

LICENSE NO. J-7209

IN THE MATTER OF

THE LICENSE OF

WILLIAM MARCUS SPURLOCK, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 26TH day of AUGUST, 2011, 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. ("Probationer").

On May 27, 2011, Probationer appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference ("ISC") in response to a letter of invitation from the staff of the Board. The Board's representatives were Patrick J. Crocker, D.O., a member of the Board, and Penny Angelo, a member of a District Review Committee ("Panel"). Susan Rodriguez represented Board staff.

BOARD CHARGES

Board staff charged Probationer with violating a Board order. Specifically, Probationer failed to complete 10 hours of pre-approved continuing medical education ("CME") in medical record keeping within the timeframe set out by the Order.

BOARD HISTORY

Probationer has previously been the subject of disciplinary action by the Board:

- 1) In 2007 the Board entered an Agreed Order prohibiting Probationer from administering, prescribing or delegating prescriptive authority for intravenous lidocaine and intravenous colchicine or their generic counterparts; requiring Probationer to obtain 20 hours of CME in the topic of pain management and 20 hours of CME in the topic of endocrinology; and pay an administrative penalty in the amount of \$1,000. This action by the Board was based on Probationer's failure to

practice medicine in a professional manner consistent with public health and welfare. This Order was terminated in August 2009.

- 2) On November 3, 2009, the Board entered an Agreed Order ("2009 Order") requiring Probationer to obtain 10 hours of pre-approved CME in the topic of medical record keeping and pay an administrative penalty in the amount of \$2,000. This action by the Board was based on Probationer's failure to maintain adequate medical records and failure to follow the Board's guidelines for the treatment of pain.

Upon the recommendation of the Board's representatives and with the consent of Probationer, 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. Probationer received all notice required by law. All jurisdictional requirements have been satisfied. Probationer 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. Probationer currently holds Texas Medical License No. J-7209. Probationer was originally issued this license to practice medicine in Texas on November 5, 1994. Probationer is not licensed to practice in any other state.
- c. Probationer is primarily engaged in the practice of family medicine. Probationer is board certified by the American Board of Family Medicine, a member of the American Board of Medical Specialties.
- d. Probationer is 53 years of age.

2. Specific Panel Findings:

- a. The 2009 Order required Probationer to obtain 10 hours of pre-approved CME in medical record keeping within one year of the date of the entry of the Order.
- b. Probationer's Compliance Officer provided Probationer with a list of pre-approved courses in March 2010, but Probationer lost the list.

- c. Probationer subsequently was assigned a new Compliance Officer, but made no attempts to contact his new Compliance Officer or anyone else at the Board regarding pre-approved courses.
- d. Probationer took several CME courses in an attempt to satisfy the 2009 Order; however, not all of the courses were pre-approved by the Executive Director and the deadline by which Probationer was required to obtain the CME passed.
- e. After Probationer received notice of the ISC, Probationer took the University of California – San Diego PACE course in medical record keeping and earned 17 hours of CME.

3. Mitigating Factor:

In determining the appropriate sanctions in this matter, the Panel considered, as mitigating, that Probationer has cooperated in the investigation of the allegations related to this Agreed Order. Probationer'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, Probationer 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 Probationer pursuant to the Act.
- 2. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Probationer based on Probationer's violation of a Board rule, specifically Board Rule 189.3, which requires compliance with all terms and conditions of a Board order.
- 3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Probationer based upon Probationer's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, as further defined by Board Rule 190.8(2)(A), violation of a Board order.

4. 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.

5. 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 Probationer shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Probationer, and Probationer is hereby reprimanded.

2. Probationer shall pay an administrative penalty in the amount of \$2,000 within 60 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. Probationer'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. Probationer shall comply with all the provisions of the Act and other statutes regulating the Probationer's practice.

4. Probationer 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 Probationer's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Probationer pursuant to the Act.

5. Probationer shall inform the Board in writing of any change of Probationer'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 Probationer pursuant to the Act. Probationer 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. Probationer 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).

6. Any violation of the terms, conditions, or requirements of this Order by Probationer 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 Probationer pursuant to the Act.

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

8. This Order shall automatically terminate upon Probationer's submission of sufficient evidence to the Compliance Division of the Board that Probationer successfully completed the requirements ordered in Ordering Paragraph No. 2.

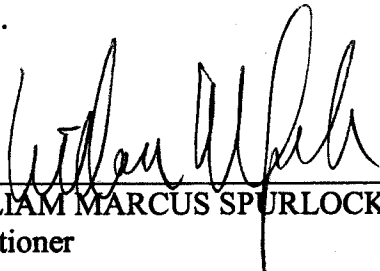
PROBATIONER WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. PROBATIONER AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGES FOLLOW]

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.

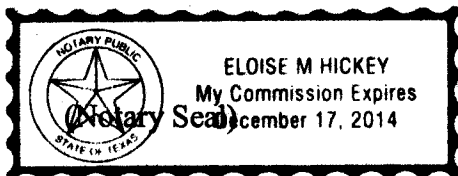
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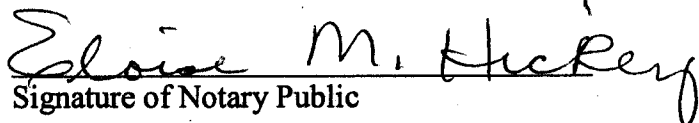


WILLIAM MARCUS SPURLOCK, M.D.
Probationer

STATE OF Texas §
COUNTY OF Dallas §
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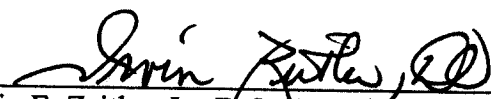
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 23 day of June, 2011.





Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
26TH day of AUGUST, 2011.



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