AGREED ORDER

On the 10 day of April, 2015, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Pieter Juan De Wet, M.D. (Respondent).

On July 17, 2014, Respondent appeared in person, with counsel, Richard Jaffe, 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 Allan Shulkin, M.D. and Frank Denton, members of the Board (Panel). Ginger M. Hunter represented Board staff.

BOARD CHARGES

At issue in this case are allegations of false or misleading advertising on Respondent's website.

BOARD HISTORY

Respondent has previously been the subject of disciplinary action by the Board. The disciplinary action is as follows:

1. An Agreed Order was entered on December 9, 2005 (2005 Order) due to Respondent's false, deceptive, or misleading advertising concerning the benefits of chelation therapy. The 2005 Order terminated on February 17, 2006.

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 (the Act) or the Rules of the Board.
   b. Respondent currently holds Texas Medical License No. J-0470. Respondent was originally issued this license to practice medicine in Texas on December 4, 1991. Respondent is not licensed to practice in any other state.
   c. Respondent is primarily engaged in family practice medicine. Respondent is board certified by the American Board of Family Medicine, a member of the American Board of Medical Specialties.
   d. Respondent is 53 years of age.

2. Specific Panel Findings:
   a. Respondent’s website “www.qhiwellness.com” contained statements regarding the ZYTO device, Laser Energetic Detoxification (ASYRA), and Ozone Therapy, that were false and/or misleading advertising.

3. Mitigating Factors:
   a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
      i. Upon notice of a possible violation, Respondent removed the statements at issue from his website.

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ii. Respondent also then had his website reviewed by legal counsel, and deleted any material that he advised could be of future concern to the Board.

iii. In determining the appropriate sanctions in this matter, the Panel considered that Respondent has cooperated in the investigation of the allegations related to this Agreed Order. 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 a rule adopted under this subtitle, either as a principal, accessory or accomplice, specifically, Board Rule 164.3, related to disseminating or causing the dissemination of any advertisement that is in any way false, deceptive, or misleading.

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.

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 and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:
1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least 12 hours of continuing medical education (CME) approved for Category I credits by the American Medical Association including at least eight hours in the topic of risk management, and at least four in the topic of ethics, approved in writing in advance by the Executive Director or their 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.

3. Respondent shall pay an administrative penalty in the amount of $3,000 within 180 days of the date of the entry of this Order, with payments of at least $500 made every 30 days.

4. 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 applied for privileges, applies for privileges, or otherwise practices. Within thirty days of entry of this Order Respondent shall provide documentation, including proof of delivery, to the Compliance Division of the Board that the Order was delivered to all such facilities.

5. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent’s license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent’s return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time
remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

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

7. 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.

8. 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 day 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 day notice, as provided in 22 Texas Administrative Code §187.44(4).

9. 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.

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

11. 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. 2, 3, and 4.
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, PIETER JUAN DE WET, 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.


[Signature]

PIETER JUAN DE WET, M.D.
Respondent

STATE OF Texas
COUNTY OF Smith

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 14th day of February, 2015.

[Notary Seal]

BRITTANY L STOREY
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 01/08/2018

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SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 10th day of April, 2015.

Michael Arambula, M.D., Pharm.D., President
Texas Medical Board