

LICENSE NO. H-4211

IN THE MATTER OF
THE COMPLAINT AGAINST
ROBERT EDWARD CANTU, 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" or "the Texas Board"), duly in session, the matter of the license of Robert Edward Cantu, M.D. ("Respondent").

On January 24, 2005, Respondent appeared in person, with counsel, Louis Leichter, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Sherry Statman represented Board staff. The parties were unable to reach an agreement and requested that a Mediation be scheduled at the State Office of Administrative Hearings. Larry Price, D.O., was to represent the Board. The parties were able to reach an agreement prior to the Mediation.

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. H-4211. Respondent was originally issued this license to practice medicine in Texas on December 6, 1988. 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. Additionally, Respondent is board certified in Forensic Psychiatry.

4. Respondent is 44 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. In September of 2004, Respondent prescribed Adderall to patient A.H. for attention deficit disorder.

7. Patient A.H. had a social relationship with Respondent for approximately one year. At the time Respondent prescribed the Adderall, they were no longer in a relationship.

8. Respondent did not maintain any medical records for A.H.

9. Mitigating factors include that Respondent admitted his error and has taken CME courses in physician-patient boundaries.

10. 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)(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.

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. 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 six months from the entry of this Order, Respondent shall enroll in and successfully complete the Vanderbilt University Boundaries course, or a substantially similar program approved in writing in advance by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Compliance for the Board 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 deliver 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 course.

2. Within one year from the entry of this Order, Respondent shall enroll in and successfully complete a course of at least ten hours in the area of record keeping approved in

writing in advance by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Compliance for the Board 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 deliver 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 course.

3. Respondent shall pay an administrative penalty in the amount of \$2500 within one year 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 State Board of Medical Examiners and shall be submitted to the Director of Compliance for 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.

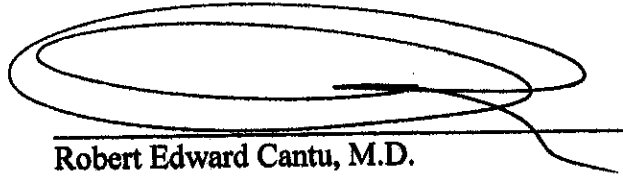
4. This order shall terminate upon successful completion of all requirements listed in paragraphs two, three and four of this order section.

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, ROBERT EDWARD CANTU, 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: 8/8/05, 2005.



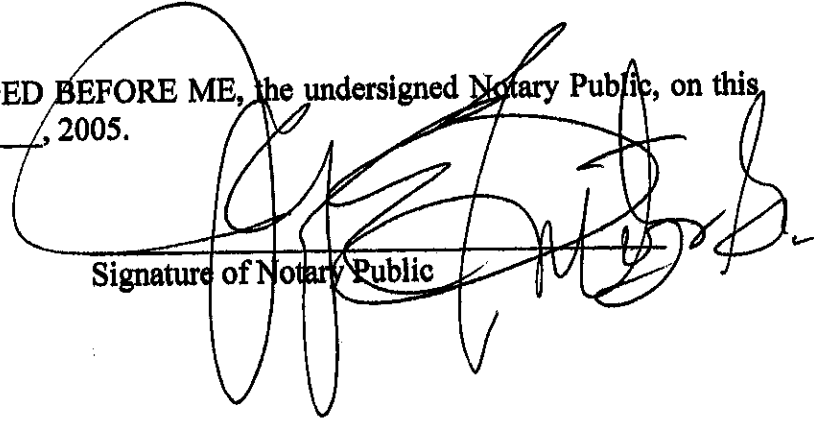
Robert Edward Cantu, M.D.
Respondent

STATE OF Texas

COUNTY OF Travis

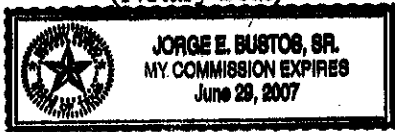
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 8th day of Aug, 2005.

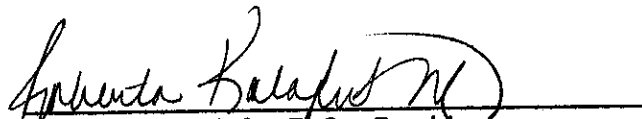


Signature of Notary Public

(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, D.O., President
Texas State Board of Medical Examiners