

TEXAS MEDICAL BOARD,
Petitioner,

v.

CHRISTOPHER LEE BOEHME, M.D.,
Respondent.

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

COMPLAINT

TO THE HONORABLE TEXAS MEDICAL BOARD AND THE HONORABLE
ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

The Staff of the Texas Medical Board ("Board" or "Board Staff") files this Complaint against CHRISTOPHER LEE BOEHME, M.D. (Respondent), for alleged violations of the Medical Practice Act (the Act), Title 3, Subtitle B, Texas Occupations Code, and would show the following:

I. SUMMARY OF FACTUAL ALLEGATIONS

Respondent has been impaired due to excessive use of alcohol abuse/dependency that rendered him unable to practice medicine with reasonable skill and safety. Respondent has also experienced severe illness that is related to and exacerbated by alcohol consumption. Respondent failed to report and/or provided false information to the Board regarding his recurring impairment due to both alcohol abuse/dependency and related personal illness, both of which rendered him unable to practice for several months. Respondent also failed to cooperate with the Texas Physician Health Program (PHP).

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas physician and holds Texas Medical License No. M-0666, which was originally issued by the Board on April 8, 2005. Respondent's license was in full force and effect at all times material and relevant to this Complaint.

2. Respondent received notice of one or more Informal Settlement Conferences (ISC). The Board complied with all procedural rules, including but not limited to, Board Rules 182 and 187, as applicable.
3. No agreement to settle this matter has been reached by the parties.
4. All jurisdictional requirements have been satisfied.
5. The filing of this Complaint and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas, as provided in Section 151.003 of the Act.

III. APPLICABLE STATUTES AND STATUTORY VIOLATIONS

The following Statutes, Rules, and Agency Policy are applicable to the procedures for conduct of the hearing this matter:

A. General Statutes and Rules:

1. Section 164.007(a) of the Act requires that the Board adopt procedures governing formal disposition of a contested case before the State Office of Administrative Hearings.
2. 22 TEX. ADMIN. CODE, CH.187 sets forth the procedures adopted by the Board under the requirement of Section 164.007(a) of the Act.
3. 22 TEX. ADMIN. CODE, CH. 190 sets forth aggravating factors that warrant more severe or restrictive action by the Board.
4. 1 TEX. ADMIN. CODE, CH. 155 sets forth the rules of procedure adopted by SOAH for contested case proceeding.
5. 1 TEX. ADMIN. CODE, CH. 155.507, requires the issuance of a Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law.
6. Section 164.007(a) of the Act, Board Rule 187 et. seq. and Board Rule 190 et. seq., provide the Board with the sole and exclusive authority to determine the charges on the merits, to impose sanctions for violation of the Act or a Board rule, and to issue a Final Order.

B. Specific Violations Cited:

Respondent has violated one or more of the following provisions of the Act:

1. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for commission of an act prohibited under Section 164.052 of the Act.
2. Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent due to his inability to practice medicine with reasonable skill and safety to patients because of (A) illness and/or (B) drunkenness.
3. Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent for use of alcohol or drugs in an intemperate manner that, in the opinion of the Board, could endanger the lives of patients.
4. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public, and further defined by Board Rule(s) 190.8(2)(C), providing false information to the board.

IV. FACTUAL ALLEGATIONS

Based on information and belief, Board Staff alleges:

A. Impairment:

1. Respondent has been impaired due to alcohol abuse/dependency that rendered him unable to practice medicine with reasonable skill and safety.
2. Respondent experienced severe illness related to and exacerbated by alcohol consumption, namely, acute liver failure.
3. Respondent was hospitalized on multiple occasions for treatment of illnesses related to the liver and was recommended for a liver transplant.
4. As a result of the foregoing, Respondent was unable to work for approximately six months.

The foregoing actions and/or omissions constitute violations as follows:

Section 164.051(a)(4)(D) of the Act authorizes the Board to impose disciplinary action against Respondent due to his inability to practice medicine with reasonable skill and safety to patients because of excessive use of alcohol.

Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent for use of alcohol or drugs in an intemperate manner that, in the opinion of the Board, could endanger the lives of patients.

B. Unprofessional conduct:

1. Respondent failed to report and/or provided false information to the Board regarding his recurring impairment due to both alcohol abuse/dependency and alcohol-related personal illness that rendered him unable to practice for several months.
2. A colleague detected alcohol on Respondent breath while at work.
3. Respondent failed to respond to attempts by the Texas Physician Health Program (PHP) to reach him.

The foregoing actions and/or omissions constitute violations as follows:

Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for commission of an act prohibited under Section 164.052 of the Act.

Section 164.052(a)(5), of the Act authorizes the Board to take disciplinary action against Respondent due to Unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public, and further defined by Board Rule 190.8(2)(c), providing false information to the board.

V. AGGRAVATING AND MITIGATING FACTORS

Board Rule 190.15 provides that the Board may consider aggravating factors that warrant more severe or restrictive disciplinary action. This case includes the aggravating factor that Respondent's conduct creates an increased potential for harm to the public.

Board staff is aware of no mitigating factors that apply and demands that Respondent submit proof to substantiate any alleged mitigating factors.

VI. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS MEDICAL BOARD.

VII. PRAYER

Board Staff requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint, and issue a Proposal for Decision containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act as set forth in this Complaint.

Respectfully submitted,

TEXAS MEDICAL BOARD

CHRISTOPHER PALAZOLA
Litigation Manager

SUSAN RODRIGUEZ
Supervising Attorney

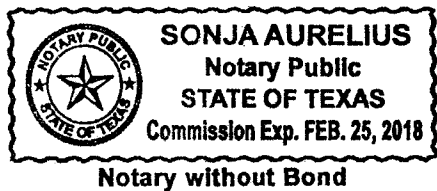
By:



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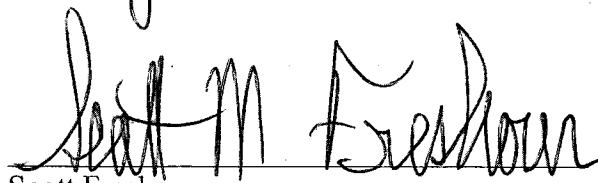
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

SUBSCRIBED AND SWORN to before me by the said Heather Barham, J.D., on
May 5, 2017.



Sonja Aurelius
Notary Public, State of Texas

Filed with the Texas Medical Board on May 5th, 2017.

A handwritten signature in black ink, reading "Scott M. Freshour". The signature is written in a cursive style with a horizontal line underneath it.

Scott Freshour
Interim Executive Director
Texas Medical Board

CERTIFICATE OF SERVICE

I certify that on the 5th day of May 2017, a true and correct copy of the foregoing document has been served as follows:

By Email to: docketing@soah.state.tx.us

Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649

By CMRRR No. 7014 2870 0000 3055 7861, and

by First Class Mail to:

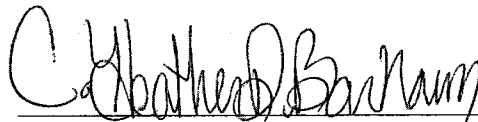
Christopher Lee Boehme, M.D.
1400 15th Street
Orange, TX 77630
Respondent

By Fax No. (713) 526-3787 to:

Clyde W. Burleson
Burleson & Craig, P.L.L.C.
1533 W. Alabama, Ste. 100
Houston, TX 77006
Attorney for Respondent

By Hand Delivery to:

Robin Etheridge
Hearings Coordinator
Texas Medical Board
333 Guadalupe, Tower 3, Suite 610
Austin, TX 78701



C. Heather Detrixhe Barham, J.D., M.P.P.A.