

LICENSE NO. N-8002

IN THE MATTER OF
THE LICENSE OF
IZZELDEEN B. ELHAGE, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 4 day of March, 2016, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Izzeldeen B. Elhage, M.D. (Respondent).

On September 16, 2015, Respondent appeared in person, with Counsel Don Lewis 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 Frank Denton, a member of the Board, and John S. Scott, Jr., D.O., a member of a District Review Committee (Panel). Barbara Jordan represented Board staff. Nikki Karr prepared this Order.

BOARD CHARGES

Board Staff charged that prescriptions bearing Respondent's name and Drug Enforcement Agency (DEA) number were issued after Respondent voluntarily surrendered his DEA registration.

BOARD HISTORY

Respondent has previously been the subject of action by the Board.

October 29, 2010, the Board entered an Order Imposing Administrative Penalty requiring Respondent to pay a \$2,000 administrative penalty. This action was based on his submission of a false or misleading statement to the Board by failing to report on his application for licensure that he had been formally reprimanded during his residency training for failing a rotation, which subsequently required him to complete a six-month remediation period.

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. N-8002. Respondent was originally issued this license to practice medicine in Texas on October 29, 2010. Respondent is also licensed to practice medicine in Delaware.
- c. Respondent is primarily engaged in the practice of Psychiatry. Respondent is not board certified.
- d. Respondent is 45 years of age.

2. Specific Panel Findings:

- a. Respondent failed to destroy, or document the destruction of, his prescription pads, and failed to turn his prescription pads over to the Department of Public Safety (DPS).
- b. Respondent failed to report possible fraudulent prescriptions to DPS and DEA after receiving notice of possible false or fraudulent prescriptions being issued under his registration.
- c. Respondent failed to exercise adequate control over his prescription pads and ensure that his prescriptions pads were properly monitored, as required, after he voluntarily surrendered his DEA registration.

3. Mitigating Factor:

In determining the appropriate sanctions in this matter, the Panel considered as a mitigating factor that Respondent has cooperated in the investigation of the allegations related to this Agreed Order. The 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 164.051(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)(C), failure to use proper diligence in one's professional practice.
3. 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.
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 and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent shall limit his practice to his current practice setting of in-patient psychiatry. Prior to practicing outside this practice setting, Respondent shall obtain written approval from the Executive Director of the Board.
2. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least eight hours of Category I CME credits in the topic of risk management, approved by the American Medical Association, and 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.

3. Respondent shall pay an administrative penalty in the amount of \$3,000 within 90 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.

4. 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 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.

5. 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) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, 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.

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

7. 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.

8. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration 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 of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

9. 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.

10. Respondent shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

11. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

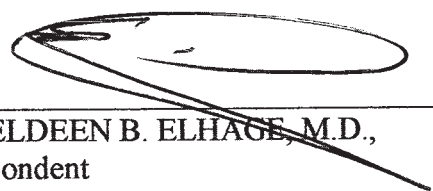
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

SIGNATURE PAGES FOLLOW.

I, IZZELDEEN B. ELHAGE, 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: 26 January, 2016.



IZZELDEEN B. ELHAGE, M.D.,
Respondent

STATE OF Texas
COUNTY OF Harris

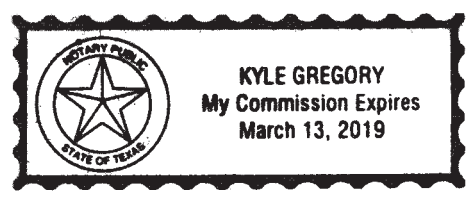
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 26 day of January, 2016.

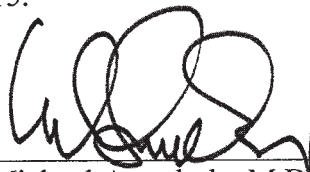


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
4 day of March, 2015.

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

Michael Arambula, M.D., Pharm.D., President
Texas Medical Board