

LICENSE NO. C-8922

IN THE MATTER OF
THE LICENSE OF
CECIL CHILDERS, JR., M.D.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 26 day of August, 2005, came on to be heard before the Texas State Board of Medical Examiners (the Board), duly in session, the matter of the license of Cecil Childers, Jr., M.D. (Respondent).

On July 18, 2005, Respondent appeared in person, with counsel Edward Waller, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Mark Martyn represented Board staff. The Board's representatives were Elvira Pascua-Lim, M.D. and Melinda Fredricks, members of the Board.

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

FINDINGS OF FACT

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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon 2004) (the Act) or the Rules of the Board.
2. Respondent currently holds Texas medical license No. C-8922. Respondent was originally issued this license to practice medicine in Texas on August 8, 1961. Respondent is not licensed to practice in any other state.
3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified in this specialty by the American Board of Medical Specialties.
4. Respondent is 72 years of age.
5. Respondent has not previously been the subject of disciplinary action by the Board.

6. Respondent was a subsequent treating psychiatrist of a patient who had a long history of non-compliance, attempted suicides, and substance abuse. Respondent failed to appropriately manage a complex, difficult patient, including non-therapeutic prescribing without attention to potential drug interactions.

7. Respondent's documentation in the patient's medical records failed to support the rationale for the prescribing and substitution of medicine.

8. 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 of Fact, 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 22 Tex. Admin Code, Section 165, which requires the maintenance of adequate medical records.

3. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary action against a person for violation of the Act or a Board rule. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

5. 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.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that:

1. Within 1 year from the entry of this Order, Respondent shall enroll in and successfully complete a continuing education course (CME) in psychopharmacology and dual diagnosis of at least 25 hours in duration and a course in medical record keeping of at least 10 hours in duration. The courses in psychopharmacology and dual diagnosis maybe Internet CME, if there is a test or other evaluation upon completion. The course in medical record keeping must be approved in writing in advance by the Executive Director of the Board. To obtain approval for the courses, Respondent shall submit in writing to the Director of Compliance for the Board information on the courses, 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 Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the courses. These courses will be in addition to the CME required for annual registration.

2. Respondent shall be permitted to supervise and delegate prescriptive authority to a physician assistant and advanced practice nurse. Respondent shall be permitted to supervise surgical assistant.

3. The Agreed Order automatically terminates upon completion and submission of the CME requirements.

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, CECIL CHILDERS, 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.

DATED: Aug 11, 2005.

Cecil Childers, Jr.

Cecil Childers, Jr., M.D.
Respondent

STATE OF Texas
COUNTY OF Nueces

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 11th day of August, 2005.

Cindy Rodriguez

Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 26 day of August, 2005.

Roberta M. Kalafut

Roberta M. Kalafut, D.O., President
Texas State Board of Medical Examiners