

Figure: 22 TAC §190.14(9)

Violation Description	Statutory/Rule Citation	Low Sanction	High Sanction
<p>Prescribing, writes false or fictitious prescriptions OR prescribes or dispenses drugs to a person who is known to be an abuser of narcotic drugs, controlled substances, or dangerous drugs OR writes prescriptions for or dispenses to a person who the physician should have known was an abuser of narcotic drugs, controlled substances, or dangerous drugs</p>	<p>§164.053(a)(3)-(6)(a)(4) (defines the violations under unprofessional conduct)</p>	<p>Agreed Order: CME -8 hours drug-seeking behavior, 8 hours risk management; chart monitor at least 8 cycles; if Respondent does not use one, order to develop a pain management contract with specific provisions for termination of physician-patient relationship on a maximum of 3 violations by the patient including a positive test for a controlled substance not prescribed by Respondent, drug screens required by contract; JP Exam; admin penalty of \$3,000 per violation</p>	<p>Agreed Order Low sanctions plus: restrictions on practice including restrictions on prescribing and administering controlled substances and dangerous drugs; proficiency testing; directed CME; and increase administrative penalty to \$5,000 per violation. If evidence of false or fictitious prescriptions, surrender DEA registration certificate for all controlled substance schedules.</p>
<p>Prescribing, nontherapeutic-- or dispensing, or administering of drugs nontherapeutically, one patient, no prior board disciplinary history related to standard of care or care-related violations OR prescribing, administering, or dispensing in a manner inconsistent with public health and welfare</p>	<p>§164.053(a)(5), (a)(6) (prohibits prescribing or administering any drug or treatment that is nontherapeutic per se or because of the way it is administered or prescribed) OR prescribing, administering, or dispensing in a manner inconsistent with public health and welfare</p>	<p>Remedial Plan CME in appropriate area; \$500 administration fee per year.</p>	<p>Agreed Order: Proficiency testing, CME in appropriate area; chart monitor for 8 cycles; administrative penalty of \$3,000 per violation</p>
<p>Prescribing, nontherapeutic-- or dispensing, or administering of drugs nontherapeutically, more than one patient or prior history of disciplinary action for standard of care or care-related violations OR prescribing, administering, or dispensing in a manner inconsistent with public health and welfare</p>	<p>§164.053(a)(5),(a)(6) (prohibits prescribing or administering any drug or treatment that is nontherapeutic per se or because of the way it is administered or prescribed)</p>	<p>Agreed Order: Proficiency testing; CME in appropriate area; chart monitor 12 cycles; administrative penalty \$3,000 per violation</p>	<p>Agreed Order: Low sanctions plus restrictions on practice, including prescribing and administering controlled substances and dangerous drugs; and administrative penalty of \$5,000 per violation. If there are aggravating factors, revocation should be considered.</p>