

IN THE MATTER OF
THE LICENSE OF
GUSTAV RICHARD SCHMIEGE, JR, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED VOLUNTARY SURRENDER ORDER

On the 4TH day of FEBRUARY, 2011, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Gustav Richard Schmiede, Jr, M.D. (Respondent).

By the signature of Respondent on this Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to Section 164.004, Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code and Board Rule 187.18 and all rights pursuant to Sections 2001.051 and 2001.054, Texas Government Code, including but not limited to the right to notice and hearing and instead agrees to the entry of this Order to resolve matters addressed herein. Sarah Tuthill represented Board staff.

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

FINDINGS

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-5036. Respondent was originally issued this license to practice medicine in Texas on June 13, 1979. Respondent is not licensed to practice in any other state.

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

4. Respondent is 78 years of age.
5. Respondent has indicated to the Board that he agrees to permanently surrender his Texas medical license due to health problems.
6. 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, 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 196.1 authorizes the Board to accept the voluntary and permanent surrender of Respondent's Texas medical license.
3. Section 164.051(a)(3) authorizes the Board to take disciplinary action against Respondent based upon Respondent's commission of a direct or indirect violation of a rule adopted under the Act, either as principal, accessory, or accomplice, specifically, Board Rule 189.8(c) (1), failure to comply with a term or condition in an order.
4. Section 164.061 of the Act and 22 TEX. ADMIN. CODE 196.3 authorizes the Board to accept the voluntary and permanent surrender of Respondent's Texas medical license based upon Respondent's impairment resulting from a physical condition.
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.
6. 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 and Conclusions of Law, the Board ORDERS that:

1. The voluntary and permanent surrender of Respondent's Texas license should be, and is, accepted by the Board effective on the date this Order is signed by the President of the Board.
2. Respondent's Texas Medical License F-5036 is permanently canceled.
3. Respondent shall immediately cease practice in Texas. Respondent's practice after the date of entry of this Agreed Order 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. Respondent shall not petition the Board for reinstatement of his Texas license.
5. 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 IS A PUBLIC RECORD.

I, GUSTAV RICHARD SCHMIEGE, JR, 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.

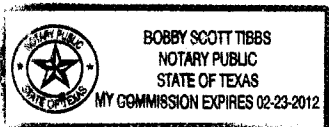
Gustav Richard Schmiege
GUSTAV RICHARD SCHMIEGE, JR, M.D.
Respondent

FAXed to
512 - 305 - 7068

STATE OF Texas
COUNTY OF Dallas

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public,
on this 24th day of Jan, 2011.



(Notary Seal)

BST
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
4TH day of FEBRUARY, 2011.

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