

LICENSE NO. E-2667

IN THE MATTER OF  
THE LICENSE OF  
RANDALL BRENT LANE, M.D.

BEFORE THE  
  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 16 day of June, 2017, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Randall Brent Lane, M.D. (Respondent).

On October 6, 2016, Respondent appeared in person, with counsel Anthony Cobos, 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 Melissa Tonn M.D., a member of the Board, and Annette Raggette, a member of a District Review Committee (Panel). Samer Shobassy represented Board staff.

BOARD CHARGES

At issue was Respondent's care and treatment of one patient. Specifically, Respondent prescribed controlled substances to a patient who was a habitual drug abuser. Further, Respondent continued to do so after he was notified by the parents that the patient was a known addict with multiple drug rehabilitation admissions. The patient subsequently died of an overdose in January, 2016.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board. On November 6, 2009, the Board entered into an Agreed Order requiring that within one year, Respondent obtain 25 hours of Continuing Medical Education (CME) as follows: 10 hours of CME on the topic of medical recordkeeping, 10 hours of CME on the topic of current procedural terminology (CPT) Coding, and 5 hours of CME on the topic of ethics and that he pay an administrative penalty of \$5,000 in a series of payments to be completed by April 15, 2010. This action was based on Respondent's inadequate medical records and incorrect CPT coding for four patients.

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 (Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. E-2667. Respondent was originally issued a license to practice medicine in Texas on August 17, 1974. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.
- d. Respondent is 67 years of age.

2. Specific Panel Findings:

a. Respondent began psychiatric treatment of a 21 year old patient in January 2015 for depressive disorder with anxiety and ADHD mixed. In spite of a phone call from a patient's immediate family on July 27, 2015 that the patient had a history of substance abuse and had relapsed into abuse, Respondent failed to check the online prescription database to determine if the patient was obtaining controlled substances from other providers.

b. By failing to check the prescription database, Respondent took inadequate measures to verify the patient's compliance with treatment. Respondent did ask the parents to attend a family meeting to address this issue and confronted the patient with the allegation, but the patient denied abuse at the last meeting with the Respondent on August 6, 2015. After Respondent's last meeting, the patient entered inpatient rehabilitation treatment.

c. The Panel also found that Respondent's medical records for the patient were inadequate.

3. Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
  - i. There is no direct evidence that the patient's death, while tragic, was caused by Respondent's violation.
  - ii. Respondent has no prior board history related to standard of care violations.
  - iii. 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 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of Board Rule; specifically, Board Rule 165.1, failure to maintain an adequate medical record for each patient that is complete, contemporaneous, and legible.
3. 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.
4. Section 164.053(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent 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.

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 Respondent shall be subject to the following terms and conditions:

1. Within one year from the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least 16 hours of continuing medical education (CME) as follows: at least eight hours of CME in medical recordkeeping, and at least eight hours of CME in treating individuals with substance abuse histories, approved for Category I credits by the American Medical Association or American Osteopathic Association and approved in writing in advance by the Executive Director or an authorized 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.

2. 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.

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

4. 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.

5. 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 Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

6. 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.

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

8. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 and 2.

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, RANDALL BRENT LANE, 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: 2-28-17, 2017.

*Randall Brent Lane, M.D.*

RANDALL BRENT LANE, M.D.  
Respondent

STATE OF Texas

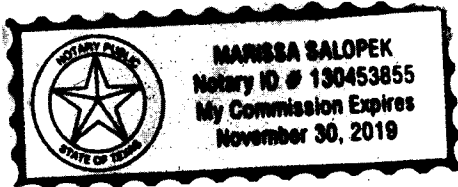
§  
§  
§

COUNTY OF Dallas

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 28<sup>th</sup> day of February, 2017.

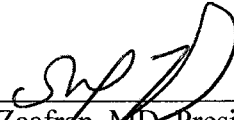
*Marissa Salopek*  
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this

16 day of June, 2017.



---

Sherif Z. Zaafran, MD, President  
Texas Medical Board