

LICENSE NO. J-7209

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

WILLIAM MARCUS SPURLOCK, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 6th day of November, 2009, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of William Marcus Spurlock, M.D. ("Respondent").

On September 24, 2009, Respondent appeared in person, with counsel James R. Nelson, 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 Melinda McMichael, M.D., and Paulette B. Southard, members of the Board. Lee Bukstein, represented Board staff.

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 the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. J-7209. Respondent was originally issued this license to practice medicine in Texas on November 5, 1994. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in family practice. Respondent is board certified by the American Board of Family Medicine, a member board of the American Board of Medical Specialties.

4. Respondent is 52 years of age.

5. Respondent has previously been the subject of disciplinary action by the Board. The Board entered an Agreed Order on April 13, 2007, ("2007 Order") due to Respondent's failure to meet the standard of care in his use of intravenous Lidocaine and Colchicine. The 2007 Order required Respondent to: stop using intravenous Lidocaine and Colchicine; obtain 20 hours of continuing medical education ("CME") in the area of pain management and 20 hours in the area of endocrinology; and pay a \$1000 administrative penalty. Respondent satisfied the requirements of the 2007 Order.

6. Respondent first saw Patient A on June 17, 1996. Patient A's past medical history at this time was high blood pressure, hypothyroidism, migraine headaches, and insomnia. Respondent prescribed multiple pain medications, including narcotics.

7. Although Respondent discussed guidelines, risks, benefits, alternatives and goals regarding the use of pain medicine prescriptions with Patient A and took measures to monitor the use of pain medicine prescriptions by Patient A, no pain contract was documented. Respondent also did not document any discussion of a plan of long-term treatment for chronic pain with narcotics or goals of treatment. Respondent did not document any review of prior medical records for Patient A.

8. Although Respondent treated Patient B for several conditions prior to 2005, Respondent first saw Patient B for complaints related to fibromyalgia and chronic fatigue on June 14, 2005.

9. Respondent prescribed Patient B high dose narcotics with multiple refills. Although Respondent discussed guidelines, risks, benefits, alternatives and goals regarding the use of pain medicine prescriptions with Patient B and took measures to monitor the use of pain medicine prescriptions by Patient B, no pain contract was documented. Respondent also did not document any discussion of a plan of long-term treatment for chronic pain with narcotics or goals of treatment. Respondent did not document any review of prior medical records for Patient B.

10. The Board also considered, as mitigating factors, the fact that Patient A and Patient B were complex patients and difficult to manage.

11. 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 Board Rules, specifically 22 Texas Administrative Code §165.1, due to his failure to maintain adequate medical records; and §170.3(3), as a result of his failure to comply with guidelines for the use of pain medicine.

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.

ORDER

Based on the above Findings of Fact 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 Order, Respondent shall enroll

in and successfully complete at least 10 hours of CME approved for Category I credits by the American Medical Association in the topic of medical recordkeeping, approved in writing in advance by the Compliance Division of the Board. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of 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 submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board 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. Respondent shall pay an administrative penalty in the amount of \$2,000 within 90 days of the date 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 Medical Board and shall be submitted to 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.

3. 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.

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

5. 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.

6. 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).

7. 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.

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

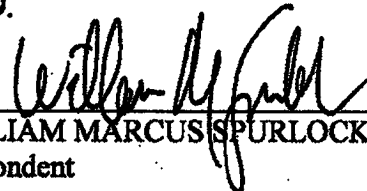
9. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 and 2.

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.

I, WILLIAM MARCUS SPURLOCK, 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: November 3, 2009.



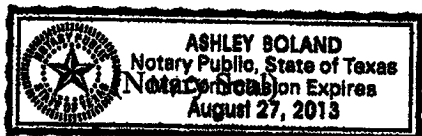
WILLIAM MARCUS SPURLOCK, M.D.
Respondent

STATE OF _____

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COUNTY OF _____

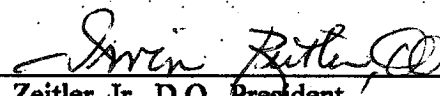
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 3rd day of November, 2009.





Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 10th day of November, 2009.



Irvin E. Zeitler, Jr., D.O., President
Texas Medical Board