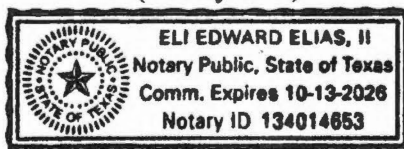

MARLON P. QUINONES, M.D.,
Respondent

STATE OF Texas §
COUNTY OF Bexar §
§


SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 2nd day of February, 2025.


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 21
day of March, 2025.



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